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FROM THE HON'BLE MR. J. H. KERR, C.S.I., C.I.E., I.

Chief Secretary to the Government of Bengal.

TO THE SECRETARY TO THE REFORMS COMMITTEE (FRANCHISE).

Dated Calcutta, the 21st December 1918.

SIR,

I am directed to submit for the consideration of the * Franchise Committee the proposals of the Government of Bengal regarding the constitution of the Provincial Legislative Council, the Indian Legislative Assembly and the Council of State, under the scheme of Indian Constitutional Reforms set forth in the report of His Excellency the Viceroy and the Secretary of State. In framing these proposals, the local Government have had regard to the considerations mentioned in the terms of reference to your Committee.*

I.—THE PROVINCIAL LEGISLATIVE COUNCIL.

2. *Electorates.*—In accordance with the principle set forth in paragraph 226 of the report, indirect elections should be abolished and the limitations of the franchise should be made as broad as possible, having regard to the agency available for electoral purposes throughout the country. An endeavour has been made to frame a scheme on these lines, separate representation being provided for those important interests which, in existing conditions, are unlikely to secure adequate representation in the Councils unless given special electorates.

3. The agricultural interest is numerically and otherwise the most important in the Presidency, and the main basis for a general electorate must be a franchise qualification applicable to those interested in land. The land revenue basis is unsuitable, firstly, because the land revenue in most districts, having been permanently settled in 1793, affords no indication at the present day of the relative importance of different classes of revenue payers; and secondly, because, owing to the extreme subinfeudation of proprietary rights, which has taken place during the last century, only a small proportion of those directly interested in land actually pay land revenue to Government. A rental basis would be equally unsuitable for tenants, because, except in a few limited areas, where records of rights have been prepared under the Bengal Tenancy Act, rents have never been judicially determined, and any attempt to arrive at the rents legally and actually payable would entail prolonged and difficult investigations. The only payment based on land valuation assessed by Government agency is the road and public works cess due under Act IX of 1880. This cess is paid by all classes interested in the land, proprietors, intermediate tenure-holders and raiyats. It is everywhere levied at the maximum rate of one anna on each rupee of the annual value of the land. Except in areas for which a record of rights has been prepared, the annual value is usually based on rent returns furnished by the landlords themselves, which are in many cases incomplete and inaccurate, but the checks which are applied are sufficient to permit of the cess valuations being accepted as giving an approximately correct index of the relative positions of individuals in the different grades of cess payers; while the provision in the law which debars landlords from recovering rents at higher rates than those shown in their cess return deters them from filing inadequate returns. The cess valuation therefore constitutes the best and, indeed, the only practicable basis for an agricultural franchise.

4. Detailed enquiries have been made in all districts of the Presidency (except Darjeeling and the Chittagong Hill Tracts, which it has been separately proposed to exclude from the scope of the Reform scheme) regarding the number of cess payers who pay cess at the rate of one rupee and over and at the rate of two rupees and over. The results are shown in the annexed statement I, and a note on the methods of compilation adopted is appended. The statistics have been compiled under great pressure, and in certain instances disclose discrepancies which are not easily intelligible. In some districts, the figures are no doubt incomplete, owing to the valuation being several years old. In other cases, however (*e.g.*, Bakarganj), the figures are apparently an overestimate, due to the impossibility in the time allowed of excluding duplicate entries of the same individual. In districts where great subinfeudation has taken place, it is not uncommon for one person to appear several times over in different estates and tenures within the same village or in different villages. Again, the returns include women and minors who will not be given electoral rights. It is possible that these different sources of error may to some extent correct one another, but complete accuracy cannot be claimed for the figures as they stand. All that can be said is that they indicate approximately the size and nature of the electorates likely to be secured by the adoption of different qualifications.

5. As half the cess is payable by the landlord and half by the tenants, a cess payment of one rupee connotes, so far as the tenants are concerned, a rental of Rs. 32 per annum, and a cess payment of Rs. 2 a rental of Rs. 64 per annum. On the former basis, a considerable number of substantial cultivators would be included in the electoral roll. On the latter qualification, genuine cultivators would be almost entirely excluded, and the tenants included would be mainly small tenure-holders and middlemen. It is most desirable to include substantial cultivators in the electorate, and as the one-rupee cess basis would not give an unmanageably large electorate, it is proposed to adopt it.

6. It remains to provide for non-agriculturists in the rural areas,—traders, artisans, professional men, employés of zamindars and the like. Such persons do not pay cess, and the income tax qualification would be unduly high in comparison with the basis which it is proposed to adopt in the case of agriculturists. The only public demand paid by the bulk of non-agriculturists in rural areas is the chaukidari tax, which is assessed under Act VI of 1870 on all owners and occupiers of houses in a village according to their circumstances and the value of their property in the village. Payment of chaukidari tax of Rs. 2 per annum may be held to correspond roughly with payment of one-rupee cess, and figures have accordingly been compiled for non-agriculturists paying chaukidari tax at the rate of Rs. 2 and Rs. 4 and over per annum. The results are shown in statement I. The Rs. 2 rate provides a manageable electorate and its adoption is advocated.

7. As to the inhabitants of municipal areas, it is proposed for the council electorate to follow the municipal voting qualification, which is payment of municipal rates of Re. 1-8 or over, except in Howrah and Cossipore-Chitpur where the minimum is Rs. 3, and in Calcutta where special qualifications are in force under section 37 of the Calcutta Municipal Act. The numbers of the electorate which would be obtained in this way are shown in statement I.

8. It will be observed that in the statements, figures for Muhammadans and non-Muhammadans are shown separately. The main considerations governing the problem of separate representation for Muhammadans have been frequently stated at length, and it is not proposed to recapitulate them here. The principle stated in paragraph 231 of the Report on Indian Constitutional Reforms is that communal representation should not be allowed to Muhammadans in any province where they form the majority of the voters. This is not the case in Bengal as a whole, though it does occur in individual districts and for individual classes of voters. In Eastern Bengal, however, where the Muhammadans form the majority of the population, they have every reason for apprehending that, owing to the predominance of Hindu

landlords and money-lenders, their interests would not be adequately safeguarded if they voted in a general electorate. It is therefore proposed to give separate representation to Muhammadans throughout the Presidency.

9. *The general electorate.*—The materials for the constitution of electorates on the basis proposed above may be summarised thus for the province as a whole :—

	Payers of cess of Rs. 1 and over.	Non-agricultural payers of chaudhari tax of Rs. 2 and over.	Municipal voters.	Grand total of voters.	Population.
Muhammadans ...	362,598	35,826	42,119	440,543	23,975,171
Non-Muhammadans ...	536,720	97,568	151,909	786,197	21,088,526
Total ...	899,318	133,394	194,028	1,226,740	45,063,697

The number of voters would, therefore, be 2·7 per cent. of the total population, and 10 per cent. of the male population over 20 years of age. It may be noted that according to the census returns, 20 per cent. of the male population over 20 years of age is literate, and nearly 3 per cent. literate in English. The voters proposed may be classified thus :—

	Per cent.
Cess payers ...	73
Non-agriculturists in rural areas ...	11
Municipal voters ...	16
	100

The census returns show that 6·4 per cent. of the population are resident in municipal towns, and 93·6 per cent. resident in rural areas, 18·6 per cent. of the latter being non-agriculturists.

10. The annexed statement II shows the constituencies which it is proposed to form and the number of seats to be allotted to each. The scheme has been drawn up with the general idea of giving, on the average, a seat to each 20,000 electors, and not less than one seat to each million of the population, though departures from these standards have been made to some extent in order to maintain the district as the electoral unit as far as possible. It has not been thought necessary to provide separate representation for urban areas except in the cases of Calcutta, Howrah and Dacca, and the riparian municipalities in Hooghly and the 24-Parganas. The first three are the only towns in the Presidency with a population of over 100,000, and there are only two others, Maniktola and Bhatpara, both in the 24-Parganas, with a population between 50,000 and 100,000. These two towns, like the other riparian municipalities on the Hooghly, are practically extensions of Calcutta, and have little affinity with the neighbouring rural areas. Elsewhere, the ordinary small *mufassal* municipalities cannot be said to have such interests apart from those of the districts in which they are situated, as to justify separate representation in a Council of the size contemplated in these proposals.

11. The distribution of the other seats proposed depends on details which need not be discussed at length here. As the Muhammadan population in the Burdwan Division is small, it has been thought sufficient to give it two Muhammadan seats. Otherwise Muhammadan and non-Muhammadan seats are provided in each constituency except in the 24-Parganas municipalities and Dacca town, which are too small to be allowed two members. It is proposed that they should each return one member, irrespective of religion. Out of a total of 59 seats allotted to the general electorate, it is proposed to give 27 to Muhammadans, and as will be seen later, this arrangement will result in the Muhammadans holding 40 per cent. of the seats held by elected Indian members.

12. As to the practicability of handling a general electorate of the nature contemplated, the result of general enquiries which have been made is that the existing official staff, supplemented to some extent by non-official aid, where reliable non-official agency can be found, will suffice. The

electoral roll will, in the first instance, be prepared in draft,—in the case of cess payers in the collectorate office, and in the case of chaukidari tax payers by the panchayat under the supervision of the circle officer or of members of the district staff in areas where there are no circle officers. In the case of cess payers, a difficulty will arise owing to the fact that the valuation rolls in most cases show only the estate in which the assessee is interested and not the villages in which they are resident. The list of cess payers for each village union will have to be checked and supplemented, therefore, by local enquiry. The draft lists will then be published and objections and claims invited. These will be heard and decided by a deputy collector appointed for a thana or group of thanas, subject to an appeal to the Collector. It is proposed that Divisional Commissioners should exercise general powers of revision. The first electoral rolls will doubtless contain many inaccuracies and defects, but these will be gradually removed at subsequent revisions, which, it is proposed, should be held annually.

13. As to the actual holding of elections, the ideal would be to have a polling station for each chaukidari union of 10 square miles, but on this basis, about 300 polling stations would be required in an average district, and it would not be possible to provide sufficient returning officers to enable the elections to be completed within a reasonable time. A responsible official or non-official would be required to act as returning officer at each polling station. It is proposed that voting should be carried out under a simple system of ballot, but it is impossible without experiment to say how many votes a returning officer can record in one day. The estimates on this point vary widely, and the present local board and municipal elections, which are carried out on a different system, afford no reliable guide. It seems probable that the recording of 400 or 500 votes in a day would not be an impossible task, and it would seem sufficient at first to aim at providing a polling station for every 1,000 electors and to allow two days for the holding of the election. On this basis about 20 polling stations would be required in each district on the average, or roughly one for each police-station. For the prevention of personation, it would be necessary to rely on the candidates' agents and on the members of the panchayats present in the polling booths.

14. *Special electorates.*—In addition to representation through the general electorates, which, under the scheme proposed, would secure separate Muhammadan representation, it is considered necessary to provide for the following interests, which, in Bengal, could not secure adequate representation, or in some cases, any representation at all, through the general electorates:—

- (1) The large landholders.
- (2) The University.
- (3) Indian commerce.
- (4) European and Anglo-Indian interests.

15. *Large landholders.*—The existing qualification for the landholders' electorate in the Burdwan and Presidency Divisions, is the payment of land revenue amounting to not less than Rs. 6,000 or cesses amounting to not less than Rs. 1,500; and in the Rajshahi, Dacca and Chittagong Divisions, land revenue of not less than Rs. 3,000 and cesses of not less than Rs. 750. The landholding constituencies also include persons holding the title of Raja or Nawab or higher title conferred before 1912, but this may be disregarded. In Western Bengal only proprietors have a vote; in Eastern Bengal, permanent tenure-holders holding directly under proprietors also are enfranchised. These distinctions are legacies of the division of the province which existed between 1905 and 1912, but they also have some historical justification in the fact that the outlying Eastern districts were more lightly assessed at the time of the permanent settlement than the districts round Calcutta, and in the subinfeudation of proprietary rights which has taken place in Eastern Bengal to a much greater extent than in Western Bengal. There is a landholders' constituency for each division, but the Chittagong landholders at present return a member only at alternate elections, the Chittagong municipalities returning a member on other occasions.

16. The number of landholders who at present exercise the franchise in each division is as follows :—

Burdwan ...	...	...	...	...	99
Presidency ...	...	...	...	...	123
Rajshahi ...	...	...	...	...	150
Dacca ...	...	...	...	...	204
Chittagong ...	...	...	...	...	59

The electorate is therefore small and aristocratic, and the Governor in Council is of opinion that separate representation for landlords of this class should be retained. Many of them would think it derogatory to seek the suffrages of their own tenants, and they might be defeated in the general constituencies by candidates resorting to more popular methods of appeal than they would care to use. On the other hand, it is not necessary to give a large number of seats to this class. Such a step would only be justified if the constituency were substantially enlarged, and this would destroy its special character. The middle class zamindari element will doubtless carry considerable weight in the general constituencies, while the special representation proposed for the foremost men will provide a nucleus of the more important members of the community. It is suggested therefore that five seats should be allotted for the large landholders, or one for each Division.

17. *The University.*—At present the Calcutta University returns a member who is elected by the members of the Senate and Honorary Fellows having a place of residence in India. The electorate numbers about 150, the majority of whom have been appointed to the Senate on the nomination of the Chancellor. It is proposed that the Calcutta University should continue to return a member to the Bengal Legislative Council, but that the franchise should be extended to all registered graduates. It is understood that at present only a small proportion of graduates take the trouble to register, but if the franchise were so extended, registration would no doubt become the ordinary practice.

18. When the Dacca University is created, it should be given the privilege of electing a representative to the Provincial Legislative Council on an ultimate franchise similar to that proposed for the Calcutta University, though at the outset some intermediate arrangement would be required.

19. *Indian Commerce.*—At present one of the Governor's nominations to the Council is reserved for a person selected as representative of the Indian commercial community. Various attempts have been made in the past to form a constituency for this interest, but without success. The most important Indian commercial bodies are concentrated in Calcutta and their interests are so diverse that they could not appropriately be asked to unite in the election of a single representative. For *mufassal* traders, the only possible franchise basis would be the income tax, but an electorate formed of the Indian assesses to income tax in the different districts would not possess sufficient community of interest to constitute a coherent constituency. It is however considered that in view of the growing importance of Indian commerce and the probability of industrial development, the number of seats allotted to Indian commerce in the Council should be increased to three. In that case, it might be possible to form electorates representing different branches of Indian trade, and further enquiries will be made on this point in consultation with those concerned. Failing the creation of suitable electorates, it will be necessary to retain nomination for this interest.

20. *European and Anglo-Indian interests.*—At present European interests are represented by five elected members, the constituencies being

					Number of members.
Chamber of Commerce ...	...	...	...	...	2
Trades Association ...	...	...	...	...	1
Tea Planting Community ...	...	...	...	...	1
Chittagong Port Commissioners ...	...	...	...	...	1

The last is not necessarily a European seat, but in practice has hitherto been held by a European. In addition, one of the Governor's nominations is reserved under the Regulations for a representative of European interests outside Calcutta and Chittagong, and one or two other nominations are ordinarily allotted to European and Anglo-Indian interests. In the existing Council, non-official Europeans hold five elected seats out of 28, and eight seats in all, out of a total of 51.

21. The non-official members of the present Legislative Council in their recommendations regarding the Reforms scheme have unanimously proposed that the European non-official representation on the new Council should be sufficient to safeguard European interests and to correspond with any increase in the number of elected members. Under the proposals so far made in this letter, in regard to the reformed Council there would be (excluding the European and Anglo-Indian members) 69 members either elected or nominated to represent special interests. An additional 17 members to represent European and Anglo-Indian interests would raise the non-official members of the Council to 86 and would provide substantially the same proportion of non-official European and Anglo-Indian representation as in the existing Council. It remains to consider the distribution of these 17 seats.

22. Most of the representatives of European interests propose the formation of a general European constituency, and for this an income tax qualification would form a suitable basis. Out of 22,313 European British subjects in the province no less than 15,000 pay income tax, 11,500 of the latter being in Calcutta alone. In view of the numbers and importance of this community, it is proposed to allot them four seats. It will be decided after further enquiry and consultation with those interested whether the whole constituency should be joint or whether the seats should be distributed territorially.

23. The figures include a certain number of Anglo-Indians, but it would be impossible to exclude them entirely from a European constituency. It is proposed to adopt the definition of European British subject in the Code of Criminal Procedure, which, together with the income tax qualification, would admit most well-to-do Anglo-Indians.

24. The creation of a purely Anglo-Indian constituency would present considerable difficulties. The Anglo-Indian Empire League have suggested an electoral scheme on the basis of that at present in force for Muhammadans, but as the total Anglo-Indian population is only 19,817 (of whom over 14,000 are in Calcutta), an electorate so constituted would be very small. For the present, at any rate, it is proposed that nomination should be resorted to in the case of the Anglo-Indian community, and on the basis of population, it would not be justifiable to give them more than two seats.

25. One seat is allotted to the Calcutta Trades Association in the present Council, and it is not necessary to increase the representation of this body. The Chittagong Port Commissioners form a small constituency containing only nine persons, of whom six are appointed by Government, and in view of the increased representation proposed for European interests, it is no longer considered necessary to retain this electorate.

26. It is proposed to distribute the remaining ten European seats among specific commercial interests. At present, two members are elected by the Bengal Chamber of Commerce and one member by the Tea Planting community. In the former case, the electorate consists of the permanent members of the Chamber, including in the case of firms and joint stock companies, the persons entitled to exercise the privileges of permanent membership on behalf or in the name of such firms or joint stock companies. At present the electorate consists of 206 individuals. The Tea Planting electorate is composed of the managers of all tea gardens in the Presidency with an area of not less than 100 acres under tea cultivation. The number of electors is as follows:—

	Number of electors.				
Darjeeling	113
Jalpaiguri	132
Chittagong	10
				Total	255

If, as proposed, Darjeeling is excluded from the scope of the Reform scheme, this electorate will be considerably reduced, and an increase in the number of members allotted to this interest would not be justified. In view however of the importance, wealth and influence of the interests of European commerce in Bengal, a substantial increase is proposed in their representation. Consultation with the Chamber of Commerce will be necessary before a final scheme can be drawn up, but it is suggested provisionally that seats might be allotted somewhat in the following manner :—

Jute ... ..	...	...	...	...	...	3
Shipping ... ..	...	...	...	...	...	1
Inland Water transport	...	...	...	...	...	1
Tea ... ..	...	...	...	...	...	1
Mining ... ..	...	...	...	...	...	1
General commercial interests	...	...	...	...	...	3
						<hr/>
					Total	10
						<hr/>

If such a plan is adopted and it is found impossible to form a constituency for any of these interests, nomination will have to be resorted to, but the Governor in Council would prefer to reserve a final opinion as to these details until they can be threshed out with those concerned.

27. *Official members.*—A Council constituted in the manner proposed above would contain 86 elected and nominated non-official members. As regards the official element, it is recommended in paragraph 233 of the report on Indian Constitutional Reforms that it should be no larger than is considered necessary for the transaction of business, and this phrase may fairly be taken to cover the adequate representation of Government on Select and Grand Committees. Another important consideration is that the number of officials who can be spared to attend meetings of Council without detriment to their ordinary duties is limited. Taking both these factors into consideration, it is proposed to provide seats for 20 official members.

28. It is further recommended that two seats should be reserved as at present for experts, and also that the Governor should have power to nominate to four seats non-officials, whose services would be useful in the Council but who would be unlikely to stand for election in any electorate that may be set up. Unwillingness to seek election may disappear in course of time, but as things stand, there are certain types of men whom it is desirable to have in the Council, but whose services could not be secured otherwise than by nomination. It is moreover desirable that the Governor should have the power of nominating a representative of the Indian Christians who will usually find it impossible to secure admission to the Council through the general constituencies. It would be difficult to create a separate electorate for them, owing to sectarian divisions, and on their numbers (83,000), they would not be entitled to more than one member.

29. The Council framed on the above lines would be constituted as follows :—

	Muhammadan.	Non-Muhammadan.	Mixed electorate or nomination.	Total.
General constituencies ...	27	30	2	59
Landholders ...	...	...	5	5
Universities (Calcutta and Dacca) ...	...	...	2	2
Indian commerce ...	...	...	3	3 ✓
European general electorate ...	...	...	4	4 ✓
„ commercial interests ...	...	...	10	10
Calcutta Trades Association ...	...	...	1	1
Anglo-Indians ...	...	...	2	2 ✓
Officials ...	...	...	20	20 why so many!
Special nomination ...	...	...	4	4
Experts ...	...	...	2	2
	<hr/>	<hr/>	<hr/>	<hr/>
Total ...	27	30	55	112
	<hr/>	<hr/>	<hr/>	<hr/>

Past experience has shown the inconvenience of limiting the size of the Council to the numbers thought necessary at its initial creation, and it is desirable that the local Government should be authorised to increase the maximum up to 120; in any manner that may be found convenient hereafter, in order to provide for new interests that may arise in the interval before the next statutory revision of the constitution takes place.

30. In the case of the general electorate, where both Muhammadan and non-Muhammadan constituencies are provided for the same area, it is proposed that Muhammadans only should vote for Muhammadan seats and non-Muhammadans only for non-Muhammadan seats. In the mixed constituencies all persons will be entitled to vote who possess the prescribed qualifications. It is intended that a person qualified to vote in more than one class of constituency should be allowed to do so, but that he should not be permitted to vote for more than one candidate in each class of constituency for which he is qualified. For example a large landholder holding a qualification in more than one territorial constituency would only be permitted to vote in one such constituency. But this would not debar him from also voting for one candidate in his capacity as a member of the special landholders' electorate. The establishment of plural constituencies, with reservation of seats for particular classes of candidates, and proportional representation have been considered, but the local Government are of opinion that such devices would be unduly complicated in the present stage of the political development of the country, and that it is best to assign a single member to each constituency. A candidate should only be allowed to stand for one constituency.

31. Apart from the qualifications above proposed for the different electorates, it should be prescribed in all cases that the voters must be males above the age of 21 years, and in the general constituencies that they must be ordinarily resident within the territorial limits of the constituency. The decision whether a man is ordinarily resident within a constituency must rest with the authorities responsible for framing the electoral rolls. In the case of joint families, the vote should be exercised by the managing member of the family, who will be entered in the draft electoral roll subject to objection and appeal, as in the case of any other entry. The local Government is opposed to an obligatory literary qualification for voters which has been suggested in some quarters, and is equally opposed to another suggestion which has been made that the vote should be granted to everyone who has passed any specified educational examination. The question of female suffrage has been considered, but it is thought premature to introduce it at the present stage. Women are not at present entitled to vote at municipal and local board elections in Bengal.

32. It is proposed that any person qualified to vote in a constituency should be entitled to stand as a candidate for the constituency, provided he is able to read and write. The disqualifications applicable to candidates in the existing regulations are generally suitable and might be retained.

II.—THE INDIAN LEGISLATIVE ASSEMBLY.

33. The local Government accept as suitable the proposals in paragraphs 273 and 274 of the Report on Indian Constitutional Reforms regarding the constitution of the Indian Legislative Assembly and the proportion of members allotted to Bengal. It is proposed that there should be separate representation of large landlords, European commerce, Indian commerce, and Muhammadans, and general representation for the remainder. At present members are returned to the Indian Legislative Council from the following sources in Bengal :—

	Members.
Non-official members of the Bengal Legislative Council ...	2
Bengal landholders ...	1
Muhammadan community ...	1 (2 at alternate elections.)
Chamber of Commerce ...	1
	<hr/> 5 (6 at alternate elections.)

The eleven seats allotted to Bengal in the Legislative Assembly might be distributed on similar lines as follows :—

	Members.
Representatives of large landlords ...	2
" " European commerce ...	2
" " Indian commerce ...	1
" " Muhammadans ...	3
General representation of the rest ...	3

34. At present, the voting qualifications for landholders are somewhat higher in the case of the Imperial, than in the case of the Provincial, Council, but the latter are not unduly low and might be adopted for the Indian Assembly. Electorates for European and Indian commerce will be worked out in consultation with those concerned. The Muhammadan seats are at present filled by direct election with a somewhat higher qualification than that prescribed for the Provincial Council, but in future the Muhammadan electorate for the Provincial Council will be constituted on a wider basis, and as shown above, will include over 440,000 persons. If direct election to the Legislative Assembly from this electorate were provided, there would be one member to 146,000 electors, which is obviously excessive. Similarly if general representation in the Assembly were secured by direct election from the general non-Muhammadan electorate proposed for the Provincial Council, there would be one member to some 262,000 voters scattered all over the province. Indirect election of the Muhammadan and general representatives of Bengal in the Assembly seems therefore inevitable, and the simplest course would be to allow election by the non-official members of the Provincial Council, for Muhammadans by Muhammadans and for non-Muhammadans by non-Muhammadans. The scheme is not altogether satisfactory, but no better arrangement suggests itself. It is a matter for consideration whether the landholding and commercial members of the Provincial Council should vote at the elections from the Provincial Council to the Assembly, in view of the fact that they will elect their own representatives direct; but on the whole, bearing in mind the desirability of making the Council electorate as large as possible, it seems best not to exclude the landholding and commercial members.

III.—THE COUNCIL OF STATE.

35. Under the scheme set forth in paragraph 277 of the Report on Indian Constitutional Reforms, the Council of State will contain 21 elected members, of whom 15 are to be returned by the non-official members of the Provincial Councils, two members being allotted to Bengal. The remaining six elected members are intended to represent Muhammadan, landholding and commercial interests throughout India generally, and apparently the regulations for the Muhammadan and landed classes are to be of a fluid character and subject to alteration at each election, after the results of the elections to the 15 elected seats are known. It is not clear how this arrangement would work, and it would be obviously impossible to secure Muhammadans and landholders representative of the whole of India. It is suggested that for the purposes of these six seats, the provinces might be grouped and allowed to elect members in rotation. The same arrangement might be adopted in the case of landholders and Chambers of Commerce. Piecemeal representation of this kind is open to obvious objections, but it would seem preferable to the framing of *ad hoc* regulations on the occasion of each election,—a system which would give rise to much jealousy and heart-burning.

I have the honour to be,

SIR,

Your most obedient servant,

J. H. KERR,

Chief Secy. to the Govt. of Bengal

STATEMENT I.

DISTRICT AND DIVISION.	NUMBER OF PERSONS PAYING CHES AT THE RATE OF RS. 1 AND OVER.			NUMBER OF PERSONS PAYING CHES AT THE RATE OF RS. 2 AND OVER.			NUMBER OF NON-AGRICULTURAL PAYING ORA KHIDARI TAX AT THE RATE OF RS. 2 AND OVER.			
	Muhammadas.	Non-Muhammadas.	Total.	Muhammadas.	Non-Muhammadas.	Total.	Muhammadas.	Non-Muhammadas.	Total.	
	2	3	4	5	6	7	8	9	10	
Burdwan...	Burdwan ...	5,503	31,693	37,196	2,697	14,538	17,235	481	3,919	4,4
	Birbhum ...	2,854	12,196	15,050	731	3,928	4,659	46	972	1,0
	Bankura ...	963	29,000	29,963	493	14,750	15,243	181	5,873	6,0
	Midnapore ...	2,321	52,558	54,879	889	20,272	21,161	393	5,450	5,8
	Hooghly ...	...	...	...	...	...	...	694	4,302	4,9
	Howrah ...	4,735	24,921	29,656	1,799	9,942	11,741	607	4,227	4,9
Total	16,376	150,368	166,744	6,609	63,430	70,039	2,402	24,743	27,1	
residency	24 Parganas ...	20,836	71,911	92,747	9,960	39,564	49,524	2,031	6,885	8,9
	Nadia ...	5,714	9,425	15,139	1,609	4,947	6,556	1,740	4,396	6,1
	Murshidabad ...	3,623	8,317	11,940	858	3,051	3,909	655	2,831	3,4
	Jessore ...	17,762	41,518	59,280	7,700	25,702	33,402	1,547	5,819	7,3
	Khulna ...	10,948	19,684	30,662	4,943	10,533	15,476	506*	2,248	2,7
	Calcutta ...	...	...	...	...	...	...	...	...	...
Total	58,913	150,855	209,768	25,070	83,797	108,867	6,479	22,179	28,6	
rajshahi	Rajshahi ...	32,246	13,476	45,722	9,985	7,003	16,988	986	2,034	3,0
	Dinajpur ...	12,108	10,280	22,388	5,992	4,916	10,908	2,980	4,087	7,0
	Jalpaiguri ...	6,954	18,460	25,414	5,791	16,691	22,482	1,375	1,700	3,0
	Rangpur ...	22,389	24,800	47,189	7,285	9,612	16,897	2,739	3,667	6,4
	Bogra ...	7,985	3,798	11,783	2,544	2,409	4,953	288	920	1,2
	Pabna ...	9,386	5,105	14,491	1,358	2,667	4,025	1,265	4,116	5,3
Malda ...	2,550	4,283	6,833	956	2,008	2,964	513	1,846	2,3	
Total	93,618	80,202	173,820	33,911	45,306	79,217	10,146	18,370	28,5	
Dacca	Dacca ...	11,720	15,425	27,145	8,847	10,136	18,983	7,507	10,653	18,1
	Mymensingh ...	23,060	18,760	41,820	7,179	8,845	16,024	736	5,328	6,0
	Faridpur ...	20,912	34,270	55,182	7,329	16,795	24,124	1,617	8,223	9,8
	Bakarganj ...	68,183	45,613	113,796	25,970	24,597	49,967	1,071	3,867	4,9
Total	123,875	114,068	237,943	43,725	60,373	104,098	10,931	28,071	39,0	
Chittagong	Chittagong ...	27,194	20,570	47,764	18,010	15,162	33,172	1,699	1,327	3,0
	Tippera ...	19,825	13,250	33,075	6,556	7,301	13,857	3,951	2,196	6,1
	Noakhali ...	22,797	7,407	30,204	9,275	3,639	12,914	218	682	90
Total	69,816	41,227	111,043	33,841	26,102	59,943	5,868	4,205	10,0	

NUMBER OF NON-AGRICULTURISTS PAYING CHAUKIDARI TAX AT THE RATE OF Rs. 4 AND OVER.			NUMBER OF PERSONS ENTITLED TO VOTE AT MUNICIPAL ELECTIONS.			NUMBER OF PERSONS ENTITLED TO VOTE AT LOCAL BOARD ELECTIONS (1917)*	TOTAL POPULATION.			REMARKS.
Mohammedans.	Non-Mohammedans.	Total.	Mohammedans.	Non-Mohammedans.	Total.		Mohammedans.	Non-Mohammedans.	Total.	
11.	12.	13.	14.	15.	16.	17.	18.	19.	20.	21.
183	1,702	1,885	1,473	6,124	7,597	26,932	290,381	1,247,090	1,538,371	* Separate figures for Mohammedans and non-Mohammedans are not used the case of the Local Board elections.
55	926	981	157	602	759	11,366	222,787	712,686	935,473	
62	2,370	2,432	116	3,553	3,669	3,367	51,707	1,086,963	1,138,670	
148	2,356	2,504	511	6,268	6,779	21,523	193,569	2,627,632	2,821,201	
221	1,258	1,479	1,169	12,092	13,261	16,377	184,009	906,088	1,090,097	
134	1,139	1,273	1,918	11,410	13,328	13,136	195,599	747,903	943,502	
803	9,751	10,554	5,344	40,049	45,893	92,701	1,138,052	7,329,262	8,467,314	
666	3,232	3,898	7,111	27,743	34,854	65,680	879,547	1,554,557	2,434,104	
314	1,851	2,165	2,723	9,165	11,888	26,169	963,119	654,727	1,617,846	
272	10,062	1,334	2,022	6,230	8,252	2,259	713,152	659,122	1,372,274	
229	1,111	1,340	918	1,418	2,336	28,742	1,087,564	670,710	1,758,264	
157	532	689	898	1,785	2,663	23,431	686,441	680,325	1,366,766	
...	...	...	3,523	31,680	35,153	...	241,587	684,480	896,067
1,638	7,788	9,426	17,195	77,971	95,166	153,281	4,571,400	4,873,921	9,445,321	
126	582	708	974	1,509	2,483	21,217	1,148,314	332,273	1,480,587	The elective system introduced in Local B the district of Rangir in November 1918 a number of persons to vote at Local Board elections is not yet. There are no Local B in Bogra and Maida, Dinajpur and Jal there are Local B only part of the districts have the system. Column 17 for districts is therefore b
242	486	728	698	1,354	2,052	...	824,345	863,518	1,687,863	
347	485	832	288	693	981	...	237,456	665,204	902,660	
240	658	898	559	1,429	1,988	...	1,569,090	816,240	2,385,330	
61	264	315	444	748	1,192	...	810,352	173,215	983,567	
98	813	911	1,424	2,388	3,812	11,642	1,073,078	355,508	1,428,586	
78	295	373	953	1,484	2,437	...	505,396	498,763	1,004,159	
1,182	3,583	4,765	5,340	9,605	14,945	32,859	6,168,031	3,704,721	9,872,752	
634	3,269	3,903	4,691	6,758	11,449	61,344	1,893,470	1,066,932	2,960,402	
78	898	976	3,824	5,677	9,501	37,717	3,324,146	1,202,276	4,526,422	
164	1,355	1,519	716	2,195	2,911	24,212	1,341,090	780,824	2,121,914	
453	894	1,347	796	2,748	3,544	33,799	1,693,905	735,006	2,428,911	
1,329	6,416	7,745	10,027	17,378	27,405	157,072	8,262,611	3,785,038	12,037,649	
91	118	209	2,626	2,993	5,619	...	1,089,024	419,409	1,508,433	There are no Local B in the Chittagong district elective system has recently been introduced Local Boards in the district of Tippera and N. and the number of persons entitled to vote at Board elections is not known. Column 17 for districts is therefore b
2,602	1,082	3,684	1,245	3,390	4,635	...	1,755,400	674,738	2,430,138	
46	224	270	342	523	865	...	1,000,653	302,037	1,302,690	
2,739	1,424	4,163	4,213	6,906	11,119	...	3,845,077	1,395,584	5,240,661	

DIVISION.	NUMBER OF PERSONS PAYING CESS AT THE RATE OF RS. 1 AND OVER.			NUMBER OF PERSONS PAYING CESS AT THE RATE OF RS. 2 AND OVER.			NUMBER OF NON-AGRICULTURAL PAYING CHAUDHARI TAX AT THE RATE OF RS. 2 AND OVER.		
	Muhammads.	Non-Muhammads.	Total.	Muhammads.	Non-Muhammads.	Total.	Muhammads.	Non-Muhammads.	Total.
1	2	3	4	5	6	7	8	9	10
Madrwan Division	16,376	150,368	166,744	6,609	63,430	70,039	2,402	24,743	27,145
Residency Division	58,913	150,855	209,768	25,070	83,797	108,867	6,479	22,179	28,658
Majahuli Division (excluding the Darjeeling district).	93,618	80,202	173,820	33,911	45,306	79,217	10,146	18,370	28,516
Mooch Division	123,875	114,068	237,943	43,725	60,373	104,098	10,931	28,071	39,002
Mithagong Division (excluding the Chittagong Hill Tracts).	69,816	41,227	111,043	33,841	26,102	59,943	6,868	4,205	10,073
GRAND TOTAL	362,598	536,720	899,318	143,156	279,008	422,164	35,826	97,568	133,394

NUMBER OF NON-AGRICULTURISTS PAYING CHAUKIDARI TAX AT THE RATE OF RS. 4 AND OVER.			NUMBER OF PERSONS ENTITLED TO VOTE AT MUNICIPAL ELECTIONS.			NUMBER OF PERSONS ENTITLED TO VOTE AT LOCAL BOARD ELECTIONS (1917). ^a	TOTAL POPULATION.			REMARKS.
Muhammadans.	Non-Muhammadans.	Total.	Muhammadans.	Non-Muhammadans.	Total.		Muhammadans.	Non-Muhammadans.	Total.	
11	12	13	14	15	16	17 ^a	18	19	20	21
803	9,751	10,554	5,344	40,049	45,393	52,701	1,138,052	7,329,262	8,467,314	Separate figures Muhammadans as available in the case Board elections.
1,638	7,788	9,426	17,195	77,971	95,166	153,281	4,571,460	4,873,921	9,445,321	
1,182	3,583	4,765	5,340	9,605	14,945	32,859	6,168,031	3,704,721	9,872,752	The elective system introduced in Local Board district of Bangpur November 1915 number of persons to vote at Local Board elections is not yet known. There are no Local Boards in Malda Dinajpur and there are Local Boards only part of the districts those even have no system. Columns 17 districts is therefore
1,329	6,416	7,745	10,027	17,378	27,405	157,072	8,252,611	3,785,038	12,037,649	(a) These figures are Boards of Badar pur only, there is elective system in Fatehabad.
2,739	1,424	4,163	4,213	6,906	11,119	...	3,845,077	1,395,584	5,240,661	There are no Local Boards the Chittagong district elective system has recently been introduced Local Boards in the of Tippera and and the number of entitled to vote at Board elections is known. Columns 17 districts is therefore
7,691	28,962	36,653	42,119	151,909	194,028	435,913	23,975,171	20,988,526	45,063,697	

STATEMENT II.

BURDWAN DIVISION.

DISTRICT.	Number of persons paying cess at the rate of Re. 1 and over.			Number of non-agriculturists paying chaukidari tax at the rate of Re. 2 and over.			Number of persons entitled to vote at municipal elections.			Grand total of proposed voters.			Total population.			Number of members proposed.						
	Muhammadians.	Non-Muhammadians.	Total.	Muhammadians.	Non-Muhammadians.	Total.	Number of municipalities.	Muhammadian voters.	Non-Muhammadian voters.	Total.	Muhammadians.	Non-Muhammadians.	Total.	Muhammadians.	Non-Muhammadians.	Total.	Muhammadian constituencies.	Non-Muhammadian constituencies.	Total.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20			
Burdwan ..	5,503	31,893	37,196	481	3,919	4,400	6	1,473	6,124	7,597	7,457	41,736	49,193	290,381	1,247,990	1,538,371	} 1	{ 1	1			
Birbhum ...	2,854	12,196	15,050	46	972	1,418	1	157	602	759	3,057	13,770	16,827	222,787	712,086	935,473				} 1	{ 1	1
Bankura	563	29,000	29,963	181	5,873	6,054	3	116	3,553	3,669	1,260	38,426	39,686	51,707	1,086,963	1,138,670							} 1	{ 1	1
Midnapore ...	2,321	52,558	54,879	393	5,450	5,843	7	511	6,268	6,779	3,225	64,276	67,501	193,569	2,627,632	2,821,201	} 1	{ 2	2			
Hooghly, Howrah— Non-Municipal ..	4,736	24,921	29,656	1,301	8,529	9,830	6,036	33,450	39,486	306,726	1,393,991	1,700,717				} 1	{ 1	1
Hooghly—Municipal	10	1,169	12,092	13,261	1,169	12,092	13,261	25,354	106,128	131,482							} 1	{ 1	1
Howrah—Municipal (Howrah & Bally)	...	...	...	...	...	...	2	1,918	11,410	13,328	1,918	11,410	13,328	47,528	153,872	201,400	} 1	{ 1	1
Total ...	15,376	150,368	166,744	2,402	24,743	27,145	29	5,344	40,049	45,393	24,122	215,160	239,282	1,138,052	7,329,262	8,467,314				2	8	8 10

PRESIDENCY DIVISION.

DISTRICT.	Number of persons paying cess at the rate of Re. 1 and over.			Number of non-agriculturists paying chaukidari tax at the rate of Rs. 2 and over.			Number of persons entitled to vote at municipal elections.				Grand total of proposed voters.			Total population.			Number of members proposed.			
	Muhammadans.	Non-Muhammadans.	Total.	Muhammadans.	Non-Muhammadans.	Total.	Number of Municipalities.	Muhammadan voters.	Non-Muhammadan voters.	Total.	Muhammadans.	Non-Muhammadans.	Total.	Muhammadans.	Non-Muhammadans.	Total.	Muhammadan constituencies.	Non-Muhammadan constituencies.	Mixed constituencies.	Total.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
24-Parganas—																				
Non-Municipal ...	20,836	71,911	92,747	2,031	6,885	8,916	...	...	...	...	22,867	78,796	101,663	715,817	1,169,773	1,885,590	1	1	...	2
Municipal ...	...	...	...	...	...	...	28	7,111	27,743	34,854	7,111	27,743	34,854	163,730	384,784	548,514	...	...	1	1
Nadia ...	5,714	9,425	15,139	1,740	4,396	6,136	9	2,723	9,165	11,888	10,177	22,986	33,163	963,119	654,727	1,617,846	1	1	...	2
Murshidabad ...	3,623	8,317	11,940	655	2,331	3,486	6	2,022	6,230	8,252	6,300	17,378	23,678	713,152	659,122	1,372,274	1	1	...	2
Jessore ...	17,762	41,518	59,280	1,547	5,819	7,366	3	918	1,418	2,336	20,227	48,755	68,982	1,087,554	670,710	1,758,264	1	1	...	2
Khulna ...	10,978	19,684	30,662	506	2,248	2,754	3	898	1,785	2,683	12,382	23,717	36,099	686,441	680,325	1,366,766	1	1	...	2
Calcutta ...	...	...	...	...	...	...	1	3,523	31,630	35,153	3,523	31,630	35,153	241,587	654,480	896,067	1	2	...	3
Total ...	58,913	150,855	209,768	6,479	22,179	28,658	50	17,195	77,971	95,166	82,587	251,005	333,592	4,571,400	4,873,921	9,445,321	6	7	1	14

DACCA DIVISION.

DISTRICT.	Number of persons paying cess at the rate of Re. 1 and over.			Number of non-agriculturists paying chaukidari tax at the rate of Rs. 2 and over.			Number of persons entitled to vote at municipal elections.			Grand total of proposed voters.			Total population.			Number of members proposed.				
	Muhammedans.	Non-Muhammedans.	Total.	Muhammedans.	Non-Muhammedans.	Total.	Number of municipalities.	Muhammedan voters.	Non-Muhammedan voters.	Total.	Muhammedans.	Non-Muhammedans.	Total.	Muhammedans.	Non-Muhammedans.	Total.	Muhammedan constituencies.	Non-Muhammedan constituencies.	Mixed constituencies.	Total.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Dacca (except Dacca Town).	11,720	15,425	27,145	7,507	10,653	18,160	1	769	1,592	2,361	19,996	27,670	47,666	1,846,185	1,005,666	2,851,851	2	2	..	4
Dacca Town	...	...	...	...	...	...	1	3,922	5,166	9,088	5,922	5,166	9,088	47,295	61,256	108,551	...	...	1	1
Mymensingh	23,060	18,760	41,820	736	5,328	6,064	8	3,824	5,677	9,501	27,620	29,765	57,385	3,324,146	1,202,276	4,526,422	4	2	...	6
Faridpur	20,912	34,270	55,182	1,617	8,223	9,840	2	716	2,195	2,911	23,245	44,688	67,933	1,341,090	780,824	2,121,914	1	1	...	2
Bakarganj	68,183	45,613	113,796	1,071	3,867	4,938	5	796	2,748	3,544	70,050	52,228	122,278	1,693,905	735,006	2,428,911	2	1	...	3
Total	123,875	114,068	237,943	10,931	28,071	39,002	17	10,027	17,378	27,405	1,44,823	159,517	304,350	8,262,611	3,785,038	12,037,649	9	6	1	16

CHITTAGONG DIVISION.

DISTRICT.	Number of persons paying cess at the rate of Re. 1 and over.			Number of non-agriculturists paying chaukidari tax at the rate of Rs. 2 and over.			Number of persons entitled to vote at municipal elections.				Grand total of proposed voters.			Total population.			Number of members proposed.			REMARKS.
	Muhammadans.	Non-Muhammadans.	Total.	Muhammadans.	Non-Muhammadans.	Total.	Number of municipalities.	Number of Muhammadan voters.	Number of non-Muhammadan voters.	Total.	Muhammadans.	Non-Muhammadans.	Total.	Muhammadans.	Non-Muhammadans.	Total.	Muhammadan constituencies.	Non-Muhammadan constituencies.	Total.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Chittagong ...	27,194	20,570	47,764	1,699	1,327	3,026	2	2,626	2,993	5,619	31,519	24,890	56,409	1,089,024	419,409	1,508,433	1	1	2	
Tippera ...	19,825	13,250	33,075	3,951	2,196	6,147	3	1,245	3,890	4,635	25,021	18,836	43,857	1,755,400	674,738	2,430,138	2	1	3	
Noakhali ...	22,797	7,407	30,204	218	682	900	1	342	523	865	23,357	8,612	31,969	1,000,653	302,037	1,302,690	1	1	2	
Total ...	69,816	41,227	111,043	5,868	4,205	10,073	6	4,213	6,906	11,119	79,897	52,338	132,235	3,845,077	1,395,584	5,240,661	4	3	7	

RAJSHAHI DIVISION.

DISTRICT.	Number of persons paying cess at the rate of Re. 1 and over.			Number of non-agriculturists paying chaukidari tax at the rate of Rs. 2 and over.			Number of persons entitled to vote at municipal elections.			Grand total of proposed voters.			Total population.			Number of members proposed.			REMARKS.	
	Muhammadians.	Non-Muhammadians.	Total.	Muhammadians.	Non-Muhammadians.	Total.	Number of municipalities.	Muhammadian voters.	Non-Muhammadian voters.	Total.	Muhammadians.	Non-Muhammadians.	Total.	Muhammadians.	Non-Muhammadians.	Total.	Muhammadian constituencies.	Non-Muhammadian constituencies.		Total.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Rajshahi ...	32,246	13,476	45,722	986	2,034	3,020	2	974	1,509	2,483	84,206	17,019	51,225	1,148,314	332,273	1,480,587	1	1	2	
Dinajpur ...	12,108	10,280	22,388	2,980	4,087	7,067	1	698	1,354	2,052	15,786	15,721	31,507	824,845	863,518	1,687,863	1	1	2	
Jalpaiguri ...	6,954	18,460	25,414	1,375	1,700	3,075	1	288	693	981	8,617	20,853	29,470	237,456	665,204	902,660	1	1	2	
Rangpur ...	22,389	24,800	47,189	2,739	3,667	6,406	1	559	1,429	1,988	25,687	29,896	55,583	1,569,090	816,240	2,385,330	1	1	2	
Bogra ...	7,985	3,798	11,783	288	920	1,208	2	444	748	1,192	8,717	5,466	14,183	810,352	173,215	983,567	1	1	2	
Pabna ...	9,386	5,105	14,491	1,265	4,116	5,381	2	1,424	2,388	3,812	12,075	11,609	23,684	1,078,078	355,508	1,428,586	1	1	2	
Malda ...	2,550	4,283	6,833	513	1,846	2,359	3	953	1,484	2,437	4,016	7,613	11,629	505,396	498,763	1,004,159	1	1	2	
Total ...	93,618	80,202	173,820	10,146	18,370	28,516	12	5,340	9,605	14,945	109,104	108,177	217,281	6,168,031	3,704,721	9,872,752	6	6	12	

PROVINCIAL TOTAL.

DIVISION.	Number of persons paying cess at the rate of Re. 1 and over.			Number of non-agriculturists paying chaukidari tax at the rate of Rs. 2 and over.			Number of persons entitled to vote at municipal elections.				Grand total of proposed voters.			Total population.			Number of members proposed.			
	Muhammadans.	Non-Muhammadans.	Total.	Muhammadans.	Non-Muhammadans.	Total.	Number of municipalities.	Number of Muhammadan voters.	Number of non-Muhammadan voters.	Total.	Muhammadans.	Non-Muhammadans.	Total.	Muhammadans.	Non-Muhammadans.	Total.	Muhammadan constituencies.	Non-Muhammadan constituencies.	Mixed constituencies.	Total.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Burdwan ...	16,376	150,368	166,744	2,402	24,743	27,145	29	5,344	40,049	45,393	24,122	215,160	239,282	1,138,052	7,329,262	8,467,314	2	8	...	10
Presidency ...	58,913	150,855	209,768	6,479	22,179	28,658	50	47,495	77,971	95,166	82,587	251,005	353,592	4,571,400	4,873,921	9,445,321	6	7	1	14
Rajshahi (excluding Darjeeling district) ...	93,618	80,202	173,820	10,146	18,370	28,516	12	5,340	9,605	14,945	109,104	108,177	217,281	6,168,031	3,704,721	9,872,752	6	6	...	12
Dacca ...	123,875	114,068	237,943	10,931	28,071	39,002	17	10,027	17,378	27,405	144,833	159,517	304,350	8,252,611	3,785,038	12,037,649	9	6	1	16
Chittagong (excluding the Chittagong Hill Tracts) ...	69,816	41,227	111,043	5,868	4,205	10,073	6	4,213	6,906	11,119	79,897	52,338	132,235	3,845,077	1,395,564	5,240,661	4	3	...	7
GRAND TOTAL ...	362,598	536,720	899,318	35,826	97,563	133,394	114	42,119	151,909	194,028	440,543	786,197	1,226,740	23,975,171	21,088,526	45,063,697	27	30	2	59

Dacca
Presy
Rajshahi
Burdwan
Chittagong

Dacca
Presy
Rajshahi
Burdwan
Chittagong

Presy
Burdwan
Dacca
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Dacca
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Burdwan
Rajshahi
Chittagong

Dacca
Rajshahi
Presy
Burdwan
Chittagong

Dacca 16
Presy 16
Rajshahi 10
Burdwan 10
Chittagong 59

Note on statistics for electoral rolls.

Cess Basis.

Government determined to have statistics prepared in two ways:—

- (a) Elaborately in four districts—Rajshahi, Dacca, Midnapore and Noakhali—where they would be prepared from the record of rights.
- (b) Roughly in the remaining districts of the province, excluding Calcutta, Darjeeling and the Chittagong Hill Tracts, on the basis of the last cess revaluation records.

2. The following were adopted as the necessary qualifications of a voter:—

- (1) residence in the district;
- (2) payment of Public Works and Road Cess of (a) Re. 1 and over, or (b) Rs. 2 and over;
- (3) a family undivided in property to be entitled to only one vote for all tenancies or properties held in the district in which resident;
- (4) male sex.

Without local enquiries, which Government did not deem desirable, it was impossible to eliminate minors from the statistics, but it was understood from a general knowledge of a record-of-rights in Bengal that this would not materially affect the result.

3. Persons, who paid no cess or whose cess was part of a payment of rent in grain, were ignored. In Bengal the latter are generally financially of a lower status than the ordinary cultivator, and in very many areas are locally regarded as mere tenants-at-will or even labourers. Their omission will not prejudice the results.

4. The statistics for (a) were prepared according to the instructions given with Government order No. 886-89 T.—R., dated the 13th August 1918. Copies of both the order and instructions are annexed (Appendix A). The main difficulties of the work were—

- (1) the determination of the family joint in property, and
- (2) the amalgamation of the cess of different tenancies, &c., held by one such family.

The rules were specially directed towards the solution of (2), but the solution of (1) depended on local conditions, and could only be presumed from the record-of-rights itself. This difficulty may account for the fact that the figures for Rajshahi appear high, whilst those for Dacca appear low.

Separate statistics were prepared for (a) proprietors and tenure-holders, (b) raiyats and under-raiyats, *vide* Appendix C.

As these statistics are the most accurate, the following summary is reproduced:—

DISTRICTS.	PAYING CESS OF RE. 1 AND OVER.			PAYING CESS OF RS. 2 AND OVER.		
	Non-Muham-madans.	Muham-madans.	Total.	Non-Muham-madans.	Muham-madans.	Total.
Midnapore	52,558	2,321	54,879	20,272	889	21,161
Dacca	15,425	11,720	27,145	10,136	3,847	13,983
Noakhali	7,407	22,797	30,204	3,639	9,275	12,914
Rajshahi	13,476	32,246	45,722	7,003	9,985	16,988

Taking into account the total population and total electorate of the above districts, if the results were applied to the whole province, excluding Calcutta, etc., the result would be that between 18 and 19 per mille of the population pay a cess of Re. 1 and over, and nearly 8 per mille pay a cess of Rs. 2 and over.

In passing I may refer to the large proportion of actual Bengal Tenancy Act raiyats which, the statistics in appendix C for these districts show, will come into the Re. 1 electorate. It is considerably larger than was anticipated. In the case of these districts the distribution of raiyats and tenureholders according to the Bengal Tenancy Act, and not according to the Cess Act, has been adopted.

5. The statistics for (b) were prepared according to the instructions given with Government order No. 7189-7209 of 10th September 1918. Copies of the order and instructions are annexed (Appendix B). According to these

instructions, every person found entered in the valuation statement of tenure-holders, etc., or the cess return of raiyats paying the requisite amount of cess, was counted. This was simple, but corrections were necessary. The first correction had to be made on account of the facts that—

- (1) there was land in the district borne on the revenue-roll of other districts;
- (2) there was land in other districts taken account of in the valuation of estates borne on the revenue-roll of the district; and
- (3) there were tenures, etc., of which no details were available.

A rough fraction was devised for making the necessary correction. More difficult was, however, the correction on account of different properties and tenancies held by one family. In several districts, owing to the absence of information in the return relating to father's names and residences this could not be done, whilst the result, where it was done, indicated that the uncorrected figures were more reliable than the corrected figures. In appendix C this correction has accordingly been omitted. No correction was made on account of the inclusion of women and minors, but the figures are not materially prejudiced thereby on this account.

6. In the statistics under (b) there is room for appreciable error when the cess revaluation has been based on returns by the landlords, and not on the record-of-rights. Experience shows that when it is based on the latter, there is a very substantial increase in cess, whilst it is to be expected that many omissions should occur in the returns. This is inevitable when there is no record-of-rights despite the pains and penalties of the law. When the figures are unduly low they must, therefore, be regarded as an underestimate, as the local variations, which must occur, cannot in my opinion account for them. I do not regard the high figures for the 24 Parganas, Bakarganj and Chittagong as indicative of the rest of the province, and would have preferred a recheck, which neither time allowed, nor the necessities of a rough enquiry demanded. On the other hand, there are local variations to account for the larger figures in Bakarganj and Chittagong, which will readily occur to persons acquainted with those districts.

7. From appendix C an electorate is derived of 20* persons paying cess of Re. 1 and over per mille, and 9† persons paying cess of Rs. 2 and over per mille. If the correction, referred to in paragraph 6 for the

* (20:36)

† (9:55)

holding of several properties and tenancies by one family, is made, the figures are 19 and 8, respectively. The more elaborate enquiries (*vide* paragraph 4) in four districts yield between 18 and 19, and nearly 8, respectively. As already noted, there is reason to believe that the second set of figures referred to above are not sufficiently accurate, whilst there is some reason to believe that the third set, inasmuch as the Dacca figures are probably too low and the present revaluation could not be taken altogether into account in Midnapore, will yield too little for the whole province. I, therefore, consider that the first figures 20 and 9 are more accurate.

8. I turn now to the question of how to find the actual electorate. It is only in a few districts—Rajshahi, Dacca, Tippera, Noakhali, Bakarganj, Chittagong, Midnapore, Mymensingh, Jalpaiguri and Faridpur—that a complete record-of-rights exists. In the remaining majority only cess valuation statements and cess returns are to be found except in small detached areas. These papers possess the following defects generally speaking:—

- (1) They do not disclose which are minors.
- (2) They do not disclose the residence of the voter, but merely the estate in which his land is.
- (3) They are incomplete (*vide* paragraphs 5 and 6 above).
- (4) They are redundant, as names occur several times over for different properties and tenancies.
- (5) They are out of date.
- (6) They are not prepared entirely by districts.

Though a list of voters can be prepared from the returns, it will be inaccurate, and a difficulty arises as to how it can be sent for check if addresses are unknown. In the case of a roll based on the record-of-rights difficulties (2), (3) and (6) are negligible. My own opinion is, however, that it will cost Government a great deal of money to do it in the above manner, and that it will be preferable to adopt some local means of discovering which residents in each *chaukidari* union pay cess of Re. 1 and over, or cess of Rs. 2 and over, either by paying the panchayat for this work or sending an officer to do it for each union. Where Circle Officers exist the work would be facilitated.

APPENDIX A.

Nos. 886-89 T.—R., dated Dacca, the 13th August 1918.

From—L. BIRLEY, ESQ., C.I.E., I.C.S., Secretary to the Government of Bengal,
Revenue Department,

To—The Collector of
(1) Rajshahi.
(2) Noakhali.
(3) Midnapore.
(4) Dacca.

(1), (3) and (3) I am directed to refer to your letter No. (1) 220 C., dated the 27th July 1918, on the subject of procedure for ascertaining the number of persons holding certain cess qualifications (2) 174 G., dated the 11th July 1918, and to inform you that (3) 226 C., dated the 19th July 1918, and to inform you that

(4) I am directed to inform you that for the purposes of considering possible electorates for the Legislative Council the Governor in Council desires that you will enquire and report by the 15th November

1918 the number of persons in (1) Rajshahi (2) Noakhali (3) Midnapore (4) Dacca district paying cess of Rs. 1 or more, and the

number of persons paying cess of Rs. 2 or more. Separate figures should be given for Muhammadans and non-Muhammadans, and within these classes of Muhammadans and non-Muhammadans the numbers of (a) zamindars, (b) Bengal Tenancy Act tenure-holders and others, e.g., dakhalkars, and (c) raiyats and under-raiyats should be shown.

2. After considering the instructions which were issued by Collectors and the difficulties which were encountered in preparing statistics of this nature early in this year in certain districts, the Governor in-Council has drawn up instructions (a copy of which is enclosed) for carrying out these orders. These instructions should be followed, unless for any special reason you find it desirable to prescribe any modification of detail.

[If the record in your district shows cess or a valuation throughout, the calculation can probably be most conveniently made from the record without taking into account the results of cess revaluation not entered in the record. If, however, in any area the record does not show cess or a valuation it may also be necessary to refer to the cess papers. In these circumstances it is left to your discretion to adopt whatever system is found most convenient, or to adopt one system for one part and another system for another part of your district, but the general principle of preparing two lists, one residential and the other non-residential, and of transferring all the entries of the latter to the former, should be observed.]

3. The first thing to be done is to estimate the strength of the staff to be engaged so that the work may be completed in time for your report to reach Government by the 15th November 1918. It is suggested that a mokrurir will be able to deal with 400 khatians in a day and to make the necessary preliminary entries in Lists A and B. Provision should also be made for the time to be taken up by the work prescribed in rule 13 (2) and (3). It is also suggested that the contract rates for the initial preparation of Lists A and B should not exceed annas 2 or 3 per 100 khatians. You are authorized to employ the necessary temporary establishment in anticipation of sanction, but an estimate should be submitted through the Commissioner for the sanction of Government as soon as sufficient experience has been obtained to enable you to prepare a reasonably accurate estimate.

4. If any areas have been excluded from the District Settlement, owing to the existence of a previous record, care should be taken that all the previous records so excluded (and not those for which a fresh record has been prepared) are also examined.

Nos. 890-93 T.—R., dated Dacca, the 13th August 1918.

Copy forwarded to the Commissioner of the (1) Rajshahi (2) Chittagong (3) Burdwan (4) Dacca Division, for information.

INSTRUCTIONS.

1. When cess is paid jointly by several persons in one property or tenancy it will be necessary to determine whether there are one or more families joint in property concerned. This must be determined from the facts of possession as shown by the khatian. Brothers may ordinarily be presumed to possess their property jointly, even though they have separate possession of different plots. Persons of different caste, etc., necessarily belong to different families.

N.B.—This rule may be modified to suit the particular method of record and local conditions.

2. The record of each village will be taken up and two lists prepared from it for such joint families in the following forms:—

A.—RESIDENTIAL.

THANA.	VILLAGE.	JURISDICTION LIST NO.								
		Cess (recorded in this village).			Cess (recorded in other villages).					
Name of persons (with father's name).	Khatian No.	Amount.	Khatian No.	Amount.	Khatian No.	Amount.	Amount.	Amount.	Amount.	Total.
1	2	3	4	5	6	7	8	9	10	11

B.—NON-RESIDENTIAL.

THANA.			VILLAGE.	JURISDICTION LIST NO.						
Village in which resident.			Name of person (with father's name).	Khatian No.	Cess.	Khatian No.	Cess.	Khatian No.	Cess.	Tot.
Thana.	Village.	Jurisdiction List No.								
1	2	3	4	5	6	7	8	9	10	11

List A will be alphabetical.

List B will be prepared according to the village of residence and can, if required, be prepared on separate slips for each such village.

3. The underlying principle is that all cess will be ultimately entered in the List A of the village in which the person is resident. All entries in List A or B will, therefore, be filled up first of all from each manza record so far as available from that record only, but (1) no entry will be made in any column in either list relating to cess paid entirely by females, and (2) no entry will be made in either list in any column regarding residents of another district.

4. The entry in column 1 of List A and column 4 of List B will be that of the first man's name mentioned in the joint family in the khatian. Females will be omitted. After the name will be entered (a), (b) or (c), (a) for a Zamindar, (b) for a Bengal Tenancy Act tenure-holder or others, e.g., dakhalkar, and (c) for a raiyat or under-raiyat.

5. The amount of the cess will be entered after the khatian in which it is entered in either List A or List B. It will be divided when there are two or more joint families according to the shares held by each joint family.

6. When on examination of a khatian it is found that cess is not entered in that khatian, but in another khatian in the same or a different village, no entry in any column in List A or B will be made for the khatian under examination. It is unnecessary to trouble about it, as the entry will be automatically made opposite the correct khatian in which the cess is found entered in the record of that or another village.

7. Lists A and B will then be collected together and placed in the serial order of the Jurisdiction List number of the thanas. Each List B will then be taken up in turn, and each entry containing a cess entry transferred to opposite the proper name in List A of the village of which the name is given in column 2 of List B. If the name of the person is not already in List A, it should be inserted in its proper place.

8. When the above process is complete, each List A should be taken up and the cess for each joint family (which is treated as an individual) totalled. The cess, or totalled cess for each such family if it reaches or exceeds Re. 1, will then be entered in column 11.

9. For each village a summary will then be prepared as follows :—

	NUMBER OF MUHAMMADANS.		NUMBER OF NON-MUHAMMADANS.	
	Paying cess of Re. 1 or more.	Paying cess of Rs. 2 or more.	Paying cess of Re. 1 or more.	Paying cess of Rs. 2 or more.
(a) Zamindars.				
(b) Bengal Tenancy Act tenure-holders and others.				
(c) Baisyats and under-raiyats.				

This will then be totalled by thanas and again by the district.

It must be remembered that the number of persons paying cess of Re. 1 and over includes the number of persons paying cess of Rs. 2 and over.

10. Demand Registers, alphabetical lists of persons to whom maps are given, khatian indices, etc., will be found useful in the preparation of Lists A and B, but attention should be paid to differentiating between joint families.

11. No account will be taken of changes subsequent to final publication due to case-work.

12. Whenever a white printed copy of the record is available, it should be used in preference to the original Collectorate copy.

13. For (1) the initial preparation of the Lists A and B, (2) transfer of entries in Lists B to Lists A and (3) totalling, muharrirs may be employed on contract pay.

14. A check should be made of at least 10 per cent. of the khatians and the corresponding entries made in Lists A and B, of the entries transferred from Lists B to Lists A and of the totals and summaries. The check should be distributed so as to secure an adequate check of each muharrir's work, and occasionally the khatians of whole mauza-records should be checked. Checking should be done by clerks on fixed pay. The officer in charge of the calculations should, besides supervising the work generally, daily check as much as he can in order to ensure that the work is done accurately.

L. BIBLEY—9-8-1918.

APPENDIX B.

Nos. 7189-7209, dated Calcutta, the 10th September 1918.

From—L. BIRLEY, ESQ., C.I.E., I.C.S., Secretary to the Government of Bengal,
Revenue Department,

To—All Collectors (except those of Rajshahi, Noakbali, Midnapore, Dacca and Darjeeling).

I am directed to inform you that for the purpose of considering possible electorates for the Legislative Council the Governor in Council desires that you will enquire and report by the 15th November 1918, the number of persons in your district paying cess of Re. 1 or more, and the number of persons paying cess of Rs. 2 or more. Separate figures should be given for Muhammadans and non-Muhammadans. The number of persons paying cess of Re. 1 or more will, of course, include the persons paying cess of Rs. 2 or more.

2. After examining the subject at a collectorate the Director of Land Records, Bengal, has drawn up instructions for the calculation of cess for the above purpose, and I am to forward 25 copies of the instructions for your use. They should be followed unless for any special reason you find it desirable to prescribe any modification of detail. I am to request that you will satisfy yourself that the instructions are thoroughly understood by the muharrirs employed and by the officers who supervise their work.

3. The first thing to be done is to estimate the strength of the staff to be engaged, so that the work may be completed in time for your report to reach Government by the 15th November 1918. It is suggested that from 5,000 to 10,000 entries in Part II of Cess Return can be examined in one day by one muharrir, and that from 2,000 to 3,000 entries in the valuation statements can be examined in one day by one muharrir. You are authorized to employ the necessary temporary establishment in anticipation of sanction, but an estimate should be submitted through the Commissioner of your division for the sanction of Government as soon as sufficient experience has been obtained to enable you to prepare a reasonably accurate estimate.

Nos. 7210-14, dated Calcutta, the 10th September 1918.

Memo. by—L. BIRLEY, ESQ., C.I.E., I.C.S., Secretary to the Government of Bengal, Revenue Department.

Copy, with a copy of the enclosure, forwarded to all Commissioners of Divisions, with the request that they will be so good as to give such supervision as may be practicable to the preparation of the statements.

Instructions for calculating the number of persons paying cess of Re. 1 and over and the number of persons paying cess of Rs. 2 and over.

1. The statistics for proprietors, cess tenure-holders and rent-free holders will be prepared from the "valuation statements," which were prepared in Registers I and V under rule 88 of the Cess Manual, 1911 at the last revaluation. Those for cess raiyats will be prepared from the cess returns in Part II. Shares will not be taken into account unless separately valued.

2. A muharrir will examine the entries in each valuation statement. As he comes across a person paying cess of Re. 1 or over, or cess of Rs. 2 or over, he will put the figure down in the proper row on a statement marked in the following manner:—

Proprietors, cess tenure-holders and rent-free holders.

Number of estate, etc.

A
B
C
D

when A = Non-Muhammadan paying Rs. 2 cess or over,
B = " " " " Re. 1 " " "
C = Muhammadan paying Rs. 2 cess or over,
D = " " " " Re. 1 " " "

3. Where tenures are few, e.g., 40 per square mile (the average figure can be ascertained from the totals of the last completion report), the maharrir will be able in the majority of cases to see at a glance whether the cess payable is over Rs. 2 and no actual calculation will be necessary. He must remember that the cess payable is 1 anna in the rupee on the valuation less a deduction of 3 anna in the rupee on the rent or revenue payable. Where there are many tenures per square mile and many calculations would be necessary it will suffice to assume that a tenure-holder pays on the average say 3/4ds or 1/2th of an anna in the rupee. This average should be ascertained by taking a sufficient number of tenures in a representative area.

4. In each valuation statement will be found a column for "Valuation for which details are not available." This is for both estates and tenures summarily valued. This column should be totalled for each valuation statement.

5. A maharrir will also examine all the entries in the cess returns in Part II and make entries in the manner prescribed in rule 2 on similar statements. He will exclude from consideration all tenancies which have been transferred to Part III. This fact he will find noted in the return. He will accept this as correct. In this case a raiyat paying rent of Rs. 32 or over and a raiyat paying Rs. 64 or over pays cess of Rs. 1 or over and Rs. 2 or over, respectively.

6. The statements prescribed in rules 2 and 5 will be totalled for each estate or property and carried forward to a mahalwar statement in the following form:—

Estate number, etc.	PROPRIETORS, CESS TENURE-HOLDERS, ETC.				CESS RAIYATS.				Valuation.
	NON-MUHAMMADANS.		MUHAMMADANS.		NON-MUHAMMADANS.		MUHAMMADANS.		
	Paying cess of Rs. 2 or over.	Paying cess of Re. 1 or over.	Paying cess of Rs. 2 or over.	Paying cess of Re. 1 or over.	Paying cess of Rs. 2 or over.	Paying cess of Re. 1 or over.	Paying cess of Rs. 2 or over.	Paying cess of Re. 1 or over.	
1	2	3	4	5	6	7	8		



It must be remembered that the number of persons paying cess of Re. 1 and over includes those paying cess of Rs. 2 and over.

In column 10 will be entered the total ascertained under rule 4.

The above statement will include all estates, revenue-free properties, Government and temporarily-settled estates borne on the revenue-roll of the district.

7. The totals in the statement in rule 6 will require correction on account of—

- (1) existence of land in the district of estates borne on the revenue-roll of other districts;
- (2) existence of land in other districts taken account of in the valuation of estates borne on the revenue-roll of the district;
- (3) the valuation (entered in column 10 in that statement) of lands for which no details are available; and
- (4) the fact that each person on the average owns more than one tenancy.

On account of (1), (2) and (3) a rough correction of the totals in the statement in rule 6 can be made by multiplying each total by the following fraction:—

Total valuation of lands borne on the revenue-roll of the district plus proportionate valuation of lands in the district borne on the revenue-roll of other districts minus proportionate valuation of lands in other districts borne on the revenue-roll of the district.

Total valuation of lands borne on the revenue-roll of the district minus (A) total valuation of lands for which no details are available.

The above figures can be readily collected from the materials in the cess office, whilst (A) is the total of the entries in column 10 of the statement in rule 6. The corrected totals will be entered below the original totals in the statement.

8. The correction on account of (4) in order to find out the number of persons paying Re. 1 or more or Rs. 2 or more for more than one tenancy in the aggregate can only be made by a detailed examination of the cess-papers of a compact block of 4 or 5 representative estates occupying about 10 square miles or as many estates as on the average occupy 10 square miles in the district. If this is not possible, then one estate occupying a suitable compact area should be taken. An alphabetical list of all the persons mentioned in the cess returns (Part II) and in valuation statements should then be prepared. Each time the same person is entered in these papers as paying cess, the proper amount of cess should be entered opposite his name. The cess opposite each person should then be totalled. So far as ascertainable persons with the same name, same father's name and same residence will be presumed to be the same person, but, if these details are not-

ascertainable from the cess record, this rule may be relaxed. In this case he will not accept the note of transfer from Part II to Part III (*vide* rule 5) as correct, but will ascertain by the necessary comparison if it is correct. In no case, however, will enquiries be made outside the cess record. Totals will then be struck from A, B, C and D (*vide* rule 2) for cess-raiyats and cess-proprietors, etc., separately. If a person is both a cess-raiyat and cess-proprietor, tenure-holder, etc., he will be treated as belonging to the higher class.

9. Previous figures for the particular estates under examination, which have been already entered after correction according to rule 7 in the statement in rule 6, will then be taken (and each column totalled, if there are several estates). Let the totals of columns 2 to 9 be X, Y, Z, W, X¹, Y¹, Z¹, W¹. Let the totals found under rule 8 be A, B, C, D, A¹, B¹, C¹, D¹, respectively.

Then the respective totals of the figures for the whole district of the columns in statement 6 corrected under rule 7 will be further corrected by multiplying the totals in columns 2 to 9 by the fraction $\frac{A-X}{A}$, $\frac{B-Y}{B}$, $\frac{C-Z}{C}$, $\frac{D-W}{D}$, $\frac{A^1-X^1}{A^1}$, $\frac{B^1-Y^1}{B^1}$, $\frac{C^1-Z^1}{C^1}$, $\frac{D^1-W^1}{D^1}$, respectively.

10. The three sets of totals, those (1) obtained under rule 6, (2) corrected according to rule 7, and (3) corrected according to rule 9, will be reported to Government.

11. In districts, where a record-of-rights has been prepared for large estates in which the cess has been entered, the record can and should whenever possible be similarly used in place of the valuation statements and cess returns. If such a record covers the whole district, correction may only be necessary to the total on account of rule 7 (4) which can be arrived at by a systematic examination of the records of a compact representative area of about 10 square miles. In districts to which these rules are applicable it must, however, be understood that the work is to be done on the simplest lines.

Statement showing the number of persons paying cess of Re. 1 or over and the number of persons paying cess of Rs. 2 or over

(Figures under rule 7 without correction under rule 9.)

DISTRICT.	CESS PROPRIETORS, TENURE-HOLDERS, ETC.				CESS RAIYATS.				NUMBER OF PERSONS PAYING CESS OF RS. 2 OR OVER.			NUMBER OF PERSONS PAYING CESS OF RS. 1 OR OVER.			Population.
	Non-Muhammadans		Muhammadans		Non-Muhammadans		Muhammadans		Non-Muhammadans.	Muhammadans.	Total.	Non-Muhammadans.	Muhammadans.	Total.	
	Paying cess of Rs. 2 or over.	Paying cess of Re. 1 or over.	Paying cess of Rs. 2 or over.	Paying cess of Re. 1 or over.	Paying cess of Rs. 2 or over.	Paying cess of Re. 1 or over.	Paying cess of Rs. 2 or over.	Paying cess of Re. 1 or over.							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Burdwan ...	10,870	13,945	1,978	2,002	3,868	17,748	719	3,501	14,538	2,697	17,235	31,693	5,503	37,196	15,88,371
Birbhum ...	2,930	5,089	407	946	998	7,107	324	1,908	3,928	781	4,659	12,186	2,854	15,050	9,35,473
Bankura ...	14,294	25,947	454	659	456	3,053	39	304	14,750	493	15,243	29,000	963	29,963	11,38,670
Midnapore ...	11,907	19,538	505	818	3,365	33,020	384	1,503	20,272	889	21,161	52,558	2,321	54,879	28,21,201
Hooghly, including Howrah.	7,148	11,619	1,234	1,719	2,794	13,302	565	3,016	9,942	1,799	11,741	24,921	4,785	29,656	20,33,599
24-Parganas ...	34,808	47,945	8,346	11,930	4,756	23,966	1,614	8,906	39,564	9,960	49,524	71,911	20,836	92,747	24,34,104
Nadia ...	4,103	6,133	812	1,404	844	3,292	797	4,310	4,947	1,609	6,556	9,425	5,714	15,139	16,17,846
Murshidabad ...	2,240	4,208	383	831	811	4,109	475	2,792	3,051	858	3,909	8,317	3,623	11,940	13,72,274
Jessore ...	22,998	27,679	6,200	6,962	2,704	13,839	1,500	10,800	25,702	7,700	33,402	41,518	17,762	59,280	17,58,264
Khulna ...	7,451	11,362	3,266	5,268	3,082	8,322	1,677	5,720	10,533	4,948	15,476	19,684	10,978	30,662	13,64,766
Rajshahi ...	3,907	5,228	2,264	4,088	3,096	8,248	7,721	23,158	7,003	9,985	16,988	13,476	32,246	45,722	14,80,587
Dinajpur ...	4,528	7,504	5,536	8,624	398	2,776	456	3,484	4,918	5,992	10,908	12,108	12,280	22,388	16,87,863
Jalpaiguri ...	8,240	9,570	4,001	5,052	8,451	8,890	1,790	1,902	16,691	5,791	22,482	18,460	6,964	25,414	9,02,660
Rangpur ...	8,955	18,615	6,480	15,221	657	6,185	805	7,168	9,612	7,285	16,897	24,800	22,389	47,189	23,85,330
Bogra ...	2,319	3,096	2,127	3,998	90	702	417	3,987	2,409	2,544	4,953	3,798	7,985	11,783	9,83,567
Pabna ...	2,319	2,748	318	430	348	2,357	1,040	8,956	2,667	1,358	4,025	5,105	9,386	14,491	14,28,586
Malda ...	1,772	2,684	773	1,082	236	1,599	183	1,468	2,008	956	2,964	4,283	2,550	6,833	10,04,159
Dacca ...	8,978	12,340	1,897	3,331	1,158	3,085	1,950	8,389	10,136	3,847	13,983	15,425	11,720	27,145	29,60,402
Mymensingh ...	7,980	14,630	5,907	12,964	865	4,130	1,372	10,106	8,845	7,179	16,024	18,760	23,060	41,820	45,26,422
Faridpur ...	16,203	32,580	6,442	16,809	592	1,690	887	4,103	16,795	7,329	24,124	34,270	20,912	55,182	21,21,914
Bakarganj ...	17,793	30,797	15,289	32,023	6,804	14,816	10,081	36,160	24,597	25,370	49,967	45,613	68,183	113,796	24,28,911
Chittagong ...	15,090	19,983	17,688	24,267	72	577	322	2,927	15,167	18,010	33,172	20,570	27,194	47,764	15,08,433
Tippera ...	6,870	10,739	4,724	7,981	431	2,511	1,832	11,844	7,301	6,556	13,857	13,250	19,825	33,075	24,30,138
Noakhali ...	2,684	4,484	6,103	12,301	955	2,923	3,172	10,496	3,639	9,275	12,914	7,407	22,797	30,204	13,02,090
Total ...	2,26,187	3,48,463	1,03,034	1,30,690	52,821	1,68,247	40,122	1,81,908	2,79,008	1,43,156	4,22,164	5,36,710	3,62,598	8,99,308	4,41,67,630

(1) Total number of persons per mile of population paying cess of Rs. 2 or over.

GOVERNMENT OF BENGAL

APPOINTMENT DEPARTMENT.

Appointment.

No. 6897 A.

FROM THE HON'BLE MR. J. H. KERR, C.S.I., C.I.E., I.C.S.,
Chief Secretary to the Government of Bengal,

TO THE SECRETARY TO THE REFORMS COMMITTEE (FRANCHISE).

Dated Calcutta, the 9th December 1918.

SIR,

WITH reference to your letter No. 52 Reforms, dated the 16th

(1) Rules 9 to 15 of the rules contained in schedule VI of the Regulations for the election of members to the Bengal Legislative Council, with copy of voting paper.

(2) Circular No. 4151 A., dated the 26th November 1912, to all Commissioners of Divisions, paragraph 4.

(3) Circular Nos. 1890-94 A., dated the 15th March 1916, to all Commissioners of Divisions.

(4) Notes on the system of election prevailing in (1) The Corporation of Calcutta, (2) Municipalities in Bengal other than the Corporation of Calcutta, (3) Union Committees, (4) Local Boards and (5) District Boards.

November 1918, in which you ask for certain information regarding elections in this Presidency, I am directed to forward herewith the marginally-noted papers and to observe as follows with regard to the polling of the Muhammadan community when electing candidates to the Bengal Legislative Council.

2. The enclosed circulars will indicate the particular points of practice which this Government has found it necessary to emphasize in the past two elections for that Council. The total Muhammadan electorate for the Presidency is 6,346 distributed among the five divisions as follows:—

Presidency Division	No.
Burdwan	1,021
Rajshahi	378
Dacca	2,295
Chittagong	1,435
	1,217

The electoral unit is the division, and each unit returns one member. No elector has more than one vote. If an elector's qualifications extend over more than one unit, he is entitled to choose the unit in which his franchise will be exercised and if he fails to choose, Government appoint the unit for him. It is the practice to make the Divisional Commissioner Returning Officer for the unit; and District Magistrates, the Chief Presidency Magistrate, Calcutta, Subdivisional Magistrates and Sub-Registrars under the Indian Registration Act, Attesting Officers with certain powers of delegation. An elector may record his vote before any Attesting Officer in the province, the Attesting Officer forwarding the paper to the appropriate Returning Officer. The polling period is generally from a week to a fortnight and is contemporaneous for the whole Presidency.

I have the honour to be,

SIR,

Your most obedient servant,

J. H. KERR,

Chief Secretary to the Government of Bengal.

Extract from schedule VI to the Regulations for the election and nomination of members to the Bengal Legislative Council.

Voting.

9. (1) If in any electoral area one duly nominated candidate only stands for election, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If more duly nominated candidates than one stand for election, the Returning Officer shall forthwith publish a list of the names of such candidates in such manner as the Local Government may prescribe.

(3) In the case referred to in sub-rule (2), the Returning Officer shall forthwith cause the names of the candidates to be entered in voting papers in Form III annexed to this schedule, and shall sign and send to each elector by registered post one such voting paper:

Provided that such a voting paper shall also be supplied to any elector on his applying to the Returning Officer for the same on or before the day appointed as the latest date for the attestation of voting papers, and that no election shall be invalidated by reason of the non-receipt by an elector of his voting paper.

10. (1) On or before such date as may be appointed by the Local Government in this behalf, but not later than 5 P.M. on that date, each elector desirous of recording his vote shall sign the declaration on the back of the voting paper in the presence of an Attesting Officer in accordance with the instructions on the face thereof, and the Attesting Officer shall attest his signature in the manner prescribed by the same instructions.

(2) The elector shall then proceed to a place screened from observation which shall be provided by the Attesting Officer, and there record his vote on the voting paper in accordance with the instructions on the face thereof, and, after placing the voting paper in an envelope and closing the same, shall deliver it to the Attesting Officer.

(3) Neglect on the part of the elector to comply with any of these instructions shall render the vote invalid.

(4) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Attesting Officer shall assist him in such manner as may be necessary to mark the voting paper and to sign the declaration on the back thereof.

(5) The Attesting Officer shall, at the close of the day appointed as the latest date for the attestation of voting papers, despatch all the envelopes so delivered to him under sub-rule (2) to the Returning Officer by registered post in a packet securely sealed with his official seal.

(6) On the day following, the Attesting Officer shall also despatch to the Returning Officer by registered post a list in Form IV annexed to this schedule of the electors whose voting papers he has attested.

Counting of votes and declaration of result.

11. (1) On receiving the voting papers, the Returning Officer shall examine them to see whether they have been correctly filled up.

(2) Where an elector records his votes on two or more voting papers, all such voting papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and if the Returning Officer is unable to determine which of such papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall endorse "rejected" with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules, and, save as provided in rule 12(4) or in Regulation XVI such rejection shall be final.

(4) The Returning Officer shall then fold the lower portion of every paper, whether valid or invalid, along the dotted line on the back, so as to conceal the names of the elector and the Attesting Officer, and shall seal down the portion thus folded with his official seal.

12. (1) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appointed by the Local Government in this behalf.

(2) Every candidate may be present in person, or may send a representative, duly authorized by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers sealed as provided by rule 11 to the candidates or their representatives.

(4) If an objection is made to any voting paper on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper, it shall be decided at once by the Returning Officer, whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

13. (1) When the counting of votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

14. Upon the completion of the counting and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

Publication of result.

15. The Returning Officer shall without delay report the result of the election to the Local Government, and the name of the candidate elected shall be published in the local official gazette.

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Extract from a letter from the Hon'ble Mr. C. J. Stevenson-Moore, C.V.O., Chief Secretary to the Government of Bengal, to all Commissioners of Divisions, No. 4151A., dated Calcutta, the 26th November 1912.

4. As regards the subsequent stages, Attesting Officers have, as stated already, been supplied direct with copies of the gazettes publishing the regulations and the schedules. It will be their duty to study the regulations and the rules contained in those of the schedules in respect to which they have been appointed Attesting Officers. In particular, they should carefully study the rules which relate to the attestation of nomination and voting papers, as also the instructions on those papers. Their attention should be specially invited to the notifications of this Government, Nos. 3989 A. and 3990 A., dated the 23rd November 1912, fixing the times and dates of attestation in respect of the elections to the Provincial and the Imperial Legislative Councils, respectively. Before attesting nomination or voting papers, the Attesting Officers must satisfy themselves, *first*, that each such paper has been presented within the time fixed for attestation, and, *secondly*, that the person or persons signing such paper have been duly included in the respective electoral rolls as finally published. Voting papers must be enclosed in an envelope before they are delivered to the Attesting Officers in cases in which instructions to that effect are given on those papers or in the rules in the respective schedules. Envelopes, which may be used for this purpose, will be supplied to all District Officers for their own use, as well as for distribution to other Attesting Officers in their respective districts according to the requirements of the latter. When forwarding voting papers to the Returning Officer, the Attesting Officer should send a duplicate advice list in Form IV, together with the voting papers. The forms for use in these elections will be forwarded at a very early date. In certain cases District Magistrates or Attesting Officers will have to supply nomination or voting papers to electors. Before doing so, they should see that the name of the person to whom such paper is supplied is duly entered in the electoral roll.

Nos 1890-94 A., dated Calcutta, the 15th March 1916.

From—THE HON'BLE MR. J. H. KERR, C.I.E., I.C.S., Officiating Chief
Secretary to the Government of Bengal,
To—All Commissioners of Divisions.

A general election of members of the Bengal Legislative Council will shortly take place, and formal orders will issue calling upon the several electorates to elect members in accordance with the prescribed regulations. As at the last general election of 1912 you will act as Returning Officer in respect of the elections by the [Municipal Commissioners] District and Local Boards, landholders and the Muhammadan community [and the Tea Planting community], and the District Magistrates [the Chief Presidency Magistrate, Calcutta], Subdivisional Magistrates and Sub-Registrars will act as Attesting Officers.

Admit for
Pg.
for Raj-
or Presi-

2. Instances have occurred in which votes were recorded on behalf of a candidate by individuals who personated voters whose names were borne on the electoral roll, but who had died or were absent from India. These voting papers were in due course attested by the Attesting Officers. The Governor in Council desires to impress on all officers concerned in the elections the importance of preserving them from the taint of irregular practices. The forms of voting papers for the landholders and Muhammadan electorates require the Attesting Officer to certify that the elector is personally known to him or has been identified to his satisfaction. I am to request that the attention of all Attesting Officers in your division may be drawn to this, and that they may be directed to exercise great circumspection in accepting the identification of voters, who are not personally known to them and who come before them to record their votes.

No. 1895 A., dated Calcutta, the 15th March 1916.

Memo. by—A CASSELLS, ESQ., I.C.S., Under-Secretary to the Government of Bengal, Appointment Department.

Copy forwarded to the Chief Presidency Magistrate, Calcutta, for information.

1.—System of election in the Corporation of Calcutta.

For the purpose of election Calcutta is divided into 25 wards. Of the 50 Commissioners constituting the Corporation, 25 are elected, each ward electing one Commissioner. General elections are held triennially on such days in the month of March as are fixed by the Local Government.

2. The qualification for a voter is that he shall be enrolled in the election roll for the ward in which he proposes to vote, and only a person of the male sex, who has attained the age of 21 years, and resides or pays municipal rates or taxes under the Calcutta Municipal Act, and who fulfils one of the following conditions, is entitled to appear on the election roll:—

- (1) If he is registered in the assessment book—
 - (a) as the owner and occupier of some land or building in Calcutta valued for assessment purposes at not less than Rs. 150 a year; or
 - (b) as the owner or occupier of some land or building in Calcutta so valued at not less than Rs. 300 a year; or
- (2) If he has taken out a license under the Act costing not less than Rs. 25 for the year in which the election is held; or
- (3) If he has paid for the year immediately preceding the year of election not less than Rs. 24 in respect of rates or taxes or both under the Act.

A ward elector may also be a company, body corporate, firm, Hindu joint family or other association of individuals, which possesses any of the above qualifications.

The qualification of a candidate for election is that he shall be enrolled in the municipal election roll as a voter of some ward.

3. On or before the 1st day of December, immediately preceding each general election, the Chairman prepares from the registers in his office a list containing the names of persons appearing to be entitled to vote at ward elections, and the number of votes to which they are respectively entitled. The number of votes assigned to each is determined thus:—

A person qualified under sub-paragraph (a), or (3) of paragraph 2 above gives one vote in the ward in which he resides or pays the rate or taxes there-mentioned. If he is qualified under sub-paragraph (b), he is entitled to one vote in each ward in which the land or building owned or occupied by him is situated; but when the aggregate value of all the lands and buildings owned or occupied by him in the ward is not less than Rs. 600, he is allowed additional votes in proportion to the valuation of the property subject to a maximum of 10. A person living in his own house is entitled to the votes assigned to him as owner, as well as to those assigned to him as occupier. When qualified to vote under sub-paragraph (2) a person is allowed one vote if he holds a license costing Rs. 25; but if he holds a license costing Rs. 50, Rs. 100 or Rs. 200, he may give one, two or three votes, as the case may be, in addition to the vote which he might give if he held a license of Rs. 25. A person gives as many votes as he is entitled to under sub-paragraph (b) and (2) combined, up to a maximum of 10 additional votes in any one ward, subject to the condition that he cannot give more than 11 votes in any ward. A person may be qualified to vote in more than one ward.

The list thus prepared is published by the Chairman for public inspection. After hearing in open office applications for addition or omission of any name to or from the list and the claims for more votes than have been allotted, he revises the list which is called the Municipal election roll, and publishes the same at the Municipal office and at such other places as he thinks fit.

4. Not less than three weeks before the date of election notice of the election is given by the Chairman by advertisement and other means and at least 14 days before that day every candidate for election sends to the Chairman nomination paper giving, among other particulars, the signatures of two electors in the ward who propose and second his candidature, and of eighteen electors who approve his nomination. Not less than three days

before that day the Chairman publishes a list of all candidates for election. In the event of there being only one candidate in any ward, such candidate is deemed to be elected; but if there are more than one candidate, a poll is held.

5. The polling place is provided by the Chairman for each ward and he appoints the polling officer or officers and other persons to assist at the poll. The polling officer reads out the list of candidates and the names of voters; and the votes given by them are then recorded by him. Every person qualified to vote may give all his votes to one or more candidates in the ward. All votes are given in person, voting by proxy or in writing not being allowed. The candidate, who has the largest number of votes, is declared by the polling officer to be duly elected, but in the case of an equality of votes, the Chairman gives a casting vote and the candidate to whom such vote is given, is deemed to be elected.

6. Disputes about elections are settled by a Judge of the High Court on the Original Side.

II.—System of election in Municipalities other than the Corporation of Calcutta.

Two-thirds of the total number of Commissioners of a Municipality in which the elective system is in force, are elected by the rate-payers at a general election which is held triennially on a date fixed by the Commissioner of Division and conducted by the Chairman in accordance with rules made by Government. Elections are held by wards, each ward electing such proportion of the Commissioners to be elected as is fixed by Government.

2. Every male person of not less than 21 years of age, who has been duly registered, who has resided for at least 12 months in the municipality, and who—

(1) has, during that period, paid to the municipal fund as taxes or fees an aggregate amount of at least Re. 1-8 (Rs. 3 in Howrah and Cossipore-Chitpur); or

(2) has, during that period, paid or been assessed to the income-tax; or

(3) has, during that period, paid as rent for a holding or part of a holding within the municipality the sum of Rs. 20; or

(4) possesses certain University or medical or legal qualifications, provided he occupies a holding in respect of which the municipal taxes or fees referred to under (1) have been paid;

is entitled to vote.

Every person possessing these qualifications, and not disqualified under section 57 of the Bengal Municipal Act, is qualified to be a candidate for election.

3. In every such municipality a register is maintained of all persons qualified to vote, and, at least two months before the date of general election it is published for the inspection of rate-payers. Applications by rate-payers to have any name added to or excluded from the register are considered by the Chairman (whose decision is subject to appeal to the District Magistrate) and the register is revised, if necessary, according to the decision of the Chairman or the Magistrate. The register thus prepared and amended is published, and deemed to be the final register of persons entitled to vote.

4. At least 21 days before the date of election, a candidate for election sends his name to the Chairman together with the names of 2 electors in the ward who propose and second his nomination, and of 8 electors who approve his nomination, and the Chairman publishes a list of all candidates not less than 15 days before that date. In the event of the number of candidates for election in a municipality or in any ward not being greater than the number of vacancies, such candidates are deemed to be elected. If the number of candidates exceeds the number to be elected a poll is held, and the place at which, and the time when the votes will be recorded, are notified by beat of drum.

5. The Chairman, or other person (not being himself a candidate) deputed by the Chairman for the purpose, presides at the election for each ward assisted by a committee of 3 to 5 rate-payers of the ward nominated by the Chairman. After this committee has been formed votes are given and recorded under the personal supervision of the presiding officer. All votes are given in person, voting by proxy or in writing not being allowed. Each voter votes only for the ward in which he ordinarily resides, and can give as many votes as there are vacancies for such ward. Candidates getting the largest number of votes are declared by the presiding officer to be duly elected. If there be an equality of votes for the same vacancy, and if the number of vacancies does not admit of all the candidates who have obtained an equality of votes being elected, the presiding officer gives a casting vote.

6. All disputes arising under the election rules are settled by the Magistrate whose decision is final.

III.—System of election in Union Committees.

The Magistrate of the District divides the union into electoral wards and decides how many members should be returned by each ward. A general election is held after two years from the date of the next preceding election in accordance with rules made by Government.

2. Every male person of the full age of 21 years, resident within the union, who has during the year preceding the election paid one rupee or more on account of road cess or chaukidari tax, or who is a member of a joint undivided family which has paid during that year such cess or tax, is entitled to vote at the election. Any person, who is qualified as a voter and who, in addition, can read and write, can stand for election as a member.

3. The Magistrate decides where and when the election will be held, and the dates fixed for election are duly notified in all the villages of the union. The Magistrate, or any other officer deputed by him for the purpose, presides at the election. The elections for the different wards are held in succession, the proceedings in every case being commenced by the presiding officer explaining to the assembled voters the nature and object of the election and the number of members to be returned. The voters are allowed to consult together and elect the necessary number of members in their own manner. If the elected members are duly qualified, and no objection is raised to the proceedings, the presiding officer declares them to be duly elected; but if the election is objected to, he proceeds to take a poll. Each voter votes only for the ward in which he ordinarily resides. He may vote for as many candidates as there are members to be returned for such ward, but cannot give more than one vote for any single candidate. Votes are given in person, voting by proxy or in writing not being allowed. The presiding officer records the votes given for each candidate in his own hand, and declares such duly qualified candidates as have a majority of votes to be duly elected. In case of an equality of votes received by two or more candidates all of whom cannot be returned, the selection is made by lot.

4. Objections regarding the qualifications of voters and candidates are decided by the presiding officer.

IV.—System of election in Local Boards.

Two-thirds of the members of each Local Board in which the elective system is in force, are elected under rules made by Government, and the Commissioner of the Division in consultation with the District Magistrate decides the number of members to be elected for each thana within the Local Board. General elections are held triennially on such days as may be fixed by the Magistrate.

2. Every male person of the full age of 21 years, resident within the area under the authority of the Local Board, is entitled to vote if he—

- (1) is a member of the Union Committee within the Local Board, or
- (2) has, during the year immediately preceding the election,
 - (a) paid not less than one rupee as road cess, or
 - (b) had an annual income of not less than Rs. 240, or
- (3) being a member of a joint undivided family, one of the members of which is qualified as an elector, possesses certain prescribed University and legal attainments.

The Magistrate maintains for each thana a register of persons qualified to vote. At least two months before the day of election a copy of the register showing the persons qualified to vote is published within the thana, and copies of all the thana registers are published at the subdivisional office for public inspection. All claims to vote and the objections thereto are decided by the Magistrate; and the thana list as amended after such decision, is the final list of persons entitled to vote.

3. Every male person of the full age of 21 years can stand for election as a member of a Local Board for any thana within such Local Board, if he is qualified in one of the following manners:—

- (1) Is qualified under paragraph 2 (1) above.
- (2) Being a resident of the subdivision—
 - (a) has paid not less than Rs. 5 as road cess, or
 - (b) is possessed of an annual income of Rs. 1,000.
- (3) Being a member of a joint undivided family, one of the members of which is qualified for election under sub-paragraph (1) or (2) (a) above, possesses certain University or legal qualifications.

At least six weeks before the day of thana elections the Magistrate issues notices calling for nominations of candidates which may be made by any elector within the thana. After ascertaining whether all the candidates are duly qualified and willing to take office, he publishes a list of qualified candidates not less than one week before the date fixed for the election.

4. The time and place of election for each thana is fixed by the Magistrate and publicly notified at least one month before the election, a notice in the vernacular being sent to every registered voter informing him of the time and place of election. The Magistrate of the District or any other gazetted officer deputed for the purpose presides at the thana election; he opens the proceedings by explaining the object of the meeting to the assembled voters and then reads out the list of candidates, and states the number of vacancies. Candidates are proposed and seconded by two qualified voters who, subject to the control of the presiding officer, are permitted to address the assembled voters on the subject of the candidature of their respective nominee. Candidates not proposed and seconded are excluded from the list. In the case of the number of the remaining candidates not being greater than the number of vacancies the presiding officer declares them to be elected; but if it exceeds the number of vacancies, he proceeds to take a poll. Objections to voters are summarily decided by the presiding officer. Votes are given personally, and votes by proxy or in writing are not allowed. An elector can give as many votes as there are vacancies, but cannot give more than one vote to a single candidate. The presiding officer records the votes with his own hand, and declares the candidates having a clear majority of votes to be duly elected. In the case of an equal number of votes being recorded in favour of two or more candidates, all of whom cannot be returned, selection is made by lot.

V.—Election of members for District Boards.

The elected members of a District Board are returned by the Local Boards in the district under rules made by Government, and the number of members to be elected by each Local Board is fixed by Government. A general election is held triennially after the names of elected and appointed members of the Local Board have been published in the *Calcutta Gazette*. Only persons qualified for election as members of a Local Board in the district are qualified for election as members of the District Board. The names of candidates are submitted at the meeting, and the election is made by the majority of votes of the members of the Local Board present at such meeting.

14 PROVINCIAL COUNCIL SCHEDULE VI (MUHAMMADANS).

FORM III.

ফার্ম নং ৩।

VOTING PAPER.

ভোট বা মত দিবার কাগজ।

(See Rule 9.)

(৯ নিয়ম দেখ।)

An Additional Member is to be elected to the Legislative Council of the Governor of Fort William in Bengal by the Muhammadan community in electoral area No. V.

The following () candidates have been duly nominated :—

বঙ্গদেশস্থ কোর্ট উইলিয়মের গবর্নর বাহাদুরের ব্যবস্থাপক সভার একজন অভিরিক্ত সদস্য নির্বাচনার্থ নির্দিষ্ট, ৫ নং নীম্বর অন্তর্ভুক্ত মুসলমান সম্প্রদায়কর্তৃক নির্বাচিত হইবেন :

নিম্নলিখিত :] পদপ্রার্থীগণ যথারীতি মনোনীত হইয়াছেন :—

Serial No. ক্রমিক নং।	Names of Candidates. পদপ্রার্থীগণের নাম।	Vote. ভোট।

Returning Officer.

অধ্যক্ষতাকারী কর্মচারী।

Instructions.

উপদেশসমূহ।

- Each elector has one vote.
১। প্রত্যেক নির্বাচকের একটা ভোট আছে।
- He shall vote by placing, or causing to be placed, the mark X opposite the name of the candidate whom he prefers.
২। তিনি যে পদপ্রার্থীকে ভোট দিতে ইচ্ছা করেন, তাহার নামের পার্শ্বে X চিহ্ন দিয়া বা দেওয়ানি তাহারকৈ ভোট দিবেন।
- The voting paper shall be invalid, if the mark X is placed opposite the name of more than one candidate, or if it is so placed as to render it doubtful to which candidate such mark is intended to apply.
৩। যদি X চিহ্ন একাধিক পদপ্রার্থীর নামের পার্শ্বে অথবা এরূপভাবে বসান হয় যে X চিহ্ন কঙ্গর জন্য অভিধেত তাহা বুঝিতে সন্দেহ জন্মে তবে ঐ ভোটের কাগজ বাতিল হইবে।
- Before his vote is marked the elector shall sign the declaration on the back of the paper in the presence of an Attesting Officer, who shall attest his signature. Without such attestation the voting paper shall be invalid.
৪। ভোট বা মতের চিহ্ন দিবার পূর্বে ঐ কাগজের পৃষ্ঠনিখিত সভাপাঠে সাক্ষ্য-প্রদানকারী কর্মচারীর সম্মুখে নির্বাচক স্বাক্ষর করিবেন। এবং উক্ত কর্মচারী ঐ স্বাক্ষরের সম্বন্ধে সাক্ষ্যপ্রদান করিবেন। এইরূপ সাক্ষ্য ব্যতীত ঐ ভোট দিবার কাগজ বাতিল হইবে।
- Voting papers shall be presented for attestation and marked and delivered to the Attesting Officer, enclosed in the envelopes to be supplied to the electors for the purpose, on or before the 15th day of September 1917 and between the hours of 11 A.M. and 5 P.M.
৫। ভোট দিবার কাগজগুলি ১৯১৭ সালের সেপ্টেম্বর মাসের ১৫ই তারিখে বা তৎপূর্বে ১১ ঘটিকা হইতে ৫ ঘটিকার মধ্যে স্বাক্ষরের সাক্ষ্যের জন্য আর্পিত হইবে। এবং চিহ্নিত করিয়া ঐ উদ্দেশ্যে নির্বাচকগণের নিকট প্রেরিত খামে পুঁজিয়া সাক্ষ্যপ্রদানকারী কর্মচারীর

I hereby declare that I am the person whose name appears as [] No. on the Electoral Roll of Muhammadans for electoral area No.

আমি এতদ্বারা প্রকাশ করিতেছি যে নং নির্বাচনার্ধ নির্দিষ্ট সীমার অন্তর্গত মুসলমান-
নির্বাচকগণের তালিকায় আমারই নাম নং এইভাবে লিখিত হইয়াছে।

C. N.,

Elector.

সি, এম্,

নির্বাচক।

(Fold on this line.)

(এই লাইনে ভাঁজ কর।)

Signed in my presence by the elector, who is personally known to me (or who has been identified to my satisfaction).

নির্বাচককর্তৃক আমার সম্মুখে স্বাক্ষরিত। নির্বাচক আমার পরিচিত (অথবা আমার সন্তোষজনকরূপে তাঁহাকে সনাক্ত করা হইয়াছে)।

X. Y.,

Attesting Officer.

(Official designation.)

ক. য়.

সাক্ষ্যপ্রদানকারী কর্মচারী।

পদমর্যাদা।

Dated the

তারিখ

**REPORT OF THE PROCEEDINGS OF A COMMITTEE OF
NON-OFFICIAL MEMBERS OF THE BENGAL LEGISLATIVE
COUNCIL APPOINTED TO CONSIDER THE REFORM
PROPOSALS IN ACCORDANCE WITH A RESOLUTION
PASSED IN THAT BEHALF AT THE MEETING OF THE
BENGAL LEGISLATIVE COUNCIL HELD ON THE 14TH
NOVEMBER, 1918; AND TO SUBMIT ITS REPORT TO THE
GOVERNMENT OF BENGAL.**

First day's Proceedings, 14th November, 1918.

Before the Committee commenced their deliberations the Hon'ble Sir Henry Wheeler, who was present informally, said :—

The first thing we have now to do is to proceed to the election of a Chairman. As this procedure has come upon us possibly with some novelty you might wish to discuss it informally among yourselves so I suggest that we should adjourn for five minutes so that those concerned may talk it over and come forward with a proposal which I hope will be unanimous. I trust this will meet with the wishes of Hon'ble Members.

The Hon'ble Maulvi Abul Kasem said :—

I do not think there is any necessity to discuss this matter of the election of a Chairman of this Committee which is for the purpose of discussing the Reform proposals. I beg to propose, and I hope my proposal will be accepted, that the Hon'ble Babu Ambika Charan Mazumdar should preside over the meetings of this Committee.

The Hon'ble Mr. Hely-Hutchinson said :—

I suggest that we should adjourn for five minutes to discuss the question.

The Hon'ble Sir Henry Wheeler said :—

Do Hon'ble Members agree to this ?

The Members having agreed, the Council adjourned for five minutes.

The Council met again after five minutes' informal discussion.

The Hon'ble Maulvi Abul Kasem proposed that the Hon'ble Babu Ambika Charan Mazumdar should take the chair. The proposal being duly seconded and supported was carried.

The Hon'ble Sir Henry Wheeler said :—

I will now vacate the chair in favour of the Hon'ble Babu Ambika Charan Mazumdar. There are, however, three points which I might mention for your consideration. The first is whether strangers and the press should be present at the Committee meeting ; I notice that two strangers are still present ; this will be a matter for you to decide. The second is as regards reporters. Of course, they can take down whatever the Committee desire, but it delays the proceedings if details are reported ; moreover, discussions in Committee are difficult to take down, so I would suggest that the reporters should record only the resolutions finally approved by the Committee, leaving it to the minority to put in their notes of dissent later in whatever form they think proper.

The third point is as regards the agenda paper. The agenda paper in its present form embodies the points which various Members have raised in connection with the Reforms and, in framing that paper, we have tried to arrange it in a certain logical sequence leading on from one point to another in a convenient order for discussion. It might help to follow that same order in your deliberations on the subject.

These points, however, are for the Committee to consider.

2. The Committee then began its deliberations, with the Hon'ble Babu Ambika Charan Mazumdar in the chair, at 3-30 P.M.

All the non-official members were present except—

- (1) The NAWAB OF MURSHIDABAD.
- (2) The Hon'ble BABU AKHIL CH. DATTA.
- (3) The Hon'ble BABU BROJENDRA KISHORE RAY CHAUDHURI.
- (4) The Hon'ble BABU SRINATH RAY.

3. The Hon'ble Sir Deba Prasad Sarbadhikari proposed that only original proposals, amendments, and final decisions of the Committee should be recorded, and not the discussions.

The Committee agreed to the proposal.

4. At the suggestion of the Chairman the Committee resolved to follow the arrangement of the items in the *agenda* paper of the Bengal Legislative Council for the meeting of the 14th November, 1918, in taking up proposals for discussion.

5. The Hon'ble Babu Kishore Mohan Chaudhuri proposed that complete popular control over the local bodies should be granted immediately.

The Hon'ble Maulvi Abul Kasem moved by way of amendment that the constitution of the local self-governing bodies should be formed upon a more popular basis than at present, and that such control as is proposed to be vested in Executive officers of Government should be exercised by a duly constituted Local Government Board with a majority of non-official members.

The amendment was put and lost.

The original motion was then also put and lost.

6. The Hon'ble Babu Mahendra Nath Ray proposed "that the power of suspending defaulting local bodies should be vested in the minister in charge, and not in the Executive Council".

The Committee agreed to the proposal.

7. The Hon'ble Babu Bhabendra Chandra Ray proposed—

"That in Bengal there should be complete popular control in local bodies, and that such control as is proposed to be vested in Executive officers of Government should be exercised exclusively by a duly constituted Local Government Board with a majority of non-official members."

The Committee agreed to this proposal.

8. The Hon'ble Babu Kishore Mohan Chaudhuri proposed "that at least one advanced provincial administration should be immediately granted full responsible government for a limited period as an experimental measure".

After some discussion the proposal was rejected by the Committee.

9. The Hon'ble Sir Nilratan Sarkar proposed "that all questions of territorial redistribution as between the provinces should be decided in accordance with popular desire before the introduction of the proposed Constitutional Reforms".

After some discussion he withdrew his proposal.

10. The Hon'ble Maulvi Abul Kasem proposed "that all provincial Governors, including those of the minor provinces, should be appointed from outside the permanent services in the country".

After some discussion the proposal was rejected.

11. The Hon'ble Mr. Crum proposed "that two of the portfolios in every provincial Government should be held by European members of the Indian Civil Service".

After some discussion the proposal was rejected.

This brought the first day's proceedings to a close.

Second day's Proceedings, 15th November, 1918.

The Committee held its second meeting in Government House on Friday, the 15th November, 1918, at 11 A.M., the Hon'ble Babu Ambika Charan Mazumdar taking the chair.

2. The following non-official members were present :—

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR in the chair.

„ MR. CARTER.
 „ MR. HELY-HUTCHINSON.
 „ MR. ARDEN-WOOD.
 „ SIR R. N. MOOKERJEE.
 „ SIR NILRATAN SARKAR.
 „ KUMAR SHIB SHEKHARESWAR RAY.
 „ BABU SIVA PRASANNA MUKERJEE.
 „ BABU KISHORE MOHAN CHAUDHURI.
 „ MR. K. B. DUTT.
 „ BABU SURENDRA NATH RAY.
 „ MAULVI ABUL KASEM.
 „ KHAN SAHIB AMAN ALI.
 „ MR. IRWIN.
 „ BABU MOHENDRA NATH RAY.

3. At the suggestion of Messrs. Hely-Hutchinson and K. B. Dutt the Committee agreed to appoint a Sub-Committee consisting of 5 members, including the Chairman, to go through all the proposals (as printed in the List of Business, dated the 14th November) in order to formulate certain broad principles for discussion by the entire Committee.

4. The following gentlemen were appointed members of the Sub-Committee :—

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR (in the chair).

„ KUMAR SHIB SHEKHARESWAR RAY.
 „ SIR NILRATAN SARKAR.
 „ MR. HELY-HUTCHINSON.
 „ MAULVI ABUL KASEM.

This brought the second day's proceedings to a close.

Third day's Proceedings, 16th November, 1918.

The Committee held its third meeting in Government House on Saturday, the 16th November, 1918, at 11 A.M., the Hon'ble BABU AMBIKA CHARAN MAZUMDAR taking the chair.

2. The following non-official Members were present :—

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR in the chair.

"	"	MR. HELY-HUTCHINSON.
"	"	SIR R. N. MOOKERJEE.
"	"	MR. IRWIN.
"	"	MAULVI ABUL KASEM.
"	"	RAI MAHENDRA CHANDRA MITRA BAHADUR.
"	"	MR. ARDEN-WOOD.
"	"	MR. ARUN CHANDRA SINGHA.
"	"	MR. K. B. DUTT.
"	"	KUMAR SHIB SHEKHARESWAR RAY.
"	"	BABU SIV NARAYAN MUKHARJI.
"	"	RAI DEBENDER CHANDER GHOSE BAHADUR.
"	"	MR. EDEN.
"	"	MR. P. C. MITTER.
"	"	BABU KISHORI MOHAN CHAUDHURI.
"	"	KHAN SAHIB AMAN ALI.
"	"	BABU MAHENDRA NATH RAY.
"	"	MR. CRUM.
"	"	MR. MACKENZIE.
"	"	DR. A. SUHRAWARDY.
"	"	MAULVI A. K. FAZL-UL-HAQ.
"	"	SIR NILRATAN SARKAR.
"	"	BABU SURENDRA NATH RAY.
"	"	BABU BHABENDRA CHANDRA RAY.
"	"	MR. CARTER.

3. The Chairman presented the Report of the Sub-Committee (which sat on the 15th November) which ran as follows :—

REPORT OF THE SUB-COMMITTEE.

The Committee appointed under Resolution No. 10 of the special meeting of the Bengal Legislative Council held on the 14th November 1918 to consider and report on the Reform proposals having gone through a few of the subjects on the 14th met again on the 15th and appointed a Sub-Committee to arrange and simplify the rest of the business consisting of no less than 221 resolutions as appearing on the agenda paper of the Council meeting. The Sub-Committee consisted of 5 members, viz., The Hon'ble Mr. Hely-Hutchinson, Hon'ble Kumar Shib Shekharewar Ray, Hon'ble Babu Surendra Nath Ray, Hon'ble Maulvi Abul Kasem and the Chairman. After the Sub-Committee was formed, the Committee was dissolved for the day, and the Sub-Committee at once set to work on the 15th. It worked from about 11-15 A.M. to 4-30 P.M. with an interval of 45 minutes for lunch, and on behalf of the Sub-Committee I now beg to report the result of their labours and deliberations.

The Sub-Committee first went through all the resolutions in the agenda paper and divided them into 31 groups according to the different subjects which they embraced. Then these groups were considered one by one and the Sub-Committee has now selected a number of subjects representative of each group. In making this selection the Sub-Committee has taken care generally to choose the most comprehensive resolution of each group and where material differences have appeared it has selected more than one resolution in some groups. Counter-propositions have also been included in this selection to afford an opportunity to Hon'ble Members to express their difference of opinion. Where several resolutions appeared to be in substantial agreement with one another, one of them

has been generally selected, leaving to the movers of the other resolutions the option of either accepting and discussing the resolution so selected or to move their respective resolutions independently. In the case of the Imperial Government one general resolution urging some improvements in the constitution of that Council on the lines of the Provincial Council and another opposing such a change have been selected, leaving the Members of the Supreme Council to deal with the details.

The total number of propositions which the Sub-Committee now recommends for discussion at the meeting of the Committee has thus been reduced to between 36 and 50, and if the Committee accept these recommendations the discussions will now proceed on these selected subjects. It would, of course, be open to any Hon'ble Member to move any amendment to any of these propositions.

4. The Sub-Committee having recommended that discussion should be confined to the following representative subjects, the Committee next proceeded to take them up in order :—

1. Whether the members of the Provincial Executive Council should be elected or nominated.
2. Responsibility of Minister to the Legislature.
3. Status of ministers.
4. Additional members without portfolios.
5. Composition of Bengal Council.
6. Communal Electorates.
7. Muhammadan representation.
8. European representation.
9. Landholding representation.
10. Indian Commercial representation.
11. Representation of illiterate masses.
12. The Franchise.
13. Education in all its branches, whether to be a transferred provincial subject.
14. Separation of judicial and executive functions and the transfer of police to popular control.
15. The subjects to be transferred.
16. The Governor's power of issuing certificates.
17. Grand Committee.
18. Provincial Governments and Finance.
19. Income-tax, whether to be a Provincial receipt.
20. Allocation of supply for transferred and reserved subjects.
21. New taxation to be decided by the Executive Government as a whole.
22. Power of making loans.
23. Constitution of the Government of India.
24. Principle of responsibility to be applied to Government of India.
25. Creation of a Council of State.
26. Representation of the landholders of Bengal in the Council of State.
27. Indian Privy Council.
28. Abolition of the Council of Secretary of State.
29. Cost of India Office to be placed on British estimate.
30. Civil and Military Services to be open to Indians.
31. Alteration in the composition and mode of recruitment of the Indian Public Services and the recommendation of the Public Services Commission.
32. Simultaneous competitive examinations for public services.
33. Reduction on the cost of administration.
34. Regulation of the fiscal policy of India by Government of India.
35. Maintenance of the authority of Parliament over the Government of India or of the Government of India over Provincial Governments.
36. Representation of Indians in the Periodic Commissions of Inquiry.

5. The Hon'ble Mr. K. B. Dutt proposed—

“(a) that the Indian member of the Provincial Executive Council contemplated in paragraph 218 of the Report on Indian Constitutional Reforms should be nominated by the Governor from amongst three persons chosen by election for the post by the members of the Provincial Legislative Council; and

“(b) that the said arrangement should be operative only and until the goal of complete responsibility is attained in the provinces as set forth in paragraph 260 of the Scheme of Reforms.”

The Hon'ble Mr. Arden-Wood moved an amendment to the effect that the recommendations in the Report in regard to the nomination of the Indian member of the Provincial Executive Council should be given effect to.

The amendment was put and agreed to. The original motion was then declared lost.

6. The Hon'ble Mr. K. B. Dutt proposed—

“(a) that the ministers of the Provincial Government contemplated in paragraph 218 of the Report on the Indian Constitutional Reforms should be elected from amongst the elected members of the Provincial Legislative Council by the elected members of that body; and

(b) that the said arrangement should be operative only and until the goal of complete responsibility is attained in the provinces as set forth in paragraph 260 of the proposed Scheme of Reforms.”

The Hon'ble Maulvi Fazl-ul-Huq moved by way of amendment that the first part of the above proposal should read “that ministers should be appointed by the Governor from amongst a panel consisting of three or four members of the Provincial Legislative Council elected by the elected members of the said Council.”

The Hon'ble Mr. Crum moved as an amendment “that the Governor should ordinarily call upon the members having the greatest influence in the Legislative Council to be his ministers in charge of transferred subjects.”

The Hon'ble Rai Mahendra Chandra Mitra Bahadur moved as an amendment “that the ministers be elected by the elected members of the Provincial Councils.”

The Hon'ble Rai Mahendra Chandra Mitra Bahadur's amendment was put and lost.

The Hon'ble Mr. Crum's amendment was put and agreed to.

The Hon'ble Maulvi Fazal-ul-Haq's amendment as well as the original proposal were then dropped.

7. The Hon'ble Maulvi Fazl-ul-Haq proposed “that from the very beginning of the Reformed Councils, there should be no bar against the moving of a vote of censure on a minister or ministers by any member of the Legislative Council; provided that such vote should be deemed of no effect unless carried by a majority of two-thirds of the members present at the meeting; provided also that if such a vote is not carried as above, no such vote should again be moved on the same minister or ministers within a period of six months.”

The Committee unanimously agreed to the proposal.

8. The Hon'ble Maulvi Fazl-ul-Haq proposed “that the status, privileges and emoluments of ministers should be the same as those of members of the Provincial Executive Council.”

The Committee unanimously agreed to the proposal.

9. The Hon'ble Babu Kishori Mohan Chaudhuri proposed “that no additional members without portfolios should be appointed to the Provincial Executive Council.”

The Committee agreed to the proposal.

10. The Hon'ble Babu Surendra Nath Ray proposed “that the enlarged Legislative Council of Bengal should have at least 125 members, of whom at least 100 should be non-officials.”

The Committee, after some discussion, rejected the proposal.

11. The Hon'ble Maulvi Fazl-ul-Huq proposed "that the proportion of elected members in the Bengal Legislative Council should be at least four-fifths of the total number of members."

The Hon'ble Sir R. N. Mookerjee supported the proposal, but moved the substitution of the word "non-official" for the word "elected."

The Committee agreed to the proposal as amended.

12. The Hon'ble Mr. Arden-Wood proposed "that communal electorates and communal representation are necessary conditions of responsible government in India."

At the suggestion of the Hon'ble Maulvi Abul Kasem, he substituted the following for his original proposal;—

"That communal representation, secured by communal electorates or by nomination where electorates cannot at present be formed, is essential for all important communities which, whether by reason of numerical weakness or of backwardness, are unlikely to obtain adequate representation through a general electorate."

The Committee agreed to the latter proposal.

13. The Hon'ble Mr. P. C. Mitter proposed—

(a) "that whenever communal representation is allowed, half the seats allotted to a particular community should be filled up by members returned by the special electorate of the community and the other half by the general electorate; and

(b) that this system should be followed for a period of 10 years, *i.e.*, till the next Commission of Inquiry is held."

After some discussion the Committee agreed to the proposal.

14. The Hon'ble Maulvi Abul Kasem proposed "that the representation of the Muhammadans in the Legislative Assembly and in the Provincial Legislative Councils should be fixed in accordance with the Congress-Muslim-League Scheme."

The Hon'ble Khan Sahib Aman Ali moved as an amendment that the words "not less than that of" be substituted for the words "fixed in accordance with".

The amendment was put and lost.

The original proposal was then put and agreed to.

15. The Hon'ble Mr. Hely-Hutchinson proposed "that adequate representation on the proposed Imperial and Bengal Legislative Councils should be granted to European non-officials; such representation to be sufficient to safeguard European interests, and to correspond with any increase in the number of elected members."

The Committee unanimously agreed to the proposal.

16. The Hon'ble Mr. P. C. Mitter proposed "that adequate and proper representation should be allowed to the large landholding classes, and that in doing so due regard should be paid to—

(a) the proportion of seats at present allowed to such classes out of the total number of elected seats; and

(b) the proportion which the amount of land revenue will bear to the total provincial revenue."

The Committee rejected the proposal.

17. The Hon'ble Sir R. N. Mookerjee proposed "that with a view to safeguard the interests of Indian commerce and industries, special representation should be accorded to it both in the Provincial Legislative Councils and also in the Legislative Assembly of India and in the Council of State."

The Committee agreed to the proposal.

18. The Hon'ble Mr. Arden-Wood proposed "that the representation of the illiterate masses of the people in all Councils by representatives specially nominated for the purpose is necessary until a general electorate can be constituted for the purpose of such representation."

The Committee rejected the proposal.

19. The Hon'ble Babu Surendra Nath Ray proposed "that in the general electorate, literacy should be one of the tests of qualification."

The Committee rejected the proposal.

20. The Hon'ble Babu Surendra Nath Roy proposed "that in all cases, urban areas should have separate representation from rural areas."

The Committee agreed to the proposal.

21. The Hon'ble Sir Nilratan Sarkar proposed "that all branches of education, including University education, should be made provincial subjects."

The Committee agreed to the proposal.

22. The Hon'ble Sir Nilratan Sarkar proposed "that all branches of education, including professional education as well as commercial, industrial and technical education of all standards, should be made transferred subjects."

At the suggestion of the Hon'ble Mr. Arden-Wood the proposer agreed to insert the words "excepting European education" after the words "education of all standards."

The Committee agreed to the proposal as amended.

23. At the motion of the Hon'ble Mr. Hely-Hutchinson the Committee adjourned till Monday, the 25th November, 1918, at 11 A.M.

This brought the third day's proceedings to a close.

Fourth day's Proceedings, 25th November, 1918.

THE Committee held its fourth meeting in Government House on Monday, the 25th November, 1918, at 11 A.M., the Hon'ble Babu Ambika Charan Mazumdar taking the Chair.

2. The following non-official members were present :—

The Hon'ble	BABU AMBIKA CHARAN MAZUMDAR, in the Chair.
" "	J. W. HELY-HUTCHINSON.
" "	SIR RAJENDRA NATH MUKERJEE, K.C.I.E.
" "	MR. E. B. EDEN.
" "	MR. W. H. H. ARDEN-WOOD, C.I.E.
" "	KUMAR SHIB SHEKHARESWAR RAY.
" "	RAJA HRISHIKESH LAHA, C.I.E.
" "	BABU KISHORI MOHAN CHAUDHURI.
" "	RAI MAHENDRA CHANDRA MITRA BAHADUR.
" "	BABU SURENDRA NATH RAY.
" "	KHAN SAHIB AMAN ALI.
" "	MR. PROVASH CHUNDER MITTER.
" "	MR. ARUN CHANDRA SINGHA.
" "	BABU BHABENDRA CHANDRA RAY.
" "	MAULVI ABUL KASEM.
" "	RAI RADHA CHARAN PAL BAHADUR.
" "	MR. W. E. CRUM, O.B.E.
" "	DR. ABDULLA-UL-MAMUN SUHRAWARDY.
" "	MR. ALTAF ALI.
" "	MAULVI A. K. FAZL-UL-HAQ.

3. The Hon'ble Babu Surendra Nath Ray proposed "that in matters of finance the Provincial Governments should be independent of the Government of India, and that there should be a complete separation of Revenue between the Governments".

The Committee rejected the proposal.

4. The Hon'ble Babu Surendra Nath Ray proposed "that income-tax should be made a Provincial receipt instead of an Indian receipt as proposed, the resulting deficit to be met by a larger percentage of contribution out of the Provincial surpluses".

The Committee agreed to the proposal.

5. The Hon'ble Babu Kishori Mohan Chaudhuri proposed "that instead of allowing preferential consideration to any part of the budget allotment the supply for the transferred and reserved subjects should be allocated according to departmental needs by joint deliberation of the ministers and the members of the Executive Councils".

The Committee rejected the proposal.

6. The Hon'ble Babu Surendra Nath Ray proposed "that the Provincial Governments should have the power of borrowing in the open market for Provincial purposes on the security of Provincial revenue, but that the approval of the Government of India should be obtained as to the terms of the loan, including the method of borrowing".

After some discussion the proposal was withdrawn.

7. The Hon'ble Babu Surendra Nath Ray proposed "that the principle of responsibility should be applied simultaneously to the Provincial Governments and the Government of India, and that a similar division of subjects into 'reserved' and 'transferred' subjects should be made in the Government of India".

The Committee rejected the proposal.

8. The Hon'ble Babu Surendra Nath Ray proposed "that the total number of Indian members of the Executive Council, including those for transferred subjects, should be half the total number of members of the Executive Council of the Government of India".

The Committee agreed to the proposal.

9. The Hon'ble Maulvi Abul Kasem proposed "that the proposal to create a Council of State as a part of the Legislative machinery of the Government of India should be abandoned".

The Committee agreed to the proposal.

10. The Hon'ble Kumar Shib Shekhareswar Ray proposed "that the landholders of Bengal should have at least one elected representative in the Council of State."

The Hon'ble Maulvi Abul Kasem moved by way of amendment "that, if it is decided to retain the Council of State, the landholders of Bengal should have at least three elected representatives in the Council of State".

The Committee rejected the amendment.

The original proposal was then put in the following modified form and agreed to by the Committee:—

"This Council is of opinion that if the Council of State is allowed, the landholders of Bengal should have at least one elected representative in that Council".

11. The Hon'ble Babu Kishori Mohan Chaudhuri proposed "that there should be no Indian Privy Council as proposed".

The Committee agreed to the proposal.

12. The Hon'ble Babu Surendra Nath Ray proposed—

"(a) that the Council of the Secretary of State should be abolished, and

(b) that the Secretary of State should have two or more permanent Under-Secretaries, of whom at least half should be Indians."

The Hon'ble Mr. Crum moved by way of amendment "that the Council of the Secretary of State should be so modified as to consist of members, both European and Indian, who are in close touch with current Indian affairs and opinion".

The amendment was put and agreed to.

The original proposal was then dropped.

13. The Hon'ble Mr. Provash Chunder Mitter proposed "that the cost of the India Office should be placed on the British Estimates".

The Hon'ble Mr. Hely-Hutchinson moved by way of amendment that the words "so far as is found possible" be added at the end of the original proposal.

The proposal, as modified, was then unanimously carried by the Committee.

14. The Hon'ble Mr. Provash Chunder Mitter proposed "that all services, civil and military, which are paid for from the Indian revenues, should be open to, and within the practical reach of Indians".

The Committee agreed to the proposal,

15. The Hon'ble Rai Mahendra Chandra Mitra Bahadur proposed "that provision should be made for holding competitive examinations simultaneously in India and in England for all the public services in India, including the Indian Civil Service, which is at present recruited from England only".

The Hon'ble Mr. Eden moved by way of amendment "that the changes proposed to be made in the composition and mode of recruitment of the Indian Public Services should not go beyond the recommendations of the Public Services Commission".

The amendment was put and lost.

The original motion was then put and agreed to by the Committee.

16. The Hon'ble Maulvi Abul Kasem proposed "that every effort should be made to make a substantial reduction in the cost of administration, and particularly in the rates of pay, pensions, and allowances of the higher branches of the Indian services".

The Committee agreed to the proposal.

17. The Hon'ble Maulvi Abul Kasem proposed "that, saving such equal and equitable Imperial obligations as may be agreed upon as resting on all parts of the Empire, the Government of India, acting under the control of the Indian Legislature, should enjoy the same power of regulating the fiscal policy of India as the Governments of the self-governing Dominions generally enjoy of regulating their fiscal policies".

The Hon'ble Mr. Hely-Hutchinson moved as an amendment "that, saving such equal and equitable Imperial obligations as may be agreed upon as resting on all parts of the Empire, the Government of India should have the power of regulating the fiscal policy of India".

The proposer having accepted the amendment it was put and agreed to by the Committee unanimously.

18. The Hon'ble Maulvi Abul Kasem proposed "that the authority of Parliament over the Government of India or of the Government of India over Provincial Governments should not be withdrawn or relaxed except in so far as the same may be really transferred to constituencies exercising control through their representatives in the Legislature, who would be responsible to their respective constituencies for their policy and vote".

After some discussion the proposal was withdrawn.

19. The Hon'ble Rai Radha Charan Pal Bahadur proposed "that provision should be made for the adequate representation of Indians in the Periodic Commissions of Enquiry".

The Committee unanimously agreed to the proposal.

20. The Hon'ble Maulvi Abul Kasem proposed "that if law and order be treated as reserved subjects then there should be a complete separation of Judicial and Executive functions throughout the country".

The Hon'ble Mr. Hely-Hutchinson suggested that the words "the maintenance of law and order" be substituted for the words "law and order".

The Hon'ble Maulvi Abul Kasem accepted the suggestion.

The proposal as amended was then agreed to by the Committee.

21. The Hon'ble Mr. Hely-Hutchinson proposed "that the proposal to establish Grand Committees should be abandoned".

The Committee agreed to the proposal.

23. The Hon'ble Babu Kishori Mohan Chaudhuri proposed "that the Governor in Council should be the 'certifying' authority in the Provinces in regard to legislation and budget allotments".

The Committee agreed to the proposal.

23. The Hon'ble Mr. Hely-Hutchinson proposed "that it will be dangerous to alter the constitution of the Government of India before the proposals regarding the Provincial Governments outlined in the Report on Indian Constitutional Reforms have been given effect to and their working observed".

After some discussion the proposal was withdrawn.

24. The Hon'ble Mr. Crum proposed that "river conservancy" should, in the case of Bengal, be removed from the list of transferred subjects given in illustrated list II in Appendix II of the Report."

The Committee agreed to the proposal.

25. The Hon'ble Mr. Crum proposed that "light and feeder railways" should, in the case of Bengal, be removed from the list of transferred subjects given in illustrated list II in Appendix II of the Report."

The Committee rejected the proposal.

26. The Hon'ble Kumar Shib Shekhareswar Ray proposed "that the sub-heads 'maintenance of land records' and 'records of rights' under the head 'Land-revenue administration' should be included in the list of transferred subjects".

The Committee agreed to the proposal.

27. The Hon'ble Maulvi Abul Kasem proposed "that Court of Wards, encumbered and attached estates should be treated as transferred subjects in Bengal".

The Committee agreed to the proposal.

28. The Hon'ble Maulvi Abul Kasem proposed "that prisons should be treated as a transferred subject in Bengal".

The Committee agreed to the proposal.

29. The Hon'ble Maulvi Abul Kasem proposed "that in the Presidency of Bengal the transferred subjects should include industrial matters (No. 19, illustrative list No. I)".

The Committee agreed to the proposal.

30. The Hon'ble Maulvi Abul Kasem proposed "that in the Presidency of Bengal the transferred subjects should include the appointments, conditions of service, and control of all Provincial services (No. 4, illustrative list No. I)".

The Committee agreed to the proposal.

31. The Hon'ble Maulvi A. K. Fazl-ul-Haq proposed "that borrowing on sole credit of Provincial revenues should be treated as a transferred subject in Bengal".

After some discussion the proposal was withdrawn.

32. The Hon'ble Maulvi Abul Kasem then proposed "that in the Presidency of Bengal the transferred subjects should include all the subjects mentioned in illustrative list No. II subject to the modifications noted in the previous resolutions on the subject".

The Committee agreed to the proposal.

33. The Hon'ble Kumar Shib Bhikhareswar Ray proposed "that the present proportion of the elected representatives of the landlords of Bengal in the existing Local and Imperial Legislative Councils should be maintained in the enlarged Bengal Legislative Council and in the Legislative Assembly".

The Committee agreed to the proposal.

34. The Hon'ble Maulvi A. K. Fazl-ul-Haq proposed "that the question of the communal representation of Muhammadans by special electorates should not be open to re-consideration by any Commission unless the Muhammadans themselves waive their right to this privilege".

The Committee agreed to the proposal.

35. The Hon'ble Maulvi A. K. Fazl-ul-Haq proposed "that it should be obligatory to convene meetings of the Provincial Legislative Councils at stated intervals, or on the requisition of a certain proportion of the members of such Council".

The Committee agreed to the proposal.

36. The Hon'ble Maulvi A. K. Fazl-ul-Haq proposed "that no subjects should be removed from the transferred list after having been once made over to popular control".

The Committee rejected the proposal.

37. The Hon'ble Maulvi A. K. Fazl-ul-Haq proposed "that the department dealing with the police should be in charge of the Indian Member of the Executive Council till it is transferred to popular control".

The Committee agreed to the proposal.

At the suggestion of the Hon'ble Mr. Crum it was decided that the majority report should be circulated to all members who will then, if they so wish, prepare the minority report.

The Committee concluded its labours with a vote of thanks to the Chair proposed by the Hon'ble Mr. Crum and seconded by the Hon'ble Mr. Hely-Hutchinson.

D.S.

Extract paragraph 3, from ~~a~~ letter No. 1374, dated the 7th January 1919, from the Hon'ble Mr. J. L. Ferr, M.S.L., C.I.C., Chief Secretary to the Government of Madras, to P.C. Talents, Esquire, I.S.S., Secretary, Reform Committee (Franchise), Camp.

As regards the percentage of voters to population in the general and urban constituencies respectively, the figures are:-

Municipal areas.

	Total population.	Voters.		
		Muhamedan.	Non-Muhamedan.	Total.
Madras and Bellary	201,800	1,918	11,410	13,328
Municipalities in the district	131,432	1,169	12,092	13,261
Municipalities in the provinces	523,514	7,111	27,743	34,854
Madras	108,851	3,942	5,163	9,105
Madras	226,067	3,523	31,630	35,153
Total	1,836,614	17,643	89,041	106,684

voters in the municipal areas therefore form 5.6 per cent of the population. For the other general electorates, the figures are:-

Total population	Voters.		
	Muhamedan.	Non-Muhamedan.	Total
43,177,023	42,900	600,156	1,121,056

The percentage of voters to population in this area is therefore:

Statement I.

Towns with the population of 25,000 or over and for which separate urban representation has been provided for in the scheme of the Bengal Government.

1. Calcutta.
2. Howrah
3. Dacca
4. Kaniktala
5. Ehatpara
6. Serampore
7. Gossapore-Chitpur
8. Garden Reach
9. Titagur
10. South suburbs
11. Hooghly-Chinsura
12. South Barrackpore
13. Barran/apore
14. Bhadreswar
15. Bally
16. Balidyabati.

1. The number of constituencies proposed in
Statement II.
during the Session of 1957 is as follows:

**Towns with a population of 20,000 or over which it is
proposed to amalgamate with the general constituencies.**

1. Bardwan

2. Midnapore

3. Chittagong

4. Baranganj i.e. shifting to Baranganj

5. Santipur

6. Berhampore

7. Siraganj

8. Krishnaagar

9. Bankura

10. Rampur Boalia

11. Kawaganj

12. Comilla

13. Barisal

14. Brahmanbaria

15. Azansol

16. Jamalpur

17. Bishnupur.

2. The number of constituencies proposed in
Statement III is as follows:

7. The number of constituencies proposed in
Statement IV is as follows:

(b) to reduce the extent of special representation proposed;

(c) to exclude them as candidates and veterans from general constituencies.

A proposal to enlarge the proposed University representation, by allotting three members, one to be elected by the Senate and Fellows, one by the Professors of Colleges and of the University, and a third by the registered graduates.

The extent of representation of European interests, and the framing of definite schemes for the representation of (1) jute, (2) shipping, (3) inland water transport, (4) tea, (5) mining and (6) general commercial interests. The need for separate representation for the Calcutta Port Trust.

The possibility of framing an electorate for the representation of Anglo-Indian interests.

The framing of a definite scheme for the representation of Indian Commerce. The claims of the Bengal National Chamber of Commerce, & the Mahajana Sabha, to participate in such representation.

The claim for representation by the Marwari Community, through the Marwari Association or otherwise.

The question of an increase in the size of the proposed Council in order to provide for any of the above suggestions, if accepted, or otherwise.

The conditions (if any) which should, if the proposal to fix the maximum number of seats at 120 be accepted, regulate the allotment and the remaining eight by the Govt.

The proportion of Muhammadan representation on the Indian Legislative Assembly, in accordance with the

Congress-League compact, of one-third or otherwise.

A proposal to increase the number of general representatives from 3 to 4, and to reduce the landholders' representatives by one, on the Indian Legislative Assembly.

A NOTE
BY THE BENGAL NEMASUDRA ASSOCIATION
ON ELECTORATES.

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*Not
available*

From the accompanying report of the Conference of the Nemasudra Representatives held at the Dalhousie Institute a copy of which is submitted herewith in order to give some idea of the case of the Nemasudras and of other backward castes similarly situated in Bengal numbering about 16 millions (a list of which is appended herewith) it will be seen that there is much in the Report with which our Association can not bring itself to agree. But so far as the present purpose of submitting our suggestions about would-be electorates is concerned we are glad to state that we agree with the general outline sketched in paras 225-226 of the Report. To be more definite, we agree "in the first place that the system of indirect election should be swept away". We further agree with the second point namely "that the limitation of the Franchise, which is obviously desirable to make as broad as possible should be determined rather with reference to practical difficulties than to any apriori consideration as to the degree of education or amount of income which may be held to constitute a qualification."

With this brief prelude, we proceed to place our suggestion about representation which we shall put in the form of some short propositions. We shall then give our reasons on which those propositions are based. We should also submit an alternative suggestion which is also not discountanced by a weighty opinion amongst some leading members of various backward castes.

Representation

(1) In Bengal a Legislative Council of, say, 130 members should be established.

(2) In non-municipal areas the possession of a land-lord's receipt on payment of rent should be held to constitute a

qualification for a vote.

(3) Of these 130 members a substantial majority of 80 should be elected by various electorates. Of these again 45 should be elected by inhabitants of nonmunicipal areas, 15 by those of municipal areas and 20 to go to meet other cases. Of the remaining 50, 30 should be nominated by the Provincial Governor and the remaining 20 to go to meet the cases of ex-officio members and others.

(4) The ratio between the seats elected by nonmunicipal areas and by municipal areas should be the ratio of population inhabiting in each i.e. to say 3 to 1.

We now proceed to state the reasons on which each of the above proposition is based:-

(1) The number 130 for Bengal Provincial Legislature is suggested in view of the conflicting interests of the Mahomedans, the European and specially of the various castes of Hindu community and of its large backward classes. The number however, we frankly admit is a little arbitrary and it will not matter much so long as the number remains somewhere between 120 and 150. The other figures will in that case change proportionately.

(2) The qualification of the possession of the landlord's receipt is proposed in view of the condition set forth in the para 226 in the Report. It is at the same time very practicable in view of the work of the settlement department. Moreover, if the sub-registrar's office is temporarily reduced to a polling station under the guidance of a responsible officer, all the difficulties set out in para 226 namely "the maintenance of an electorate roll, the attendance of voters at a polling centre, the degree of impersonation and the subsequent adjudication of electoral petitions etc. would be reduced to as small a fraction as

rd's receipt on payment of rent should be held to constitute a

practically possible. This system will at the same time keep the number within easily manageable limits.

(3) It is perfectly realised in the Report that for many years to come a very overwhelming majority of the agricultural population (i.e. to say the backward classes which comprise 174 castes numbering about 14 to 16 millions) will go without any representation in the Provincial Legislative Council. In the Report it is proposed that these cases will be met by nomination, so it is highly desirable that the number of seats available through nomination by the Governor should be sufficient so as to enable him to discharge this very onerous duty. Moreover the Report contemplates Provincial Governors to be personalities of exceptional calibre. Consequently the Governor must be given sufficient scope (i.e. to say power of nomination) to meet the cases of so many unrepresented castes (at least of a majority of them) who form a preponderating majority of the Hindu community. If such a free hand is not allowed the position of the Governor will be an anomalous position of responsibility without power. No less a number of seats than 30 (if the total number is 130) will meet this requirement. But if any of the castes (as detailed in Appendix) is represented through direct electorate, the number of nominations by Governor may be correspondingly decreased and the number of elections correspondingly increased. Any system of franchise failing to take due note of the fact that so many castes are sure to have no representation except by nomination such method will almost amount to a political tragedy from the point of the backward classes inasmuch as it will serve to establish a kind of unsympathetic oligarchy of some limited though advanced castes under the influence of which a lot of the backward classes will forever remain sealed.

(4) The proportion between the number of seats reserved for the backward classes and the total number of seats should be sufficiently substantial

institutions in 1901.
 elected majority. Moreover in view of the foregoing suggestions this number will prove capable of increase even upto 110 correspondingly with the increase of elected members of the backward castes who, we are sure, will be unrepresented, except by a system of nomination or special electorates. Then again another very important point has always to be remembered that under the present circumstances of an uneven progress of education and distribution of wealth, some castes namely Brahmins, Kayasthas and Baidyas and a few other castes numbering about 5 millions will secure almost all the seats in the Legislative Council although their interests are extremely conflicting with the interests of the backward classes.

many other defects.
 This helplessness can be got rid of (to a very small extent though) either by special or communal representation or by nomination. The former does not appear feasible to us in Bengal in view of the so many castes. The only way therefore to protect the interest of the backward classes can be through nomination. But as has been already said no less a number than at least 30 will meet the case of about 14 millions of people.

(4) We propose a fixed ratio to be observed in view of the fact that to give preponderance to either transgressing the proposition would be to give preponderance to some castes over others. In the Municipal areas 95 per cent of people come from the advanced castes namely Brahmins, Kayasthas & Baidyas and a few other castes. Moreover the advanced castes will have an advantage in other special electorates as in the case of the Calcutta University. So the interests represented by municipal areas and by nonmunicipal areas being at bottom a question of an advanced castes and backward castes (whose interests are conflicting) the proportion between seats taken by municipal areas and nonmunicipal areas should be in accordance with the number

inhabiting in each.

Wholesale Communal Representation:- Another suggestion by which the interests of all the different castes and communities can be safeguarded is by a method of wholesale communal representation, in accordance with their respective numbers. Although such a system is open to the forcible arguments as contained in paras 227-230 of the Report and also to the practical difficulties of meeting the requirements of so many castes still it has the invaluable advantages of (i) reducing possibility of the oligarchy of a handful of limited castes to minimum; (ii) of bringing all artificial agitations at once to their proper size; and (iii) of making the Legislative Council mirror of the Country. This certainly will be a tentative measure. But we do not urge upon it as we are ourselves fully aware of many other defects.

To conclude we can not too strongly emphasise the fact that the conditions of Bengal are extremely peculiar to itself. No where in India are there so many castes in a single Province and bitterness between these castes so strong. Consequently electorates should be brought based enough so as to represent at least a majority of the people of Bengal. Even when it is so and for many years to come an overwhelming number of castes representing a preponderating majority of the Hindu community will remain unrepresented, owing to, as has already been said, an uneven progress of education and accumulation of wealth. Hence the paramount need of keeping sufficient number of seats for them through nomination by Governor. This will decrease and the number of seats through elections increased correspondingly with the increase of members of backward castes through direct election. Our Association trusts these suggestions coming as they do from a very large and loyal caste in Bengal and Assam numbering over 2 millions will receive a due and adequate consideration. Although these are the authorised suggestions of one caste only.

In their communication dated 14th October 1916, the
Mamasudras being an essentially agricultural community they
apply *mutatis mutandis* to every other agricultural caste of
Hindu communities a list of which is appended with this note
the terms of paragraph 105 and 106 of the Report of the
Joint Constitutional Committee—in their letter no. 2022

Memoranda from the Commissioners for the Port of Calcutta for presentation to Committee on Franchise.

In their communique dated 15th October 1918, the Government of India announced the constitution of, and of reference to, the Committee on Franchise and Division of Functions, respectively, appointed in accordance with the terms of paragraphs 225 and 238 of the Report of Indian Constitutional Reforms. In their letter No. 2662 Marine, dated 8th November 1918 the Government of Bengal in connection with a representation made to them in letter No. 5163, dated 10th September 1918, copy attached, have invited the Commissioners for the Port of Calcutta to place before these Committees memoranda on the matters referred to them. This memorandum has therefore been prepared in order to place before the Committee on Franchise the views of the Commissioners, so far as these can be present be formulated on the question of the representation of their Trust on the reformed Councils.

It will be seen from the letter mentioned in the preceding paragraph that the Calcutta Port Trust is at present controlled in most respects by the Government of Bengal, in accordance with the Calcutta Port Act- Bengal Act III of 1890. The Trust comprises 16 Commissioners, namely, the Chairman and Vice Chairman- appointed by Govt, 9 elected Commissioners- of whom 6 are chosen by the Bengal Chamber of Commerce, 1 by the Calcutta Trades Association, 1 by the Calcutta Corporation and 1 by the Bengal National Chamber of Commerce- and 5 nominated Commissioners, the heads of the three railways serving Calcutta, the Collector of Customs, and the Captain Superintendent, Royal Indian Marine. In practice, the representatives of the Bengal Chamber are chosen with a view to the representation of shipping interests, the more important import and export trades and the Inland Steamer Companies. The Port Trust is not directly represented on the Bengal Council as at present constituted but its Chairman is a member of the

Board of Revenue, is a nominated official member of that Council, and it is usual for one or more of the Commissioners elected by the Bengal Chamber to the Port Trust to be members of Council, either elected or nominated.

In the letter to Government which is referred to above, the Commissioners have suggested that consideration be given to the formulation for Indian Ports of some scheme of Imperial unity and control, such change to be accompanied by a relaxation within defined limits of the restrictions now imposed by their Act. Whatever the decision be on this proposal, it is not anticipated that direct representation of individual Port Trusts in the Imperial or Legislative Assembly will be feasible, and such bodies will, it is presumed, have as their mouth-piece the official in charge of the Department or Board which controls them. The question of the representation on the Bengal Council of the interests served by the Calcutta Port Trust must be considered independently for it is clear that even if the present control by the Local Govt were to be replaced by a more general control exercised by the Govt of India, the efficiency of the Port of Calcutta will continue to be a matter of intimate concern to the Province of Bengal; that it must directly affect not only those industries which have already secured established positions, but also those which- having recently been initiated under the stimulus of war-time conditions- have yet to prove their stability, and others which under favourable circumstances may shortly come into being. It seems probable also that, from time to time, questions will arise in the Provincial Legislative Council concerning other branches of the Administration which directly affect the interests of the Port Trust also; while, from the nature of the case it is hardly possible to specify such contingencies, mention may be made as possible examples, of railway projects or schemes of irrigation and river conservancy (some of which it is contemplated to treat as "transferred" subjects) which might have an important bearing on the head-waters of the river

roughly and consequently on the welfare and improvement of its navigable channel. In another direction, important questions connected with the municipal Administration of the City of Calcutta or schemes of the Calcutta Improvement Trust may come under discussion, calculated to affect the interests of the Port Trust. The Commissioners recognize that the interests they serve are primarily those of the Mercantile Community, which they presume will be adequately represented, but they feel that the Trust, as an important corporate body, possess individual interests, which by virtue of their size and importance, warrant direct representation, and in the enlarged Council, which is in contemplation, they trust that it may be found possible to ensure them this privilege.

Extract from a letter from the Hon'ble Sir Reginald Craddock, K. C. S. I., Lieut.-Governor of Burma, to His Excellency the Viceroy, dated the 18th October 1918.

With great respect, I feel bound to say that I think Your Excellency and Mr. Montagu have hardly given sufficient weight in the scheme of reforms to the non-official European element. It has hitherto been rather regarded, in our existing legislative schemes and also in the reform's scheme, that the British character of the administration is to be maintained through the agency of a substantial proportion of Europeans in the public services. But it seems to me to be equally arguable that the tone of that British character should also be imparted through non-official European agency. The nominated European officials on councils are, of course, a wholly anomalous element in a scheme of responsible government. They are absolutely necessary at this stage, but it seems likely that, if the self-governing capacity of Indians should develop, one of the developments will be the gradual disappearance of officials. Surely, therefore, it is expedient that full provision should be made at the outset for the inclusion of an elected element which will impart some of the required British character to the conduct of business in Council. It may, of course, be said that the non-official European interest in the country is of an exceedingly selfish nature, that they are only looking to their own profits and are anxious to clear out as soon as they have made their pile. This view was strongly held by Meyer whenever I tried to secure the Europeans in India one or two more representatives. But the way to combat these purely selfish interests in the country and to use the material better for the good of the country rather than for the mere profits of the firms, is by bringing this European element more into the scheme of Government and by giving them larger representation in the councils against the day when the disappearance of European officials from these councils may be an inevitable development. To the argument that these persons represent an infinitesimal number among the whole population, who cannot with propriety be given representation out of all proportion to the relative numbers of the total population of India, I would make the rejoinder that the same argument might be used against the European element of the services, and that the necessity for maintaining the British character of the administration is the true justification both for one and for the other. It may be quite true that most of these Europeans have made their profits. But the whole of the Indian capitalists, merchants, traders, &c., are doing precisely the same, and it is obvious that no one, whether European or Indian, is going to collect and devote his own and other people's capital for the development of the country without an objective of private profit. The official, whether European or Indian, gives his services to the country in return for his salary; the merchant also does great service to the country in return for his profits. The latter is paid by results; the former by fixed remuneration. The gibe, therefore, that the Europeans are merely selfish money-grubbers really has no weight in a decision as to the composition of the bodies which should assume responsibility, greater or less, for the conduct of the affairs of the country. I do not consider, therefore, that one or two representatives from Chambers of Commerce and from Trades Associations is a sufficient representation of European interests. It is a representation of somewhat narrow interests; in fact, the selfish portion of those interests against which the Indian press would declaim. Members returned from constituencies of this kind regard themselves as having discharged their obligations if they merely appear and vote regarding measures of commercial importance. They do not regard themselves as seriously charged with a share of determining the main principles on which the administration of the country is to be carried on. But if greater European representation, as such forms part of the new constitutional reforms, as I hope it will, it will be impressed on Europeans—and I have little doubt that they will fully realise this fact—that they are no longer merely concerned with purely commercial matters which may affect their businesses, but have equal responsibilities with every other member, official or non-official, for the good government of the country.

Statement of Prince Afsarul Mulk Mirza Akram Hossain
Bahadur, Sheriff of Calcutta.

1. The strength of the Council should be 125
- (2) 4/5th by election and 1/5th by nomination (3) adequate representation should be given to Europeans (4) the remaining seats should be equally divided between Hindus and Mahomedans.

The Mahomedan seats should be given in this way:-

(a) One seat each to the representative of Oudh, Mys and the Nizam Family to be elected by an electorate composed of the Members of these families.

(b) Two seats each to the Calcutta and Dacca Universities, (c) Remaining seats to be distributed according to requirements among the districts:

In no case, the Mahomedan representation should be less than 50 p.c. of the Indians elected.

We lay special stress on the claims of the Oudh, Mysore and Nizam families, to one of the seats by election or nomination.

In the past, a representative of these families has almost invariably been a member of the Provincial or Imperial Legislative Council by nomination, e.g., Prince Sir Jehan Qdr Mirza Mohamed Wahid Ali Bahadur of Oudh, K.C.I.E., (Imperial Council); Prince Mohamed Bukhtyar Shah Furrakh Shah of Mysore (Bengal Council), Prince Mohamed Bukhtyar Shah, C.I.E., of Mysore (Bengal Council). The Nawab Bahadur of Murshidabad. As the number of nomination is going to be considerably reduced in the new scheme, we fear that unless Government pays particular attention to these families they will have no chance of being in the Council.

Note by the Hon'ble Khan Bahadur Maulvi Syed
Abdul Majid, B.L., Added Member to the Franchise
Committee from Assam.

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As desired by his Lordship the President of the
Franchise Committee at an interview which his Lord-
ship was pleased to grant on 16th Decr. 1918, the fol-
lowing few points are submitted for the consideration
of the Franchise Committee:-

1. I am in entire agreement with the Hon'ble the
Chief Commissioner of Assam as to the total strength
of the Council, i.e., 50 plus 5. The majority of
the witnesses examined from Assam are also of the same
view as will appear from their evidence.
2. As to the distribution of elected seats, 40,
there has been divergence of views. The Surma Valley
witnesses are for equal distribution of seats for the
Indians, while the two Assam Valley Indian witnesses
out of three claimed 25 and 21 seats for the Assam
Valley, and 15 and 19 seats for the Surma Valley
respectively, and in the cross examination they have
completely failed to support their claims for getting
more seats than the Surma Valley. It is admitted by
all the witnesses that the seats in both the valleys
should be distributed according to population, and the
population of the plain tracts of both the valleys
where the reforms are intended to be introduced are
almost equal, the Surma Valley having about 50,000
more than the Assam Valley if the population of the
Hill tracts of both the valleys are excluded. The
figure of the Assam Valley population is given as
31,08,669 supplied by Mr. Nabin Chandra Bardaloi.

2.

the Census
Report of 1911,
Part III, Part I,
p. 45.

population of the Hill tracts of Nowagong, Sibgar and other districts. Excluding the population of these hill tracts Lalung 32,790, Mikir 1,02,212, M 13,256 37,471, total 1,85,729, his figure is reduced to 29,32,940. Thus the population of the Burma Valley plain districts exceeds by 47,194 that of the Assam Valley plain districts.

3. The Mahomedans of the Burma Valley being in the majority, are entitled to get the number of seats according to their population, and the Hindu witnesses have not claimed otherwise. The difficulty arises in the case of the Assam Valley Mahomedans who have been proposed two seats only and the Hindus 13. It has been proved by questions put by me to the Hon'ble Mr. Webster, the Chief Secretary, that a large increase of Mahomedans in the Assam Valley has taken place owing to immigration from the neighbouring Bengal districts. The increase according to Mr. Nabia Chandra Bardaloi over the Hindu population since the last census is about a lakh, that according to the evidence of Maulvi Darajud-din is about two lakhs. Under the circumstances the Muhammedans are entitled to 3 seats instead of two as recommended by the Hon'ble the Chief Commissioner on the basis of population and they claim one or two more seats in consideration of their political importance. Their claim for 4 seats at least seems to me to be reasonable, 3 on the basis of population, and one in consideration of their political importance. I understand the Muhammedans of every province are going to get some seats in excess of their population, and I do not see any reason why the Muhammedans of Assam should receive a differential

4. Ten out of forty elected seats have been recommended for Britons in Assam. The Britons have played very important part in opening the Province. I think, that they should be given important place in the proposed Council. But ten(10) seats as proposed for them seem to me unjustifiably large.

Number of Europeans, Armenians and Anglo-Indians have been shown in the last Census Report to be 2,725 including the Manipur State and Hill tracts. Excluding the European population of Manipur 63, Khasi and Jaintia Hills 326, Naga Hills 31, Lushai Hill 40, Garo Hill 10, and Armenians 5, the figure of the plain districts of both the Valleys stands at 2,250. So, if 10 seats are allotted to this population it will come to this that every 225 persons including male, female and children will return one member whereas in case of the Indians every two lakhs will return one member. I am, therefore, of opinion that 5 seats instead of 10 will be more than enough and far in excess of what they would be entitled to on the basis of population. As the proposal is to give one member to the Shillong Municipality, it is certain that a Briton will be returned and this will make .6. In addition there will be 5 or 6 nominated officials who as a matter of course will be Britons. The Britons will further be able to control some of the Indian seats, in returning Indian Member of their own choice, as, it will be impossible for the Coolie population to vote against the wishes of their employers - the Rag Managers of the garden.

5. The Muhammedans of both the Valleys of Assam have declared themselves in favour of Communal

appear from the cross examination of Babu Kahitish Chandra Das, B.L., and Mr. Kabin Chandra Bardoloi.

6. I am not prepared to recommend the basis, an income of Rs. 250, for a franchise, as it is impossible to correctly ascertain the income. The only feasible basis are:-

- (1) Payment of chowkidari tax in rural areas of the permanently settled tracts,
- (2) Payment of municipal taxes in the urban areas,
- (3) Payment of Government revenue in temporary settled areas,
- (4) Payment of income tax,
- (5) Educational qualifications, such as following:-
 - (a) Graduates,
 - (b) Passed Maulvies and Pandits,
 - (c) Government servants drawing minimum salary Rs. 30/-.
 - (d) Pleaders and Kulktears.

As the payment of chowkidari tax is not uniform in all the units it ought to be equalised by revision of taxes and in doing this the minimum qualifying standards should be determined with reference to the number of voters to be required, as whatever number is required should be arrived at with reference to the amount that will give the requisite number. The same should be done in case of the temporary settled states. Payment of Rs.20/- as Government revenue was suggested by some of the witnesses. According to some of them this would give votes to the 75 p.c. of the population, while according to the Chief Commissioner and the Commissioner of Assam Valley this would give only 1 p.c. I am tempted to disagree with both the

5.

The Administration can very well arrive at a true estimate and enlighten the committee on the subject without much troubles.

7. I am in full sympathy with the aspirations of the Mahasya Community, but I think they have failed to establish their claim for separate representation. They are not untouchables and are as much Hindus as others are, and from my experience of the conditions of the Surma Valley they are equally treated by the rest of the Hindus. The difference between this Community and other Hindus is as much as between other castes. They are Sudras and a considerable number of them in the Surma Valley are decent landlords and occupy high position. The Mahasyas of the Surma Valley are not Kaibartas as noted down in the scheme of the Hon'ble the Chief Commissioner and they have never found difficulty in the election from a mixed electorate.

Sd. Syed Abdul Majid,

3.1.1919.

A NOTE ON Electoral Franchise.

TWO conditions have been urged in the Report for the formation of electorates, about which there does not exist much difference of opinion. These are, firstly, that the method of election should be direct, and secondly, that the franchise should be as broad as possible. The practical application of these principles is difficult as any scheme of franchise must take account of the peculiar circumstances of the country. Already the cry has been raised that even a beginning of responsible Government can not be made in India without very large electorates in which all classes and interests should be properly represented. It is forgotten that in England, according to Sir William Anson, full responsible Government was established about 1830 though the foundation of a broad and liberal franchise was laid only in 1832. The power of the middle classes grew out of the great Reform Act of 1832 up till when the landed aristocracy had the practical monopoly of control over elections to the House of Commons. The labouring classes were gradually enfranchised by the Acts of 1867, 1884 and 1888. Further development was reached in 1918 when under the Representation of the People Act 8 millions of voters including women were added to the list. Prior to 1867 the number of electors in boroughs and counties of the United Kingdom did not exceed 1,370,793. In 1910 the number of electors was about 8 millions and this year the number is 16 millions of whom 6 millions are women. Of course population has considerably increased during these periods, viz., from 23 millions in 1831 to 45 millions in 1911. The proportion of electors to population has risen from 4 per cent in 1832 to 33 per cent in 1918. The process of increase was slow and gradual. In India also we can not expect a very low and wide franchise to be feasible at the very start. But that should be no reason for keeping back the scheme of reforms out of which full responsible Government is expected to grow in India. The franchise, however, should be as broad as the circumstances of the country will permit.

Presidency—757,689, Calcutta—896,067. On this basis the Chittagong Division will have one member, Rajshahye Division two members, Dacca Division 3 members, Burdwan Division 6 members, the Presidency Division 7 members and Calcutta 9 members. The Municipal areas of the five divisions will thus return a total number of 28 members. The number will not be considered large in view of the fact that they mostly represent the culture, intelligence, and public spirit of the Province. The combined municipal areas of each administrative division will be a constituency. Calcutta will be a constituency by itself.

Every male person of the age of 21 and otherwise qualified residing or having a place of residence within the Municipal areas of a division who (a) pays a Municipal rate of not less than Rs. 8/- per annum as the owner or occupier of a holding, or (b) pays a license-tax of the sum of Rs. 10/-, or (c) has an annual income of Rs. 500/-, or (d) is a graduate of any of the Universities of India or of the United Kingdom, or (e) is a Licentiate in Law, Medicine or Engineering, or (f) is the editor of any newspaper or magazine, or (g) is the manager of any Registered Company, or (h) is a Barrister-at-law or an Attorney-at-law will be eligible to be an elector provided that no elector shall have more than one vote within a single constituency though he may possess more than one of the qualifications described above. But any person possessing the necessary qualifications shall be allowed to be registered as a elector in as many constituencies as he is qualified for. For Calcutta except in (a) where the qualification will be a payment of Municipal rate of Rs. 40/- per annum, in (b) where a person will be required to pay a license tax of Rs. 25/- and in (c) to pay an income-tax, the other qualifications will be the same as suggested for the mofussil municipal areas.

5. Next comes the election of representatives of the non-municipal areas. Bengal has 26 districts besides Calcutta and the Chittagong Hill Tracts. It is desirable that each district should be represented, and the representation should be in the proportion of one member for every 10 lakhs of population, a fraction of less than 60,000 being left out of calculation. At this rate the following will be the number and distribution of members:—

District	Member	Population (Non-municipal areas)
Burdwan	1	1,444,183
Birbhum	1	926,342

It will be a highly inexpedient
step to bring in any considerable
number of illiterate agriculturists
within the body of electors at
first stage. They are ignorant
meaning & objects of election
the large concerns of the country
system of village election for
purpose of local self government
yet made no progress. In fact
they will feel no interest in it
at the present moment. Absent
from the polling booth will multiply
and this fact will be made use
of by the opponents of reform.
Lowering of franchise ought to be
gradual as has been done in En-
gland & this country. The Repub also
with any gain made a further extension of the franchise
it is to be considered whether
there should be a penalty for
failure to vote at the election
without sufficient cause as prev-
in Belgium & Austria.

1. The total strength of the Bengal Legislative Council should be 150. It is not possible to secure fair representation of all class interests in a Council of lesser size.

Population of Bengal is over 45 millions in British territory.

2. The elected element should be 4/5th. The report says in paragraph 225 that -- "there shall be in each Province an enlarged Legislative Council, differing in size and composition from Provincial Councils, with a substantial elected majority, elected by direct election on a broad franchise, with such communal and special representation as may be necessary". The majority is to be of elected members (and not non-official members as was laid down in Lord Morley's Despatch) and should be of a substantial nature. In view of the division of Provincial Subjects into reserved and transferred and the general powers of control and supervision over the Provincial Government which will still remain in the ^{hands of the} Government of India, the provision of 4/5th for elected members is not excessive.

Thus the number of elected members will be 120 being 4/5th of 150 the total strength proposed for the Council.

3. The elected element should consist of the following:

Representatives of the Municipal (urban) areas	24
Do. of the Rural areas	39
Do. of important minorities & backward classes	3
Do. of the Mahomedan Community	40
Do. of the European Commerce & Industry	19
Do. of Indian Commerce & Industry	2
Do. of the Universities (Universities)	<u>3</u>
	120

4. The representation of the urban separately from the rural areas is necessary in view of the fact that the educated, professional and the industrial classes reside in the towns. Their adequate representation in the Council should be secured. Besides, such a system will be in accordance with existing practice which makes the Municipalities and the Rural Boards separate electorates and also with the electoral system in vogue in the United Kingdom. The interests of the Urban Areas are ^{also} different from those of the Rural areas. Commerce, Industry, Education and Sanitation have their peculiar problems in towns and villages.

Allocation of seats in the Municipal Areas on the basis of one seat for every lakh or less of population, a fraction of one being counted as one seat. ^{off and on} _{calculations}

(Bhuttayoug, Noakhali & Councils)	(a) Chittagong Division	1
	Population--97,857	
	Voters 16,000	
Bogra, Dinajpur, Rangpur, Jalpaiguri, Darjeeling--1	(b) Rajshahi Division	2
Rajshahi, Pabna, Malda--1	Pep: 187,359	
	Voters 34,000	
Dacca & Narainganj --- 1	(c) Dacca Division	3
Mymensingh --- 1	Pep: 334,189	
Faridpur, Barisal --- 1	Voters 47,000	
Burdwan, Birbhum, Bankura	(d) Burdwan Division	5
Midnapur --- 2	Pep: 595,899	
Hoogly & Howrah --- 3	Voters 96,000	
Hadia, Murshidabad, Jessore and Khulna --- 3	(e) Presidency Division (except Calcutta)	6
24 Pergannas --- 3	Pep: 757,680	
	Voters 125,000	
	(f) City of Calcutta	7
	Pep: 896,067	
	Voters 38,000	

The number of seats for each urban constituency has been arrived at by striking a mean between population and voters. In Calcutta the franchise is very high being a payment of rate of nearly Rs 50/- against Rs 3/- in the mufassil Municipalities. Calculated at the latter standard the number of voters in Calcutta will be 3 lakhs and a half.

Every male person

Every male person of the age of 21 and otherwise qualified residing or having a place of residence within ^{and practised connection with} the Municipal areas of a division who (a) pays a Municipal rate of not less than Rs 3/- per annum as the owner or occupier of a holding, or (b) pays a license-tax of the ~~University of Calcutta~~ sum of Rs 10/- or (c) has an annual income of Rs 500/- or (d) is a graduate of any of the Universities of India or of the United Kingdom, or (e) is a Licentiate in Law, Medicine or Engineering, or (f) is the editor of any newspaper or magazine, or (g) is the Manager of any Registered Company, or (h) is a Barrister-at-law or Attorney-at-law will be eligible to be an elector provided that no elector shall have more than one vote within a single constituency though he may possess more than one of the qualifications described above. But any person possessing the necessary qualifications shall be allowed to be registered as an elector in as many constituencies as he is qualified for. For Calcutta except in (a) where the qualification will be payment of Municipal rate of Rs 30/- per annum, in (b) where a person will be required to pay a license tax of Rs 25/- and in (c) to pay an income tax, the other qualifications will be the same as suggested for the mofassil municipal areas.

There is precedent for franchise to the holders of University degrees without property qualifications in the University constituencies of Great Britain and in Belgium, Hungary and some of the states in Australia.

The representation of Calcutta will be inadequate with less than seven (7) members from the general constituency. Besides its status which is the largest in a municipal area, it is the seat of real government & represents the culture, intelligence, ^{public spirit} & commercial enterprise of the Province & contains innumerable classes of ~~sympathies~~ with diverse interests.

5. Next comes the election of representatives of the non-municipal areas. Bengal has 29 districts besides Calcutta, ^{Barrackpore} and the Chittagong Hill Tracts. It is desirable that each district should be represented, and the representation should be in the proportion of one member for every 10 lakhs of population, a fraction of less than ^{6,000} ~~60,000~~ being left out of calculation. At this rate the following will be the number and distribution of members:

District	Member	Population (Non-municipal areas)
Burdwan	1	1,444,183
Birbhum	1	926,342
Bankura	1	1,081,464
Midnapore	3	2,738,288
Hoogly	1	938,615
Howrah	1	719,084
24-Parganas	2	1,738,350
Nadia	1	1,521,928
Murshidabad	1	1,288,791
Jessore	2	1,737,066
Khulna	1	1,337,615
Rajshahye	1	1,448,930
Dinajpore	2	1,671,738
Jalpaiguri	1	891,191
Derjating	1	240,984
Rungpur	2	2,368,901
Bogra	1	970,316
Pabna	1	1,384,535
Malda	1	974,131
Dacca	3	2,823,675
Mymensingh	4	4,404,353
Faridpur	2	2,089,710
Barisal	2	2,380,293
Tippgra	2	2,372,434
Noakhali	1	1,295,081
Chittagong	1	1,475,289

The total number of members will be 39

Any male person of the age of 21 resident or having a place of residence in a district and otherwise qualified will be an elector (a) if he pays a revenue or rent of the sum of Rs. 50/- or excess of the sum of Rs. 2 either to the Government or to the superior landlord in respect of land situated within the electoral District, or (b) ~~pays a license tax of not less than Rs. 10/- in respect of a trade or industry carried on within the said areas,~~ or (c) pays a Chaukidari tax of not less than Rs. 2/-, or (d) is possessed of a clear annual income of Rs. 200/- from non-agricultural sources, or (e) has passed the Entrance or Matriculation examination of any Indian University or holds the certificate of a Muktear, Sub-assistant surgeon or has passed the Upper Subordinate Examination of an Engineering school provided that no elector shall have more than one vote in any constituency even if he is possessed of more than one qualification described above. But any person shall be allowed to vote in as many constituencies as he is so qualified for.

a practical connection to

was about 6 millions and this year the number is 10 millions of whom 6 millions are women. Of course population has considerably increased during these periods, from 33 millions in 1831 to 45 millions in 1911. The proportion of electors to population has risen from 4 per cent in 1832 to 33 per cent in 1918. The process of increase was slow and gradual. In India also we can not expect a very low and wide franchise to be feasible at the very start. But that should be no reason for keeping back a scheme of reforms out of which full responsible Government is expected to grow in India. The franchise, however, should be as broad as the circumstances of the country will permit.

2. It may be assumed that the strength of the Provincial Legislative Council of Bengal will not be less than 125. The population is above 45 millions and considering the various classes and interests in the Province their adequate representation is not possible in a Council of less than this size.

The elective element should be $\frac{4}{5}$ th of the total. Thus the number of elective members will be 100 and will consist of the following:—

Representatives of the Municipal areas	...	28
Do. of the non-Municipal areas	...	40
Do. of minorities and backward classes	...	4
Do. of the Mahomedan Community	...	15
Do. Do. European Commerce and Industry	...	8
Do. Do. Indian commerce	Do. ...	2
Do. Do. Calcutta University	...	2
Do. Do. Dacca University	...	1
		100

3. The number of members to be returned from the territorial electorates should be less than 70. Bengal has got five administrative divisions and 28 Districts including Calcutta and the Chittagong Hill Tracts which latter may, however, be left out of consideration or be amalgamated with the district of Chittagong for the present purpose. The population of the province may be classed under two heads—one of those residing in Municipal areas and the other of those residing in the non-municipal areas. The educated and the professional classes of the Province reside in the Municipal towns though by far a large majority of the population are to be found in the villages. The representation of the Municipal areas separately from the non-Municipal areas is, therefore, necessary. It will be in accordance with existing practice which makes the Municipalities and the rural Board separate electorates and also with the electoral system in vogue in the United Kingdom.

4. The population within the Municipal areas in Bengal is 2,867,258 out of a total population of about 45 millions. The best method for their representation is to allocate a number of seats to each division and separately to Calcutta on the basis of one member for every lakh or less of population resident within the municipal areas of each division and a fraction of less than 60,000 being omitted from calculation. Their populations are as follows: Chittagong—97,857, Rajshahye 1,87,359, Dacca—3,34,819, Burdwan—5,95,819.

6. It is agreed that the Mohamedans should have separate electorates. According to the agreement arrived at in the Congress League Scheme their representatives will be 40 per cent of the elected Indian members. By the plan herein adopted European Trade and Industry will have 10 seats and ^{from} ~~some~~ other constituencies some Europeans are likely to come in; especially from the ^{Urban} Municipalities. So it will not be unfair to take the number of Mohamedan members ^{to} be 40.

These seats will be distributed amongst Calcutta and ^{Urban} Municipal and Rural areas of the divisions combined or amongst the Urban and Rural areas separately according to population. The franchise may be framed on the principles adopted for territorial constituencies.

7. The European Commerce and Industry should have ten seats. This number should not be increased and ever and above this the European Community should not have any special electorate or special representation.

The reasons are the following:

(a) The total population of European British Subjects in Bengal is 22,000 (European Foreigners are not entitled to representation) out of a population of 45 millions. Their claim to representation on the basis of numerical strength is almost nil. But it rests on their material interests in the country which as has been observed in the Report are out of all proportion to their numerical strength.

(b) Of this number 14,000 are males. 1/3rd of them are engaged in Industry and Commerce, 5/7th belong to Public force and public administration and the rest to arts, professions and other occupations.

(c) The interests of the non-official Europeans are practically represented by the representatives of Commerce and Industry. The interests of the official Europeans, if they are at all different are ^{members} safeguarded by the European officials and other Europeans who are semi-

nominated to the Council.

Further it is unreasonable to insist on representation for every occupation held by the members of the Community. Such a claim is against all claims of representation and reminds one of the claim of the lion in the *Asch's Falls*.

(d) The material interests of Europeans, though great, pale into insignificance when compared with the material interests of the people at large. They are and will be protected by the Government. The Report says:- (paragraph 344) It is our duty to reserve to the Government the power to protect any ^{industry} ~~country~~ from prejudiced attack or privileged competition.

(e) The Europeans are not an integral part of the population. In any scheme of self-government they cannot claim a place. Even by reason of their material interests they cannot demand it. The British people have their material interests in the colonies. They have no special representation there.

(f) It is ~~wrong~~ that they have five seats in a Council of 50 and in a Council of 150 they ought to have a proportional increase.

But their representation in the present Council is excessive and it cannot be made the basis of consideration for any future readjustment of the Legislative Council.

(g) Besides some non-official Europeans are likely to be nominated by the Government and some may come in from the general electorates (Reformers and other Municipalities).

The representatives of European Commerce and Industry should be elected not by any close body such as the Chamber of Commerce or the Trades' Association but by electorates composed of all Europeans engaged in Commerce or Industry and paying a certain amount of income-tax.

~~The whole~~

The Anglo-Indians ought not to be classed as Europeans. They are treated as Statutory Indians for the purpose of public service. In the matter of election they ought not to go as Europeans. They cannot sail under double colours. They are either Europeans or Indians but cannot be both.

8. The representatives of Indian Commerce and Industry will be elected in manner aforesaid.

9. The system of special or communal electorate should not be extended to any other class or community. It is against the principles laid down in the Report. It is against the interest of the Country.

The landholders claim special electorates. But their claim is not reasonable. They exercise considerable influence in the rural areas and they will be returned in large numbers from the rural constituencies. In Bengal there are 97,000 Estates paying land revenue to Government. Besides, there are numerous subordinate tenures. Practically ^{in Bengal} everybody who is somebody is a landlord. The interests of the landlords will be looked after by the majority of the elected members, who are landlords of varying income from land. To give special representation to such a body in Bengal will be like carrying coals to *Newcastle*.

There are no territorial magnates of the rank of chiefs in Bengal. The big Zemindars are mostly the creation of British Rule at the time of Permanent Settlement.

At the present moment the professional classes and money-lenders are stepping in the shoes of the old Zemindars.

In the present council two Zemindars have ~~been~~ been returned from the general electorates. So by giving them special electorate again their position will be doubly assured. This will be unfair to the general body of the electors.

6. It is agreed that the Mahomedans should have separate electorates. The authors of the Report on reforms have not agreed to the provision in the Congress-League Scheme about the representation of the Mahomedans though the country has demanded it. If this be not complied with, the Mahomedans should have at least 15 seats allotted to them which will be distributed on the basis of population in the following way, viz, 6 for the Dacca division, 4 for the Rajshahye division, 2 for the Chittagong division, 2 for the Presidency division and 1 for the Burdwan division. The Mahomedan electorates may be constituted on the existing lines.

7. The European Commerce and Industry will have eight seats. But the elections will be made not by any Association such as the Chamber of Commerce or the Trades Association but by electorates composed of Europeans who belong to any industry, trade or commerce and pay a certain amount of income-tax within the province. The representatives of Indian Commerce and Industry will also be elected in manner aforesaid.

8. The system of special electorates should not be extended to any other class or community. The Zemindars exercise considerable influence in the rural areas of the province and will thus be able to return their representatives from such constituencies. The non-official European community mostly consist of merchants, traders and others engaged in industries. They have got their special representation. The few Europeans that belong to the learned and other professions may compete in the territorial electorates. It will be highly unfair to provide two sets of special electorates for almost the same class of persons.

9. The University of Calcutta will have two seats and the Dacca University, when established, will have one. The electorates should be composed of the Fellows and the registered graduates. So long as the Dacca University is not established all the three seats will go to the Calcutta University.

10. The remaining seats will be available for the representation of important minorities and backward classes by a system of election. There is considerable objection to the policy of nomination as proposed in the Report. Nominated members do not command the confidence of the people while the communities concerned lose all incentive for self-improvement under a system of artificial protection.

11. The communities who claim separate representation are the Namasudras, the Mahisyas, the Indian Christians, and the Anglo-Indians.

Namasudras are about 19 lakhs and the Mahisyas 2 lakhs in the province. The former are a strongly united community and fairly prosperous. They are keenly alive to the necessity of education and many University graduates are to be found amongst them. They are also intimately connected with agriculture and with the Mahisyas form the largest portion of the Hindu tenantry of the province. Their claims to special representation are foremost amongst the backward classes.

The representation of the Indian Christians and the Anglo-Indians may be effected by giving two additional seats to the Calcutta constituency and reserving them for the purpose, all electors belonging to these two communities resident in the Municipal or rural areas being allowed to transfer their votes to the said constituency. For the Namasudras one seat may be added to and reserved in the Faridpur and for the Mahisyas in the Midnapur rural constituencies with similar facilities as proposed for the Indian Christians and the Anglo-Indians.

It is desirable that the persons registered as electors in the ~~special~~ ^{Communal} electorates may, if qualified, also be registered as electors in the territorial electorates. But no person who is thus doubly qualified shall be allowed to stand as candidate for election except from the special constituency. This plan, while it will bring together the different classes and communities on a common platform, will also prevent a particular community from gaining any undue advantage in the elections. The division of electorates into water-tight compartments will retard the growth of national feeling. It has been suggested that any individual voter may be given the choice of either belonging to a territorial or a special electorate but not to both. But this may be used as an expedient by any community having special electorate to capture the seats of the general constituencies. It may be hard on a particular voter to be deprived of this privilege but the possibility of abuse has to be guarded against.

12. No residential or other special qualifications should be required of a candidate for election if he is not otherwise disqualified.

13. The disqualifications for electors and candidates should be framed, as far as possible, on the principles obtaining for Parliamentary elections in the United Kingdom.

Indian Legislative Assembly.

1. It is desirable that, for the first period at any rate, elections to the Indian Legislative Assembly, except from the special interests, should be in the indirect way. People will get accustomed to the direct method in the elections to the Provincial Legislative Councils. Its extension to the Indian Legislative Assembly will then be easy enough and readily acceptable to the people.

2. The size and composition in the Assembly should be as follows:—

Total strength—200. (An Assembly of lesser size will fail to be sufficiently representative of all classes and interests in a country so vast as India). Of this number 4th should be elected. In view of the fact that there will be another chamber, viz., the Council of State, which will contain a nominated majority and which will be the supreme authority in all Government measures there is no reason for a smaller elected element in the Indian Legislative Assembly.

The number of elective seats to be assigned to each province should be determined on the basis of population and general importance. They may be distributed in the following manner:—

Bengal	24
Bombay	21
Madras	22
United Provinces	23
Punjab	17
Central Provinces	13
Behar & Orissa	20
Burmah	6
Assam	3
Delhi	1

150

3. The twenty-four elective seats in Bengal may be distributed as follows:—

European Industry and Commerce—	5
Indian Industry and Commerce—	2
Mahomedans—	5
Electoral college—	14

4. There should be no separate electorate for the land-holders who would be able to elect representatives through the general electorate.

5. The election of 14 members will be indirect and will be made by an electoral College composed of the following:—

(a) Persons chosen by the elected members of the Provincial Legislative Council—200.

(b) Persons chosen by the Universities—100.

(c) Persons chosen by the elected members of each Municipality in the proportion of one member for every 5000 or less of population within the area of the Municipality—(570).

(d) Persons chosen by the elected members of each District Board in the proportion of one member for every half a lakh of population resident within the jurisdiction of the District Board—(860).

(e) Landholders qualified to vote in the existing landholders' electorate for the election of members to the Supreme Legislative Council—(285).

(f) Persons paying income-tax on an income of Rs. 10,000 and upwards.

6. The system of single transferable vote or multiple voting may be adopted. This will ensure the election of representatives of the different interests.

7. The European and the Indian Commerce as also the Mahomedans will have separate electorates constituted in manner suggested for the Provincial Legislative Council.

8. The principles suggested about the rights and disqualifications of voters and candidates in the case of the Provincial Legislative Council may be adopted for the Indian Legislative Assembly.

78, Dhurumtala Street,

CALCUTTA.

SATYANANDA BOSE

A statement of the evidence of Mr. Prithwis Chandra Ray (on behalf of the National Liberal League) before the Franchise Committee of Indian Constitutional Reforms.

THE character and constitution of the Bengal Legislative Council will continue to be hybrid for at least many years to come, as members will be elected as well as nominated. Of the elected members again, some will be returned by direct election on a broad franchise while not an inconsiderable number will be elected by special and communal electorates. I consider this hybrid constitution to be a great advantage in the transitional period and calculated to make for efficiency and good government.

In Bengal, though the bulk of the population is Muhammadan, yet for many years to come, they are not likely, owing to their lack of education and enterprise, to constitute a majority of its voters. So, according to the Report on Constitutional Reforms, communal representation is to be conceded to them even in Bengal (paragraph 231 of the Report).

As regards landlords, the Report says (paragraph 232 of the Report): "Where the great landowners form a distinct class in any province, we think that there will be a case for giving them an electorate of their own." This has been interpreted almost as a pledge for the continuance of special zamindari electorates in the Council of Bengal.

Having conceded communal electorates to Muhammadans and special electorates to zamindars, and also having accepted the principle of special representation for the planting and mining interests, for the chambers of commerce and the universities, I think it unfair to refuse it in the case of the vast population which are grouped in Bengal as the backward classes or to the Indian Christian community either. They have very little chance of being represented through the general electorates, for passion and prejudice will still act against them among the ordinary caste-voters and, in a reconstituted Council where social legislations are likely to be introduced more often than not, they will need to defend their interests with zealous care.

There appears to me to be another class of men who will require special representation. Owing to the whole of Bengal being parcelled out into permanently-settled estates, an extension of the franchise on a very wide and broad basis will create special opportunities for the larger landlords to capture and control the general electorates. With some special seats in the Council earmarked for the zamindars and with special opportunities for them to capture the bulk of the general seats, the Bengal Council may soon develop into a close corporation to protect the interests of the landowning classes. This has to be guarded against, and the only way it may be done is to create healthy set-offs against these influences. I am afraid the combined representation of trade, commerce and industry would be no sufficient counterbalance against them. I would, therefore, suggest that the educated community in the province, who, by virtue of their education and cultivation of citizen ideas, are most competent to take part in public affairs and who may be looked forward to defend the interests of the masses against landed influences, should have also some seats definitely marked out for them. Some of these seats should be reserved for educated men in the mufassal district by district, and some should be reserved in the heart of the metropolis for special organisations which have established their claims to speak on behalf of the public. Paradoxical though it may look, the educated classes in Bengal stand more than any other section of the people in need of special electorates, both in their own interests and for the general welfare of the body-politic.

Taking into consideration all the various interests concerned and providing for necessary set-offs, it appears to me that the total strength of the Bengal Legislative Council should be raised to 100, out of whom at least 80, four-fifths, should be elected.

I would suggest that the Bengal Council, under the reform proposals, should be reconstituted as follows:—Calcutta, being the centre of all

intellectual and public activities and the heart of the politically-minded population, taking, like London, the lead in the electoral distributions:—

Elected	...	...	80	Calcutta (City of)—		
Officials and nominated	•	...	20	University (Fellows) ...	...	1
				Corporation (Members) ...	...	1
				Ratepayers of the four municipal districts ...	...	8
				Chamber of Commerce ...	...	2
				Trades Association ...	...	2
				Port Commissioners ...	...	1
				Marwari Chamber ...	...	1
				National Chamber of Commerce ...	...	1
				Mahajana Sabha ...	...	1
				Members, Bar Library ...	...	1
				" Vakeels' Library ...	...	1
				" Attorneys' Library ...	...	1
				British Indian Association* ...	...	1
				Indian Association* ...	...	1
				National Liberal League* ...	...	1
				Anglo-Indian Association* ...	...	1
				European citizens ...	...	2
						27
				Dacca (City of)—		
				University (Fellows) ...	...	1
				Corporation (Members) ...	...	1
				Ratepayers (Municipal) ...	...	1
						3
				Howrah (Town of) ...	...	3
				Chittagong (Port of) ...	...	1
				Naraingunge (Port of) ...	...	1
				Tea Interest ...	...	1
				Jute Interest ...	...	1
				Landholders of five divisions ...	...	5
				Mussulmans of five divisions ...	...	5
				Backward Community ...	...	3
				Indian Christian Community ...	...	2
				All literates who have either matriculated in any University or passed any equivalent examination in arts or any recognised medical, commercial, technical, sub-overseer or <i>tôle</i> examination, and all persons who pay <i>chaukidari</i> tax to the extent of Rs. 4 a year† or any trade license of Rs. 24 a year or an income-tax of Rs. 50 a year, and all elected members of village unions, local (circle) and district boards who are not otherwise qualified—Every district one.		
				—28 Districts ‡	...	28
				Total	...	80

* While I advocate special seats for the British Indian Association, the Indian Association, the Anglo-Indian Association and the National Liberal League among purely political organisations, I must not be misunderstood regarding my attitude towards the other well-known public bodies. On the one hand, I would refuse to give any special vote to such institutions as the Bengal Landholders' Association or the Central Muhammadan Association because the interests they represent will have already more than adequate special electorates provided for them through independent machinery. On the other, I don't think that public bodies like the Bengal Provincial Congress Committee or the Bengal Presidency Moslem League can claim any special seats in the local Council in view of the fact that they are not independent organisations and have no powers of initiative, either in policy or principle, being merely provincial branches of institutions having their headquarters far away removed from Bengal.

† In the case of a joint family, a representative or proxy should be appointed to vote for the family. Absentee tax-payers should be allowed to vote by post or proxy.

‡ Jessore and Khulna, in the Presidency Division, are too small to be treated separately for electoral purposes. So also Jalpaiguri and Darjeeling in the Rajshahi Division, and Chittagong and Chittagong Hill Tracts in Chittagong. These six districts at present should be treated as three electoral units. On this calculation, and leaving Calcutta out of it, we have now 24 districts in Bengal. To this must be added two more districts in Mymensingh as have already been decided upon, one more in Dacca and one in Midnapore. Altogether, they will make 28 districts when the new scheme comes into operation.

Regarding the representation of Calcutta in the reconstituted Council, some words of explanation appear to be necessary. In the Report on Indian Constitutional Reforms, it is suggested that the representation of the non-official European community in the Council should be provided for by nomination. This has been resented to by the community itself, as not consistent with its self-respect. I think the European community is well entitled to an independent electorate, and, as the bulk of the European people live in the city of Calcutta, they should be allowed, at least such of them as pay an income-tax of over Rs. 100 a year, to send two representatives of their own to the local Council.

* As for the ratepayers of the city of Calcutta, and for the matter of that of the city of Dacca also, all persons who have more than three votes in the municipal elections at the present moment should be entitled to a vote for the return of a member to the Council.

The votes of the other city constituencies being collective, no explanation is probably wanted regarding them.

I think the city of Dacca, as apart from the district of that name, should receive its due recognition as the second capital of Bengal, and three seats allotted to it in my scheme appear to me to be a fair distribution.

The town of Howrah, being the second most important centre of trade, commerce and industry in the province, has also a right to claim special representation, and the three seats I advocate for it may be divided between the three different interests specially mentioned above.

As regards the representation of the ports of Chittagong and Naraingunge and of the planing and jute industry, I will leave things as they stand and not disturb existing arrangements.

In the existing Council of 50 members, the landholders and Muhammadans have one member each to every division. In the reconstituted Council, their representation should *not* be increased as they are likely to influence to a very great extent the decisions of the general electorates as well under the new scheme. The qualifications of zamindar voters should be democratised a bit by reducing the general standard of revenue and cess to Rs. 1,000 in all divisions of Bengal.

In the matter of the backward classes and the Christian community, their votes should be indirect and *not* personal at the initial stage, and collected through the village panchayets and local congregations. These electorates should be formed by grouping divisions together, the backward classes having three in the five divisions and the Christian community only two.

I need hardly state that my scheme is designed solely for the transitional period or for such time only so long as the franchise may not be extended largely to an awakened and responsible people at large. Territorial patriotism, and the general citizen spirit will yet take a long time in developing in Bengal or for the matter of that in any other part of India, and till then special electorates and responsible public bodies will have to be retained as constituencies for the Council. With the growth and development of public opinion in the province, the franchise will have to be extended in all territorial electorates by and by, and, as these become more and more popular, the special electorates will have to be dropped and restricted from time to time.

I beg to avail myself of this opportunity of frankly stating my conviction, both as a man of affairs and as a student of constitutional history, that the basic principle of modern democracy, 'one man one vote', has been tried in the balance and found wanting in every part of the world, and that this idea must be revised if the government of any country has got to be made stable and steady. In India, the principle of 'one man one vote' will never do or make for the well-being of the body-politic, so long at any rate as the caste system continues to flourish among us and hold us in its relentless grip. I would, therefore, suggest that plural voting should be encouraged in every constituency, and that every man should have a graduated scale of votes according to his stake in the country, the land revenue or the income-tax he pays, or to the measure of his assessment or holding in any particular municipal area. By such an arrangement only can a sane and steady administration be maintained in a country like this and a revolution averted.

I have got only one other suggestion to make before I proceed to specify qualifications of members of the Bengal Legislative Council. Of the 20 official and nominated members I have suggested for this Council, I think no more than 10 should be officials and 2 experts. The remaining 8 should be recruited from among well-known public workers.

I will now lay down the qualifications of members for the Bengal Council. No one should be eligible for election who

- (a) is a lunatic,
- (b) is an insolvent,
- (c) has ever been convicted of any offence involving moral turpitude,
- (d) is below 30 years of age,*
- (e) has no income of over Rs. 3,000 a year or immovable property (in his individual share) of the value of Rs. 10,000,†
- (f) is not a native of the province or a domiciled resident.

No property qualification need be insisted for teachers and professors of recognised schools or colleges or for priests, missionaries and ministers of any organised church.

I will now address myself to the question of the election and nomination of the representatives of Bengal in the proposed Imperial Legislative Assembly and the Council of State. I have no quarrel with the number suggested in the Report, but I think the best way to fill in the 11 elected seats apportioned to Bengal in the Imperial Legislative Assembly would be the following :—

3	members to be returned by the Provincial Council.‡
2	" " by the Zamindars of the Province on the present basis of property qualification.
2	" " by the Muhammadans.
1	member " by the Bengal Chamber of Commerce.
1	" " by the Calcutta University (through registered graduates).
1	" " by the Dacca University (through registered graduates).
1	" " by the Calcutta Corporation (through rate-payers).

For qualifications of members of the Imperial Legislative Assembly, I would lay down, excepting in the case of zamindars, the same conditions as I have suggested above for members of the local Council.

The nominations of the Imperial Legislative Assembly should not be less than two at least from Bengal, and these two should be recruited from among the ranks of well-known public workers.

I approve of the idea of the two members from Bengal in the Council of State being elected by the Provincial Legislative Council, but I cannot think of any all-India constituencies for the return of two zamindars and two Muhammadans to this body nominated by the Viceroy than be selected or elected by constituencies which no candidate can meet, nurture, cultivate or be responsible to. It would not be either fair or just to throw any candidate on the mercies of an all-India constituency. But if the present idea is adhered to and the Governor-General in Council is able to devise any means of election for these four seats, I hope one seat at least should be allowed to be filled in by a representative of the Bengal aristocracy, as the permanent settlement of this province bulks rather largely in the public finances of the State.

* In Canada, Western and South Australia, no one who is not 30 years of age can be a member of the Senate.

† In the South African Union, ownership of immovable property of the value of not less than £500 (Rs. 7,500) is required as a qualification for elected senators.

‡ No more than one of whom must be a lawyer or a zamindar.

Memorandum of evidence proposed to be given by
Babu Prokash Chandra Sarkar before the Franchise
Committee on behalf of the Mahishya Samity of Bengal.

Ethnological Survey.

The Mahisya Caste would seem to many to be a new caste of Bengal, Behar and Orissa, Chotanagpur and Assam, evolved altogether out of the mixed castes of the present day, but really they are a class of people who have inhabited the land from very ancient times coming of a Kshatriya father and a Vaisha mother, wedded together in lawful wed-lock according to the customs of ancient Hindu society. The Hindu Smities, Vedas, Upanishadas, Tantras, Purans, Up-Purans and Grighya-Sutras and other religious books profusely mentioned them, as the highest objects of Public adoration; and from the Sama Veda to the present time, we find them amply mentioned in various other Hindu religious books by various names. These people are descendants of the ancient aryan race, who have migrated and colonized in the land, in days by-gone from the Caucasus region; and the ancient kingdoms of Mahesmitipur in Mahishya Mandal, so ably brought to light by the historical writings of the late lamented Dr. Fleet, belie the modern idea of a school of men, who hold upon wrong data that these most ancient children of the soil are the offsprings of a race of men, whose origin has been tinged with Bactrian or Dravidian blood. The researches of the modern school of scientific scholars of history, have brought to light many things that we know not. Mahabharat clearly explains to us that Mandu the adoptive father of God Krishna, the possessor of the largest herd of 9 lacs of milch cows of ancient India was a Mahishya; so were Salya and Yujutsu

of the Mahabharat days. The contemporary Bhawja Dynasty of kings who ruled over vast tracts of country south of the Ganges from sea to sea with Tamralipta (Tamluk) and Mahasmatipur as their capital and who encountered the great warrior Arjun the third Pandava were none other than Mahishya Chieftains and kings who were masters of the seas and maritime power in those days. Dr. R. K. Mukherji in his best book on Indian shipping has placed us these facts.

In the Buddhist times, these Mahishya kings and Chieftains upreared kingdoms and Empires very solid traces of which we find in the 5 principal Mahishya kingdoms of Bidnapur and other Chiefships in Kymensingh and Sylhet, so very marked mentioned by Sir W. W. Hunter in his memorable books on Indian Ethnology and Statistical Survey and the recently edited district Gazetteers under Government Patronage. The history of this important community who formed the real backbone of Bengal peasantry is very lucidly stated in the vernacular hand books like "Mahishya Prakash", "Bhranti Bijoya", "Mahishya Bibriti", "The Mahishyas" and other booklets and leaflets that are already before the Government and have been profusely distributed amongst the members of the community from time to time. The Mahishya casts though of an antique origin remain quite neglected and in the back ground during the dark ages under the oppressive rule of the Sen Kings of Bengal, who rested the Kingdom of Eastern Bengal from the Buddhistized Pal Kings who were none other than the Mahishya Chieftains who with great organization quelled the agrarian confederacy of Khims and Dibyoke, ample mention of which we find in the newly excavated Ramcharit of Mahanishopadhyaya Pandit Hera Prasad Shastri brought to light but the other day by the exertion and toils of the

erudite scholar of Ind. The Kulaji of Gadadhar Vatya mentioned by Sir W. W. Hunter and Sir E.H. Kinsley has shown us the status and position of the community so far back as the 7th and 8th century A.D. The Karika of Gobardhan brought to light the other day brings us down to the days of Plassey and Arcot, when we find how the vast Eastern Army of Lord Clive sweeled by valiant Kahishya warriors of Kidnapur, Howrah, Hooghly, Bankura, Rajshahif 24 Parganas quelled the Veller Mutiny in the days of Sir John Shore and fought the Company's wars under the Union Jack in the Maharatta Country, Mysore, Western Behar and Plassey under the leadership of Coote and Watson, Monson and Vansitart, manned by the Kahishya officer of Gar Gobindpur, Hijli, Tamruk, Kathi, Bawli, Katore and Saptagram!!! Sir W.W. Hunter in his statistical account of Bengal says:-

"The Chasi Kaibarta (Kahisya) Caste is clearly stated as springing from a Khatriya father and Vaishya mother and set up as dominant race in Kaghad about 300 A.D. They have always claimed a high social rank and are regarded with considerable respect in society. They form the upper layer of aristocracy in Kidnapore and constitute substantial landholders in Howrah, Kankur Hooghly Jessore, Calcutta, 24 Parganas and Rajshahi and Kidnapur. They have been always admitted in to Hindu society on honourable terms.

The community lost its hold upon the Hindu society after the social and political revolution that shook the very foundation of the Bengal Hindu Kingdom on the eve of the Mahamedan Conquest about 1203. The hierarchy of castehood and priestdom bore hard upon the community who wanted an ingress into the disorganized Hindu society of the day; and by sheer spite and malice at the hands of the newcomers the Kansuj Brahamins and their supporters, the Shivite Sen Kings, these once a dominian race of the land

were placed like many others communities in the lower ranks of the Hindu society. Spread of English Education and closing of all avenues of life served as eye-openers; and it was only in the ages of the 1st Census of 1881 that a yearning arose in the minds of the few educated members of the community to assert their status and position in society which they had lost a few decades before. It was the benign English Rule that supported their cause. The healthy, energetic and great Bahishya agitation was the ~~end~~ outcome, which may be rightly said to be real democratic upheaval of the Bengal laborite party to assert their position in society and a share in the Governance in their country in which they had hitherto been unrepresented and to regain a place in the Hindu society which they had lost some 9 centuries before. In any form of Indian system of Government, the aspiration of an agricultural and ^{martial} material race of people like the Bahishyas would never have been redeemed and therefore they have approached their rulers who had neglected them so long for redress of their just grievances and removal of legitimate wants and needs as herein after mentioned. We want to be adequately represented in the machinery of Government so that the interest of the agricultural masses of the land may be safeguarded.

ABOUT FRANCHISE AND CONSTITUENCY.

Introduction of voting by ballot.

To liberalise franchise so as to maintain healthy condition in the system of Government it is desirable to introduce voting by ballot in which case, free will of the voters will be exercised to elect their representatives and the possibilities of extraneous influences brought to bear upon voting affairs, e.g., undue influence and the like will be much averted.

General election ought to be Sub Division by Sub Division or by more sub-divisions than one, where suitable or necessary. One seat for every one lac of persons will be a happy election, so that there may be in all 450 members in a country whose population is over 45 millions.

QUALIFICATIONS OF A VOTER.

To enable people of all classes and interests to vote, the franchise ought to extend to,

- (1) Every head man of every family or house; or
- (2) Those who hold Jote land of 5 bighas.
- (3) Those who pay Chaukidary tax of Rs. 1/- a year.
- (4) Those who pay municipal tax of Rs. 2/- a year.
- (5) Those who pay income tax.
- (6) Government Officers and Officers of private persons and Companies whose monthly pay is at least Rs.50/-.
- (7) Those who pay revenue of Rs.2/- a year to Government.
- (8) Those in receipt of M.V. or M.E. Examinations Certificates in the least in Municipal areas.
- (9) Every literate in rural areas.
- (10) Sanskrit title holders from recognized bodies or Govt.
- (11) Arabic and Persian title holders from Government or recognized bodies.
- (12) Those who draw from the Govt. or private persons pensions or the like to the extent of Rs.25/- in the least per month.

But Neither minors or ladies ought to be voters. Ladies in India are generally under the custom of the country live in Pardha system.

In view of the principle of equality and avoid complicity in the affair no one should possess more than one vote, even if he possesses more qualifications than one.

QUALIFICATIONS OF A CANDIDATE

- (1) The candidate must be between the age of 30 to 70 years in order to be possessed of ripe wisdom, reasoned ideas and mature thoughts worthy of the position he aspires to fill.
- (2) He must possess the qualifications of a voter.
- (3) He must possess a fair knowledge in English.
- (4) If he comes from Municipal areas, he should pay at least Rs.15/- as Municipal tax a year.
- (5) A candidate for representing landlords or zamindars, he should pay at least Rs.100/- a year as revenue and local rates or revenue and cess.
- (6) He must not suffer from any objectionable disease.
- (7) He must not be a disqualified proprietor.
- (8) Any person actually cultivating 30 bighas of land may be eligible for a candidate to represent the agriculturist or farmer.
- (9) He must not be a perpetrator of a heinous crime or convicted of a felonious offence.
- (10) Property qualification ought not to be a bar to candidates from rural areas.
- (11) A candidate may be resident of several electoral units and he should be qualified to stand for election from any such electoral unit he pleases to select. Residential qualification should not be enforced at all, in which case, the council won't get the best intellect of the country as educated men have almost always migrated from rural areas to towns and commercial centres.

FRANCHISE

Election should be based on the following principles so as to adequately represent all legitimate aspiration, deserving classes and interest by means of,...

- (i) Electorates
- (ii) Nominations
- (iii) Reservation of elective seats as hereafter mentioned:-

COMPOSITION AND SIZE OF BENGAL LEGISLATIVE COUNCIL
 Representing roughly Total No. of seats: 145
 Representing roughly 1 lac of persons by one member
 Total population over 45 millions.
 (4/5 Elected and 1/5 nominated).

Electorates and constituencies	Number of seats
1. General Electorate	
Hindus and Non Hindus	
excluding Moslems and Sikhs of all classes and interests, i.e., Landowners, Tenants, Merchants, Money-lenders, Labourers, Artisans and Professional men etc (Electoral unit being a sub-division of a district) important one to return two and minor ones to return one member.	145
2. Communal Electorates	
(a) Moslems (by every sub-division)	140
(b) Sikhs for Bengal Province	1
3. Special Electorates	17
(a) Bengal Chamber of Commerce	2
(b) Bengal National Chamber of Commerce	2
(c) Calcutta Trades Association	2
(d) Tea Planters	2
(e) Marwari Association	2
(f) Bengal Provincial Agricultural Association	5
(g) Calcutta University	2

4.....

4. Reserved Elective Seats with plural constituencies for special classes.

57

(a) Zamindars or large land-holders 5

(b) Agriculturists (an actual cultivator of 5 bighas of land to be a voter, and a holder of 30 bighas of land to be a candidate for membership); on small land holding whose interest, being most important in Bengal, merits the greatest share of attention/and who as pillars of the state, are paradoxically its weakest members (by every district).

The Bahshiyas, being the premier agriculturists of Bengal, having a considerable stake in the country, and hitherto unrepresented in the machinery of Government. 15

(d) The European Community 2

5. Nomination:- (1/5 of 450) 90

(a) Govt. Officials (1/2 of the total no:) 45

(b) Important Minorities }
(c) Educationally Backward but important classes } 45

(d) Depressed classes }

In view of the above Total Strength 450.

SIZE OF THE COUNCIL

The number of seats to vary according to the magnitude and importance of each province.

Of the members 4/5th to be elected and 1/5th nominated. Of the nominated official and non-official may be equal proportion.

The strength of the Bengal Legislative Council may be 450 members.

Means of direct election.

- (i) An electoral roll ought to be prepared for each province thana by thana for the sake of convenience.
- (ii) There ought to be a number of polling centres in each sub-division. It may be proposed that each thana ought to be a polling centre where the voters are to attend. It will curtail a good deal of inconvenience of the voters.
- (iii) To guard against impersonation the Mondal of each village ought to be present for proper identification of the voters at the time of receiving votes.
- (iv) The name and address of the intending candidates ought to be printed in Bengali and distributed among the voters at least one month before election.
- (v) Voting paper ought to be given to the voter at the time of giving vote by the Vote-receiving officer himself.
- (vi) Arrangement should be made that the voter may not be disturbed by candidates or their agents at the time of endorsing voters. It ought to be done in a house or ten and in the presence of the indentifiers only so that no extraneous influence may be exerted on the voters.

Indian Legislative Assembly.

In view of the Provincial Councils receiving broad representation it will be convenient to all concerned and expedient that election should be by the non-official members in such a manner as to represent the interests of all as outlined in the scheme for election in the Provincial Legislative Council.

COUNCIL OF STATE

As to the 21 members to be elected out of 50, it is proposed that the members of the provincial Legislative Council should elect from amongst themselves the said

21 members so as to be representative of the various important interests and classes as far as possible.

The number of special members ought to be enlarged, in as much as India being pre-eminently an agricultural country two other members are necessary to protect agricultural interest of the country. There ought to be a special agricultural minister in the council to look to the agricultural interest of the country. The enlargement will be necessary also for the peculiar social, religious, educational and political conditions of India. The Mahishya community as being the premier agricultural community of Bengal having greatest stake in the lands of the country ought to get at least two nominated seats for them to safeguard their interest.

Why the Mahishya Community has a special Caste?

India is, specially Bengal, Behar, Orissa and Assam are not mainly agricultural countries. The Mahishyas form the premier community of the agriculturists, and are an important community in those provinces, but being very badly under-represented in Government services and other departments of quasi-public and private services, they form a minority interest.

The interests of the community have hitherto been overlooked in matters of :-

- (i) Receipt of Govt. appointments and other patronages.
- (ii) Providing proper facilities to bring English education within easy reach of the community by establishing educational institutions in the Muffasils, i.e., in places other than towns agricultural centres and gift and founding of free-studentships chairs and special scholarships in spite of their considerable contribution to the revenue of the country, which are drained largely every year for education.

(iii) Improving agriculture by starting experimental stations and introducing other scientific improvements in agriculture suited to the local needs, wants and circumstances after the European and American lines, as suggested by me in the economic interest and future weal of the country in our memorials and representations to Their Excellencies the Governor of Bengal and the Viceroy, and the Right Hon'ble The Secretary of State for India. In this connection I may add that the protection of old pastures, transport cost of cattle by land and water, in their interest of the bona fide stock-raisers for the country, regulating the indiscriminate slaughter of prime cows by fresh legislation and reconstitution of the Agricultural Departments in European and American lines may receive also the kind but early consideration of the committee.

(iv) Sanitation, easy veterinary and medical aid, irrigation, roads and inter communications, water-supply and the like in rural areas and agricultural centres, i.e., where farmers mostly reside.

(v) More liberal share in the public services according to the importance and magnitude of the community, to avoid hemming in from all sides by the so called literary castes (See the Public service Commission Report of 1912 and our several memorials).

Importance of the Country.

1. Literacy and Education:-

In Bengal the Eshishya community stands very low in the scale in point of literacy, - literacy being applied to mean writing out mere names only. The community is sadly poor in English literacy and education. It is less than one in nine in Bengal. Out of 21,133,313 in Bengal, some one lac and 3 thousands are literate.

But.....

But literacy in English is only 15 thousand here. The community has a very small number of lawyers, doctors and Engineers; still less and a fewer appointments in the higher grades. The community is keenly alive to English education.

Influence:-

The community has in Bengal, some 10 qualified voters from the Landholders to the Provincial Legislative Council and none to the Imperial Council.

It has the largest number of zamindars, talukdars and gantidars who pay revenue to Government and whose income as rent from tenants vary from Rs. 3000000 to Rs. 50/- a year, in addition to the produce of their Khus Khamar lands.

The number of substantial agriculturists and rayats is very large.

The importance of the community has authoritatively been declared in his reply to the Mahishya Memorials of 1909, 1912, 1913, and 1918.

The Omka Community counts some 23 lacs in the country. 2 lacs Sylhet, some 21 lacs in Bengal.

The number of Governments clerks and unperceptively smaller representation in the Judicial and Executive Branches of the Public Services.

The Mahishya Community is a progressive one.

The community is the premier of the Hindu agriculturists and according to the late Hon'ble Sir William Hunter it occupies numerically the 3rd place as landholders in Bengal (old) i.e. Bengal, Sylhet in Assam, Orissa and Behar.

4. Its characteristics or Special Feature:-

(1) Both directly as landholders and indirectly as ~~rayats~~ rayats it contributes largely to the revenue to the country.

(ii) Inhabiting as it does largely in rural areas, the Mahishyas Community as a class is loyal and tried in its humble way what they could to co-operate with the Government in the development of the country and spread of healthy influence.

The Indian Caste System prevents people of one caste to see eye to eye to the interest of the people of other castes, not to speak of that of other creeds, in spite of many professions so to do. The landowners, the money-lenders and the privileged literary classes who get nearly the largest share of Government appointments and enjoy other Government patronage and for whom the revenue of the country is spent in terrible disproportion, cannot represent the agricultural masses and especially the Mahishyas who contribute largely to the revenues without receiving any patronage worth the name for obvious reasons. Their respective interests do generally clash and conflicting. In order to receive and enjoy the benefit consequent of the expenditure on education and services, the masses ought to be adequately represented in the various councils and other machinery of Government.

The fact of a few sprinkling of "European-returned" ²⁰ so-called Hindus dining with Europeans and other educated non-Hindus at the same table, is no pass port to hold that all the Hindus can safely and properly be represented by the people of any caste.

The formation of Brahmin Association, e.g. Brahmin Sanatan Dharma Mahamandal, Brahmin Parisads, the Kayastha-Khatriya Associations and Conference, the Mahishyas Associations and Conferences etc supposed guided by England returned people, goes rather to add to the right rigidity of caste system and Indian

No General Representation in India at present.

Responsible Government by representation general in the line as followed in western countries like Great Britain and Ireland and elsewhere, where of the entire body of the people possess community of interests is unfortunately wanting in India as it is divided by various castes and creeds and the sudden introduction of that system of Government here would be unsuitable to and fraught with many difficulties, unless it is started in such a manner as to safeguard the interests of all classes and creeds. The true demand on behalf of India as far as we understand is the establishment of such a responsible form of Government in this country where caste, racial, sectarian strife, inexperience and illiteracy are terribly prevalent as would be most suited to present circumstances and conditions. The perusal of books on Indian Ethnology and so called modern district histories, will clearly show that the gulf between the so-called privileged classes and the democracy is being widened and antagonistic caste warfare is being daily carried on.

The Mahishya Community is an old dominant caste of India not to speak of Bengal (Vide Vishnupurana, Chapter IV). Ramesh Chandra Chatterjee's publication of the Asiatic Society and the admission by the Hon'ble Mr. Basu a member of the India Council in a letter dated 21st August 1918, India Office, London, S.W. to me. This but important community of premier Bengal Farmers and Agriculturists has suffered much and will do more, if not taken special care of by the benign Government. The following pregnant statement of Warren Hastings as quoted in the Reform Report breathes apprehension:-

"In.....

"In no part of the world is the principle of supporting a rising interest and of depressing a falling one more prevalent than in India."

Population of Bengal.

(From Bengal Census Report of 1911)

Persons	45,483,077
Houses	8,631,502
Mahishyas	2,036,129 in Bengal or roughly 21 lacs.

:- We have divided the country into 450 seats with 1 lac for one seat in each constituency. There are 28 districts and 82 plus 2 Sub divisions in the Presidency with ~~agric~~ agriculturists numbering 34,937,017 (75 p.c. of the entire population), Industrial 3,556,527 (7.6 p.c.), Commercial 3,283,826 (7.1 p.c) and professional 81,939 (1 p.c).

*With the best regards of the
Memorialists.*

SUGGESTIONS ON FRANCHISE
FOR
The Bengal Presidency

BY
SRINATH DUTT.

To

The Chief Secretary to the
Government of Bengal.

I have the honour to request you the favour of submitting through their Excellencies the Governor and the Governor-General in Councils the following suggestions on franchise to the Franchise Committee, that have been recently appointed to frame electorates and constituencies to advance Constitutional Reforms in British India.

" DILKUSHA " }
Bhowanipur, }
Calcutta. }
October 22, 1918. }

I have the honour to be

SIR,

Your most obedient servant,

SRINATH DUTT.

Senior Gilchrist Scholar of
the year 1871.

Recipient of Coronation
Certificate of Honour for
Loyalty.

First Manager of National
Tea Company, Assam.

Late Honorary Magistrate
and Municipal Commis-
sioner in Burdwan, (1897-
1901).

Late Manager and Assistant
Manager under Court of
Wards for 27 years in Mour-
bhanje State, Burdwan,
Ranchi, Hathua, Calcutta
(Gopal Seal's Estate), &c.,
&c.

Suggestions on Franchise.

A.

Village Committees.

All tax-paying and cess-paying villagers should have the right of voting for members of the Village Committees from amongst themselves. The number of Muslim members should be two-fifths of the total elected members in all divisions, and no member should be nominated.

2. A village unit must consist of an area inhabited by 1,000 persons or 200 house-holds, more or less, and every such unit may elect two leading men (yeoman-farmers) to the Village Committees from amongst cess-paying and tax-paying fellow-villagers. The records of the Village Committees should be kept and proceedings and correspondence be maintained in the Vernacular.

3. Ten village-units or 10,000 people may be placed under a single Village Committee. There will be about 50 such Village Committees in a Sub-Division of about 500,000 people.

4. All present and past members of the Village Committees should be endowed with direct votes for electing members to the provincial Legislative Assembly.

B.

Provincial Legislative Assembly

5. There should be 150 elected members in the Provincial Legislative Assembly of the Bengal Presidency

their constituents once every six months during first 10 years. Two-thirds of them or 100 members should be elected by 42½ millions of the rural population, and one-third or 50 members by learned men and the 3 millions living in towns, including British Europeans and Eurasians. *Some members may be elected by zemindars*

C.

Rural Areas.

6. Every Sub-Division should be considered an electoral unit, returning one member to the Provincial Assembly.

7. The rural constituents should be,

(a) All members of the Village Committees and

(b) All past members of the Village Committees, Circle Boards and District Boards, residing within the limits of the Sub-Division outside towns. The direct voters will thus increase automatically.

8. The number of constituents in no single constituency should exceed 1,000 during the first six years; 2,000 during the second 6 years; and 5,000 afterwards at the rate of two, four, and ten per thousand of population.

Male population already over 110 per thousand in rural areas

9. A certain number of the elected members should be reserved for rural areas in all Divisions and be elected separately with general electoral roll under the Montagu-Chelmsford Report, unless the

Mussalmans give up at any time the proportion fixed for them by the Congress-League Scheme for Bengal.

10. If the Zemindars be granted special electorates, these electorates should include all persons whose names are found in Collectorate Register "A" for revenue paying zamindars. It will be open to a Zemindar to decline a place in a special electorate.

11. Persons in special electorates of Zemindars, Mussalmans and Englishmen should have no place in the general electoral roll, and will be disqualified to be representatives of rural areas in the general interest.

12. The number of Zemindar representatives should not exceed 10; 1 for Chittagong Division, 3 for Presidency Division, 2 for each of the Burdwan, Rajshahi and Dacca Divisions.

13. Of the 10 Zemindar representatives, 4 should be Mussalmans.

14. The electors should not be restricted in their choice of members, except that during the first six years they should elect one residing in the Sub-Division; during the second six years one residing in the District, and afterwards in the Division.

15. The Zemindars and Europeans who elect special Zemindar and European representatives will be disqualified to become members of rural constituencies.

D.

Town Areas and Learned Bodies.

16. One-third of the elected members (50) should be

allowed to towns and learned bodies and be distributed thus :—

17. I. (a) 15 members to represent British and Eurasian Merchants, tradesmen, planters, missionaries, mill-owners, and lawyers. Franchise is to be given to individuals not to associations. Eurasians born of the loins of the Britons are Britons by nationality.
- (b) 5 members to be elected by working-men of mills, factories driven by steam power; and by labourers and coolies on tea gardens, sugar and indigo factories and mines, and by Khalasis on boards the steamers and railways.
- (c) Europeans will be disqualified to vote for non-European members or to represent non-European ratepayers of towns.

N. B.—In case it is considered undesirable to enfranchise mill-hands and tea-garden coolies now, these members may be added to the Governor's nomination of non-officials, or may be added to representatives of British community temporarily. (*Vide* paragraphs 20 and 21.)

18. II. 20 Members are to be elected by rate-payers (and not by commissioners) of Municipalities of towns in the following manner :—

- (i) 8 by Calcutta; 2 by each District.
(ii) 1 by Howrah.
(iii) 1 by Dacca—Narainganj.
(iv) 3 by towns of the Presidency Division.
(v) 2 by towns of the Burdwan Division.

(vi) 2 by towns of the Dacca Division.

(vii) 2 by towns of Rajshahye Division.

(viii) 1 by towns of the Chittagong Division.

19. In no case should the individual constituents be less than 2,000 or 3,000 persons in any Municipal constituency during the first 12 years. The electorates for the assembly shall be distinct from those for Municipalities. Marwari and Bengalee merchants should seek representation through urban electorates. Special electorates (which are necessary evils) should not be multiplied or made permanent.

III. Various (10 members) Learned Bodies.

(a) 4 by special Musalman interest or electorates, each of 5,000 voters (learned men, Mullahs, Ulemas, &c.).

(b) 1 by the Senate of the Calcutta University.

(c) 3 by the graduates of the University, 2 Hindu and 1 Mahomedan.

(d) 2 by Professors and title-holders of Sanskrit Tols recognised by Government.

E.

Government Nomination.

20. If the Governor should nominate 40 members
13 should be non-officials and
13 should be officials, while,
14 members should be *ex-officio*.

Please see N. B. in paragraph 17, *ante*.

21. Any special representation for backward and special classes, and any expert members, not provided for in

the rural and urban electorates named above, should be arranged for from the Governor's reserve of 13 or 18 nominated non-officials, with full powers to vote in any way they please.

F.

Restriction on Choice of Members.

22. Electors of Calcutta should be at liberty to elect any resident of Bengal. Electors of Muffasil towns should be restricted in their choice of members to the residents of the Division in which the town lies

Safeguard against break-down.

23. The danger of an excessive number of direct voters, leading to the breakdown of the electoral machinery, should be guarded against, while indirect elections should be done away with as far as possible. As the members and chairmen of Village Committees are persons, who live and reside and socially mix with other cess-paying villagers, the evil of indirect elections will be reduced to a minimum in their cases. As all rural cess-payers cannot be admitted now to the electoral roll of the Legislative Assembly, the direct voters should be men who live amongst them and *belong to them and are trusted by them*. The present and past members of the Village Committees would approach this ideal most.

G.

The Indian assembly.

24. The Indian Assembly should consist of 120 members instead of 100, and 90 of them should be elected as

follows by various provinces, instead of 67, as suggested in para 274 of the Report :—

Bengal Presidency	...	14	instead of	11.
Madras	"	14	"	11.
Bombay	"	14	"	11.
The United Provinces	...	14	"	10.
The Punjab	...	9	"	7.
Behar and Orissa	...	9	"	7.
The Central Provinces	...	6	"	5.
Burmah	...	6	"	3.
Assam	...	3	"	2. and
Delhi	...	1	"	nil.
		—		—
Total		90		67

25. The following constituencies may elect 14 members proposed above to be allotted to Bengal :—

- (a) 4 members by the present and past *Chairmen* of Village Committees of 4 Divisions, Dacca and Chittagong being treated as one.
- (b) 1 member by 5,000 leading rate-payers of Calcutta barring Europeans and Eurasians.
- (c) 1 member by the present and past Commissioners of other Municipalities.
- (d) 2 members (one Hindu and one Mahomedan) by the leading Zemindars (land-revenue paid by a voter exceeding Rs. 500 a year).
- (e) 2 members by the leading Mahomedans, an electorate not to exceed 5,000 for each member, one for Burdwan and Presidency Divisions and

- another for Rajshahye, Dacca and Chittagong Divisions.
- (f) 2 members by the British (not European) or Eurasian merchants, planters lawyers, &c., paying income-tax on Rs. 2,000 and over. 1 Chamber or Association, but individuals with right of direct voting should have the franchise in these constituencies.
- (g) 1 member by Bengalee merchants and mill-owners, paying Income-tax on Rs. 2,000 and over, in Calcutta, Howrah, Cossipur, Chitpur and Maniktallah.
- (h) 1 member by the Senate of the Calcutta University.

26. Four or five members to represent the cultivating and pastoral classes should be elected by the Chairmen of Village Committees, who will be always men of substance—yeoman-farmers, lakhirajdars (freeholders), ~~ayama~~ dars and jotedars. The Zemindars of the zemindary electorates should no more represent cultivators than the mill-owners should represent the mill-hands, or the planters should this tea-garden coolies.

27. Except for the British and Eurasians and the Zemindars and the Mussalmans, caste or class-electorate are very difficult to organise in Bengal. Franchise should not be given to Chambers of Commerce, Trades Associations or Anglo-Indian Leagues, as that would emphasize and combine all the evils of plutocracy and oligarchy, but to individuals or individual firms, from whom Income-tax is collected. The détermination of the English and

Eurasian merchants and tradesmen to have their representatives elected by men of their own nationality is a great misfortune both for them and the Indian community, as it will not only perpetuate but widen in every respect the gulf that separates Englishmen in India from Indians. While Indians are reducing the number of castes in India, Englishmen will be adding to it.

H.

There is Little of Caste Untouchableness in Bengal.

28. As to the Hindus of Bengal, owing to six hundred years of Muslim rule, preponderance of the Muslim population, 150 years of English domination and 60 years of University education which has extended more in this Presidency than in any other, not to mention teachings of Sri Chaitanya and Keshub Chunder Sen, caste rules are practically confined to marriage. So-called touchable and untouchable castes have worked and voted together in the British Indian Association of Zemindars and in the National Bengal Chamber of Commerce. The Brahmins and Sunnis have jointly elected members of District Boards, Municipalities and Legislative Council these 30 years. Touchables and untouchables attend the same College to-day. There is hardly a caste which does not live by four or five callings, as subsidiary Table VIII of the Bengal Census Report testifies; there is hardly a large family which has not a subsidiary calling as Table XV goes to prove; and there is no principal calling, which is not followed

by a large section of all the large castes. For instance the calling of cultivation or farming is followed by—

- 22·5 per cent. of Baishnabs (nearly half a million).
- 22·4 per cent. of Brahmins (priest) (over a million).
- 36·0 per cent. of Dhoba (washermen) (one third of a million).
- 37·6 per cent. of Goalas (milkmen) (half a million).
- 34·0 per cent. of Jogi (weavers) (over one third million).
- 76·0 per cent. of Kaibartya Chasi (over two millions).
- 74·2 per cent. of Baruis (nearly a fifth of a million).
- 26·2 per cent. of Jalia (fishermen) (a third of a million).
- 36·7 per cent. of Kayasthas (writers) (over a million).
- 40·9 per cent. of Namasudras (boatmen) (over million and a half).
- 80·0 per cent. of Rajbansi (a million and a half).
- 52·1 per cent. of Tili (oil pressers and sellers) (nearly half a million).
- 81·0 per cent. of Sad-gops (half of a million).
- 15·2 per cent. of Chamars and Muchis (cobblers) (one third of a million).
- 36·1 per cent. of Bagdis (agricultural labourers) (over a million).
- 43·4 per cent. of Indian Christians (about 83,000).

I.

The Electoral Units for Bengal.

29. So a class-electorate for the agricultural community practically means a general electoral roll for all the castes in rural areas. Of the Brahmins 22 per cent. are cultivators ; 26 per cent priests ; 15 per cent. landlords ;

7 per cent tradesmen; 5 per cent. professional; 4 per cent. contractors; and 27 per cent. domestic servants etc. Neither caste units nor class or calling units will do in Bengal. No other units than territorial units with a general roll are therefore feasible or practicable for this Presidency, except for the Zemindars, English community and the Mussalmans.

30. There are 84 Sub-Divisions which are likely to be raised to 100 in accordance with the suggestion of the Bengal District Administration Committee Report; and there are 385 thanas or revenue units, which are likely to become head-quarters of Circle Boards under Village Self-government Act. As we cannot expect more than 150 elected members in the Legislative Assembly at the start, or more than 100 elected members for the rural areas, a Sub-Division will necessarily be the smallest territorial unit for "single" constituencies for the present.

J.

Special Mussalman Electorates not indispensable.

31. If 20 Sub-Divisions be retained as "single" constituencies, and 80 Sub-Divisions be turned into 40 double constituencies, of which one elected member must be a Mussalman, the necessity of separate electorates for the Mussalmans disappears. Similarly two-fifths of the Zemindars representatives should be Mussalmans. Of the three representatives proposed for graduates, one should be a Mussalman. There is nothing easier in Bengal than to arrange proportionate representation of the Mussalmans for the Provincial Assembly without separate electorates.

32. Proportionate representation of the Mussalmans is the substance and separate electorates are the mere shadow of the Mussalman demand for adequate representation in the elected Legislative Councils. A general electoral roll will save the trouble of a separate set of polling booths, one at every Sub-Divisional town, if the proportionate number of Muslim members, fixed by the Congress-League Negotiation, be reserved in plural constituencies. This can be arranged for one or two castes at a place or polling station or constituency, but not for every caste, as suggested at the end of Para. 232 of the Montagu-Chelmsford Report. This can be easily arranged ~~for rural areas and~~ for the Mussalman Zemindars and graduates.

33. The Zemindars that have special representatives in the Indian Assembly should be disqualified for membership on behalf of rural constituencies, Hindu and Muslim.

K.

Intelligence and Literacy of rural classes.

34. The rural direct voters should not just now on account of their vast numbers exceed 1 to 3 per thousand of the people, and the male literates in the vernacular exceeded 110 per mile in 1911, and must be much larger to-day. There were found 8 years ago amongst the *cultivators* ("Actual workers." Appendix in Table XVI) alone 7,902 Hindus and 9,775 Mussalmans, literate in English—a sufficient number to carry on the Magistrate's and Munsiff's work of the Village Committees. Male literates in English likely exceed 250,000 in rural areas of Bengal. The rural people understand, and are sensible enough to mind, their

own business, and cannot be misled more than the communities of small farmers and cottage-artisans in any other country of the world, when choosing their representatives for Legislative Assembly.

L.

Minimum Representation of Villages.

35. I submit that the rural people keep up the Zemindars and their cousins in affluence, contribute most to the revenue of Government and maintain the vast export and import trade on which rests the prosperity of the European commercial and trading communities, by supplying raw-produces and consuming imported articles. They form the overwhelming majority of the total population. Two-thirds of the total elected members of the Provincial Assembly must therefore appear to all reasonable and right-minded men as the *minimum* number of members that should be allotted to the agricultural, pastoral, industrial and trading classes—18 millions of the Hindus and 24 millions of the Mussalmans—that live in rural areas of Bengal.

M.

The Danger of Under-representation.

36. Otherwise you (The Franchise Committee) will confirm and strengthen an obnoxious town oligarchy in the Assembly, which it will be difficult to mend or end, when it has once taken root. You may extend, and are bound to extend, rural franchise *gradually*, as education spreads, but you should from the very start give the rural popula-

tion—the yeoman-farmers and artisans—the right of electing the major share—two-thirds at any rate—of the total elected members. No price that the Government may pay is too high to prevent the growing evil of the rural population looking up to towns—specially Calcutta—for political guidance. This evil will grow, unless the rural population be given the minimum share of representatives that I have ventured to suggest.

37. I may finally add that in pleading for a fair share of representatives for the rural and agricultural community, I plead for those to whom I belong by birth.

SRINATH DUTT.

CONSTITUTIONAL REFORMS IN INDIA
ARE CASTE ELECTORATES PRACTICABLE
IN BENGAL ?

TO THE EDITOR OF THE "ENGLISHMAN."

Sir—In my letter to the *Englishman* on special representation of the Muhamedans of Bengal I suggested that a Sub-Division should be the minimum electoral unit just now in the Bengal Presidency, when Government will not possibly sanction more than 100 or 110 elected members for the 42½ Millions of people that live in rural areas.

According to the latest Civil List of Bengal we have 28 districts, 84 Sub-Divisions and 381 thanas or revenue units. In order to prevent false personation that is made easy by bringing voters a long way from home, the territorial unit of a thana would suit Bengal better; the average area would be about 125 sq. miles with a population of 125,000 and a tax-paying electorate of 5,000 to 8,000 persons. They could come to the polling station and return home for breakfast or dinner.

But this is not feasible just now; we cannot expect 381 elected members for rural areas, unless 500 members are allowed to be elected for the whole Presidency.

Lord Chelmsford and Mr. Montagu have laid down in para 228 of their joint Report:—

"We consider in the first place that the system of indirect elections should be swept away. It is one main cause of the unreality that characterizes the existing

councils, because it effectually prevents the representatives feeling that he stands in any genuine relation to the voter."

We have now a quadruple system of election. The leading village people elect members of Local Boards, the members of Local Boards elect members of the District Boards, the members of District Boards elect delegates, the delegates elect members of the Provincial Councils and finally members of the Provincial Councils elect the members of the India Legislative Council. This is the essence of the Minto-Morley reforms. This travesty of election system is naturally revolting to every Englishman, high and low.

But Lord Chelmsford and Mr. Montagu have "been warned against any such inordinate and sudden extension of the franchise, as might lead to a break down of the machinery through sheer weight of numbers."

My submission is that you cannot sweep away absolutely the system of indirect elections at once—at the very start—but may reduce it from the fifth degree to the second degree by endowing with direct votes the members of village committees, elected by the cess-paying and tax-paying villagers *from amongst themselves*. These members or mandals always live amongst their constituents and have some knowledge of budget estimates, etc., when managing the affairs of the village committees. A constituency consisting of about 1,000 of these members—one for each Sub-Division—will be of manageable size. The cess-paying and tax-paying villagers will at the same time be secured control over the management of village committees, with

which they are deeply and daily concerned, by being given the right of electing their members on them.

Against this system of territorial units in which the tax-paying persons of all *castes and classes* in the Sub-division will join in voting with a general electoral roll, here is the counter proposal of *caste-electorates*. At one time I was in favour of it ; but a close examination of the way, in which even a small caste is scattered over a vast area and which makes it difficult to bring the voters together without conniving at false personation, has led me to abandon the idea.

Mr. O'Malley gives in para 519 of his Bengal Census Report of 1911, a list of 37 castes, who suffer from what he calls "religious disabilities" and includes into this list respectable castes like the Subarnabaniks of Calcutta and Shahaṣ of Dacca. One "disability" is that a caste is served by a set of priests different from those that serve the Brahmins or Kayasthas. In that case an Anglican Protestant is under a "religious disability" because he is not ministered to by a Roman Catholic priest. The Brahmin and the Subarnabanik alike offer poojah at Kalighat and burn their dead at Nimtolla Ghaut, but the Anglican and the Roman Catholic have different burial places and distinct places for worship. I mention this to point out the great unfairness of placing the Subarnabanik, the Shaha and other respectable castes in the same list with the Doms, Haris etc., on the excuse of service by different priests or attending different temples.

Mr. O'Malley, however, does not call them "depressed" or "oppressed" or "downtrodden."

If you or your readers will kindly refer to table X.II of Part I of the last Census Report, you will find how the Namasudras (2,000,000), Bagdis (1,015,000), Muchis and Chamars (550,000), etc., are to be found in almost every District of Bengal. So if you go for caste electorate for every "disabled" caste mentioned by Mr. O'Malley, you must have 37 separate polling stations at almost every Sub-Divisional town.

You cannot possibly expect more than 130 or 150 elected members for 45 millions of the people. If you go by population only, you cannot have more than one entire member for one-third of a million people. So the castes that number less than 330,000 will have no place in the electoral scheme. This means exclusion of the Brahmos, Baidyas, Subarnabaniks and Indian Christians of Bengal (the four most literate castes in the Presidency both in the vernacular and English) from the proposed Reform Scheme. I am sure you do not mean to punish them for their literacy. Kindly refer to Table XIII to find out how many of the castes who suffer from Mr. O'Malley's *religious disabilities* and who supply labour to Tea Gardens, Indigo Factories, Railways, Jute and other Mills and Steamers, managed with English capital, will be excluded from the franchise, when you in India and the Indo-British in London are demanding caste electorate for them with the earnestness of John Bright and Joseph Arch of our younger days.

I shall be told that when a caste claims a smaller population than what would entitle it to an *entire* member, let us combine two or more castes until their numbers exceed the minimum limit to which one member will be allotted. I

put it to you whether that would not defeat the very object of caste electorates? You urge that the interests of castes in the Legislative Assembly are hostile and therefore they should have separate caste electorates, and in the next breath you add that they may be clubbed together, because any system of caste electorates is impracticable with the small number of elected members placed at your disposal by Government and with the small size of over 75 per cent. of the castes.

Caste electorates are therefore impracticable now, because the castes are so many, because each of them is so widely scattered, and because the number of elected members is so small.

You must have gathered from the presidential speech of the Rajah of Mahmudabad at the Special Sessions of the Muslim League at Bombay that the Mussalmans have likely abandoned *special electorates* for their community and have gone only for *proportionate* communal representation as settled by the Congress League compact at Lucknow, very likely, out of deference to the opinion of Lord Chelmsford and Mr. Montagu. This is very significant. The Mussalmans have then voluntarily relieved Lord Chelmsford and Mr. Montagu from a very awkward position, in which they had been left by the solemn pledges of their predecessors, Lords Minto and Morley. Here is a practical instance of a "deadlock," being quietly removable by the goodness of a great political party.

If you would excuse introduction of my personal experience, I may tell you that I was first Manager of the National Tea Co., in Darrang from 1877 to 1883 and my

coolies were Bauri, Bagdi, Bhumij, Sontal, Muchi, Chamar etc., the castes and classes that the European's Association of Calcutta have made up their mind to enfranchise along with the Europeans, Eurasians and Indian Christians. As a quondam tea-planter I venture to request you to consult the Managers of tea estates and employers of labour in jute mills and cotton mills, whether this advocacy of enfranchisement of agricultural and mill labour has their support. More than half a century passed between Lord John Russell's First Reform Act and Sir George Traveled's Agricultural Labourers' Enfranchisement Act. But you, Englishmen in Bengal, propose to introduce the Managers of tea gardens and their coolies to the Legislative Assembly of Bengal on the very same date. Are you not in too great a hurry to enfranchise the agricultural labourers in Bengal, Behar and Assam? Why not introduce artisans, tradesmen and occupancy cultivators first, and bring in agricultural labourers 12 years hence?

S^RI^NA^TH D^UT^T,

First Manager of the National Tea Co., Assam.
Bhowanipore, Sept. 5, 1918.

**YEOMEN TENANTRY OF BENGAL AND
RURAL ELECTORATES.**

TO THE EDITOR OF "CAPITAL".

S^RI^R,—Would you allow me to invite the attention of your readers who have accepted heartily the announcement of the British Government on 20th August last, about gradual introduction of responsible Government in India,

to the following passage in para. 136 of the Montagu-Chelmsford Report on Indian Constitutional Reforms:—

“On the other hand is an enormous country population (42 millions out of 45 millions in the Bengal Presidency) for the most part poor, ignorant, non-politically minded, and unused to any system of elections—immersed indeed in the struggle for existence. The rural classes have the greatest stake in the country, because they contribute most to its revenues; but they are poorly equipped for politics and do not at present wish to take part in them. Among them are a few great landlords and a larger number of Yeoman farmers. They are not ill-fitted to play a part in affairs, but with few exceptions they have not done so.....No one who has observed Indian life during even the past five years can doubt that the growth of political life is rapid and is real.”

The Yeoman tenantry of Bengal is not a mere figment of imagination on the part of Mr. Montagu and Lord Chelmsford. The zemindars and their gumastās call their panyah-patras or leading ryots of old repute, and offer them a pair of clothes and a head-dress once every year when they start rent collection anew, and are bound to give them the further honor of paying rents first. This class of Yeoman cultivators are not recognised by the Police or Magistrates' Agents, who help in the formation of the village panchayet under Chowkidari Act, or Village Union under Local Self-Government Act. Then there is a class of stout tenants who are called Mandal or Modol, because they are respected by their fellow villagers, (Ganye mane Modol). They are generally hereditary and

often selected by the people. For a small village there is one, and for a large village more, there being one for each pada or tola (section of it). The Police and the Magistrates' Agents do try to put them in the Village Panchayets and Village Unions-mentioned above.

So the village yeomanry is not dead or without influence even to day. A village yeoman may be an owner of small zemindaries, or free-hold (lakhraj) lands or of rent-paying tenures, which he cultivates partly with hired labour and of which he lets out the rest. He may be of any caste from the Brahmin to the Namasudra, so the punyah-patras (leading tenants of the zemindars) and the Mandals or leading men of villages do not represent any particular class or community. All castes, classes and creeds of rural areas are represented through them. All of them are not exclusively cultivators or exclusively handicraftsmen or professional or trading men. In villages all crafts and callings—cultivation, trading, handicrafts, etc.,—are often to be found in many families, and are certainly followed by most of the leading ryots and Mandals.

The system of election or selection of Panchayets and Village Unions during the last 40 years under the Chowkidari Act and Local Self-Government Act has made the rural yeomanry familiar with election system, as it is they who are mostly members of those institutions which impose Chowkidari cess and collect and spend it for improvement of villages which they represent,

If you will agree to start with these Mandals or leading

APPENDIX.

A.

Distribution of seats for rural areas.

BURDWAN DIVISION.

(19)

		for		Sub-Divisions.
1. Burdwan	4		4	
2. Midnapur	6	"	6 ^a	"
3. Bankura	2	"	2	"
4. Birbhum	2	"	2	"
5. Hoogly	3	"	3	"
6. Howrah	2	"	2	"

PRESIDENCY DIVISION.

(22)

1. 24 Perganas	5	"	5	"
2. Nuddia	5	"	5	"
3. Murshidabad	4	"	4	"
4. Jessore	5	"	5	"
5. Khulna	3	"	3	"

RAJSHAHYE DIVISION.

(21)

1. Rajshahye	3	"	3	"
2. Malda	1	"	1	"

* According to recommendations of the Bengal District Administration Committee.

(26)

3. Dinajpur	3	"	3	Sub-Divisions.
4. Darjeeling	4	"	4	"
5. Jalpaiguri	2	"	2	"
6. Rangpur	4	"	4	"
7. Bāgra	1	"	1	"
8. Pabna	3	"	3	"

DACCA DIVISION.

(25)

1. Mymensing	9	"	9 ³	"
2. Dacca	6	"	6 ²	"
3. Backergange	6	"	6 ²	"
4. Faridpur	4	"	4	"

CHITTAGONG DIVISION.

(10)

1. Chittagong	2	"	2	"
2. Noakhali	2	"	2	"
3. Tipperah	5	"	5 ²	"
4. Hill Tracts	1	"	1	"

B.

Distribution of seats for ^{Urban} upper areas.

1. Calcutta	...	8	at 2 for each District.
2. Howrah	...	1	
3. Midnapur, Bankura, Jehanabad	...	1	
4. Burdwan, Barbhum and Hoogly minus Jehanabad	...	1	

5. 24 Perganas ... I
6. Nuddia and Murshidabad ... I
7. Jessore and Khulna ... I
8. Dacca, Naraingange ... I
9. Mymensing and rest of Dacca ... I
10. Faridpur and Backergange ... I
11. Rajshahye, Malda, Dinajpur and Darjeeling ... I
12. Jalpaiguri, Rangpur, Pabna and Bogra ... I
13. Chittagong, Tipperah and Noakhali ... I

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GOVERNMENT PROPOSALS. - Elected - non-Europeans.

Rural areas,-

Non-Mahomedan constituencies -----	26
Mahomedan constituencies -----	26

Urban areas,-

Calcutta non-Mahomedan constituency ----	2
Howrah & Bally do. -----	1
Hoogly (municipal -riparian) do. -----	<u>1</u> 4
Mahomedan - Calcutta -----	1
Mixed - 24 Pargannas (municipal - ripa- rian) -----	1
Dacca -----	<u>1</u>
Total -----	7

Landholders -----	5
University -----	1

65.

Europeans - Indirect election from small
and close bodies ----- 11

Calcutta Trades Association --	1
Jute -----	3
Shipping -----	1
Inland water transport -----	1
Tea -----	1
Mining -----	1
General commercial interests - 3	
(Perhaps the Chamber of Commerce is meant).	11

European special electorate ----- 4
80.

At page 7 it is no doubt stated to be 2 and not 1 but as the Dacca University has not yet been established and is not likely to be in working order till at least 2 to 3 years elapse from the date of publication of the University Commission's Report, we can take it that according to the Government proposal at the first election at any rate there will be only 1.

Elected ----- 80

Nominated ----- 31

Special interests

Indian commerce ----- 3

Anglo-Indians ----- 2
5

Officials ----- 20

Exports (may be official or
non-official) ----- 2

Special nomination ----- 4

31

Total ----- 111.

The total is 111 and not 112 as I have not included 1 representative from the Dacca University which is not likely to be in working order when the Reforms actually start.

My proposals about number
and distribution of seats.

Government proposal
for purposes of com-
parison.

raif areas -----	36 -----	26
ban areas -----	17 -----	7 (including 1 Mahomedan seat for Calcutta).
iversity -----	2 -----	1
homedans -----	25 -----	26 (excluding 1 Mahomedan seat for Calcutta).
ndholders -----	5 -----	5
uropeans -----	12 -----	15
	<u>97</u>	<u>80</u>
minated (same as Government proposal) -----	31 -----	31
	<u>128</u>	<u>111</u>

I suggest a Council of 125 exclusive
of the Governor and the 2 members of
the Executive Council who will be ex-
officio members.

RURAL AREAS, -

I suggest 36 instead of 26 because in the Government proposal some of the electorates are inordinately big, for example, 24 Pargannas with 78,796 voters will have 1 seat, Backergunj with 52,000 voters will have 1 seat, Jessore with 48,000 voters will have 1 seat, Burdwan with 41,000 voters will have 1 seat. It is not necessary to multiply more instances. I note below a table setting out the strength of the non-Mahomedan (general) electorate as proposed by the Government, the number of seats proposed by me and the number of seats proposed by the Government :-

neral electorate.	Strength of non-Mahomedan (general) electorate as proposed by Government.	Number of seats proposed by me	Number of seats proposed by Government.
Burdwan	41,736	2	1
Birbhum	13,770	1	1
Bankura	38,428	2	1
Hidaspur	44,276	3	2
Hooghly & Howrah	33,450	2	1
24 Pargannas	78,796	3	1
Jadia	22,986	1	1
Murshidabad	17,378	1	1
Jessore	48,755	2	1
Khulna	23,717	1	1
Rajshahi	17,019	1	1
Dinajpur	15,721	1	1
Jalpaiguri	20,853	1	1
Bangpur	29,687	2	1
Bogra	5,466	1	1
Fatna	11,609	1	1
Malda	7,613	1	1
Dacca	27,670	2	2
Mymensing	29,765	2	2
Faridpur	44,688	2	1
Backergunj	52,228	2	1
Chittagong	24,800	1	1
Tipperah	18,936	1	1
Moskhali	8,612	1	1

36

26.

It is submitted that the addition of these 10 seats is very necessary to give the electorates a fair chance. Even with the addition of these 10 seats the number in some of the electorates will perhaps be larger than what one would like to have. I suggest that it is very necessary that these 10 seats should be increased for the rural areas.

URBAN AREAS,-

The Government proposal provides for 7 seats for urban areas. The distribution is as follows :-

Calcutta -----	3
Non-Mahomedan -----	2
Mahomedan -----	1
Howrah & Bally -----	1
Non-Mahomedan -----	1
Hoogly (riparian municipalities) -----	1
Non-Mahomedan -----	1
24 Pargannas (riparian municipalities) -----	1
Mixed electorate -----	1
Dacca -----	1
Mixed electorate -----	1

7.

I suggest that the urban areas should be better represented. There are altogether 113 municipalities in the province with a total population of 1,971,191 with a total income of over 56 lakhs of rupees. According to the Government proposal with the exception of perhaps 16 or 17 of municipal areas (on either side of the river Hoogly) the other municipal areas have not been given any separate urban representation. Many of these municipalities on either side of the river Hoogly are mill municipalities where there are some mills managed mostly by Europeans and where the population is mostly of the ordinary labourer type. Every district town in Bengal has a municipality. The problems and the interests in these municipal areas are different from the problems and the interests of the surrounding rural areas. In the municipal areas problems of municipal administration, water works, drainage, maintenance of a number of roads in a good condition arise. In the rural areas the problems amongst others are about the supply of drinking water by excavation of tanks and wells and not by water works parcelling out extensive District Boards' jurisdiction into a large number of Village Union Committee areas and the administration thereof. It is unnecessary to go into details but a little consideration will show that the problems are different. The interests also are different.

for in the urban areas we find men paying income tax and municipal tax and with no agricultural interest. Further more, educated ----- classes, educational institutions and middle class men generally are to be found in the urban areas. Prosperous traders, some commercial men, professional men, owners of house properties are to be found in urban areas. There is hardly any agricultural interest in the urban areas. In the rural areas, on the other hand, agricultural interests preponderate, the people pay cesses and no municipal tax and the --- population consists of a large number of agriculturists, a fair ----- number of tenure-holders with a comparatively small number of land-lords.

I propose that the urban areas should have 17 seats and the distribution of seats should be as follows :-

Calcutta (2 from each of the 4 municipal divisions) -----	8
Howrah (population 1,79,000) -----	1
Dacca (population 1,08,000) -----	1
Other municipal areas -----	7
	Total -- 17.

Distribution of seats for the other municipal areas.-

Excluding Howrah and Dacca the total population in these --- municipal areas will be about 1,800,000. I would give the municipal areas of the Burdwan Division excluding Howrah 2 seats, the municipal areas of the Presidency Division 2 seats, the municipal areas of the Dacca Division (excluding Dacca) 1 seat, that of the Chittagong --- Division 1 seat, and that of the Rajshahi Division 1 seat. It may be said that these municipal areas are in different places and an -- electorate with several scattered municipal areas will be an inconvenient electorate. Actual experience, however, tells us that there is no such inconvenience. Under the present Council regulations --- each Division returns 1 member for all the municipalities grouped -- together. The candidates have got to approach now the Commissioner. In future the only difference will be that they will have to approach the voters direct. Further, means of communication between municipi-

towns are generally good and in any case far better than those in rural areas.

ay I propose to give 8 seats to Calcutta. -

Regard being had to the wealth, education and culture of --- Calcutta I suggest that 8 seats should be given to Calcutta. Further many of the best men who are interested in the 25 Districts in Bengal have to live in Calcutta most of the time either in the interest of business or for other reasons.

The voters in the urban areas should be municipal tax-payers and income tax-payers. I suggest that the electorate should be a -- mixed one. I have no objection to separate communal electorates for urban areas as well but that will lead to complications.

UNIVERSITY. -

I suggest that so long as the proposed Dacca University is not in a working condition, 2 seats should be provided for all the registered graduates of the Calcutta University.

MAHOMEDANS . -

The total number of members from rural areas to 36 according to my suggestion. If we add 25 Mahomedans suggested by me, the total will be 61 and 40 per cent of 61 be just less than 25. By a slight readjustment in the Government proposal 1 less seat may be arranged. For example, B. Patna and Malda may be thrown in together. Some other modifications equally suitable may also be determined upon.

EUROPEANS . -

I have already discussed the question of the number
in another sheet
of European representation. According to the resolution of the ---
non-official members of the Council the Europeans should have -----
one-seventh of the total number of seats. In other words, they ---
should have from 13 to 14 seats. There is however the further ----
resolution of the local Council that half the number of seats should
be secured from a general electorate. As I understand many European
do not agree to accept this position, I suggest 12 instead of 13 or
14. Strictly speaking, on the basis of both the resolutions -----
perhaps one could urge for a lesser number. If however the -----
Europeans would agree to return some from a general electorate, ---
then I would gladly give them 3 more seats taking ^{away} 2 from Calcutta -
and 1 from the University. The general electorate, that I suggest,
would be an electorate of income tax-payers paying income tax on an
assessment of Rupees 2,000 and more. 2 of the seats may be allotted
to Calcutta and Howrah and 1 for all income tax-payers of Bengal ---
interested in tea and mining. The note annexed hereto will show the
position of Indian interests in tea and mining.

4
Revised

FRANCHISE COMMITTEE.

List of Bengal Witnesses

P r o g r a m m e .

Thursday, the 2nd January, 1919:-

1. The Hon'ble Mr. J. H. Kerr, C.S.I., C.I.E., I.C.S.

Friday, the 3rd January 1919:-

1. The Hon'ble Mr. W. E. Crum (Bengal Chamber of Commerce).
- ~~2. The Hon'ble Nawab Syed Nawab Ali Chaudhuri (Nominated).~~
3. Mr. A. D. Pickford } (Indian Tea Association
and
" W. L. Travers } Duars Planters' Association).
4. The Hon'ble Raja Hrishikesh Laha, C.I.E. (Nominated).

Saturday, the 4th January, 1919:-

1. Babu Dwarakanath Chakravarti
(Bengal Landholders' Association).
2. Dr. Pramatha Nath Banerjee (Indian Association).
3. Khan Bahadur Maulvi Abdus Salam
(Central National Muhammadan Association).
4. Mr. G. H. C. Ariff (Indian Muslim Association).

Monday, the 6th January, 1919:-

1. The Hon'ble Mr. E. B. Eden (Calcutta Trades Association).
2. Babu Debi Prasad Khaitan (Harwari Association).
3. Babu Anulyadhan Addy (Bengal National Chamber of Commerce).
4. Dr. Suresh Prasad Sarbadhikari, C.I.E (Calcutta University).
5. Raja Kishori Lal Goswami (British Indian Association).

Franchise Committee.

Review List of witnesses from Assam, to be examined
at Calcutta.

Monday, the 16th December 1918.

(Afternoon)

1. Hon'ble Mr. J. E. Webster, Chief Secretary to the Chief Commissioner, Assam,
2. Mr. J. McSwiney, Director of Land Records and Agriculture, Assam.

Tuesday, the 17th December 1918.

(Morning)

1. Babu Kshitish Chandra Das, Secretary, People's Association, Sylhet.
2. Maulvi Abdur Rahim Chaudhuri, Secretary, Surma Valley, Muhammadan Zamindars' Association, Sylhet.

(Afternoon)

3. Rai Sahib Padmanath Gohain Barua, General Secretary, Ahom Association, Tezpur.
4. Babu Pyari Mohan Das, Secretary, Mahishya Committee, Sunanganj.

Wednesday, the 18th December 1918.

(Morning)

1. Hon'ble Mr. H. Miller, Chairman, Assam Valley Branch, Indian Tea Association.
2. Hon'ble Col. W. Mason, Chairman, Surma Valley Branch, Indian Tea Association.

(Afternoon)

3. Hon'ble Maulvi Mohammad Seadulla.
4. Raja Prabhat Chandra Barua of Gauripur.

Thursday, the 19th December 1918:

(Morning)

1. Maulvi Derajud-din Ahmed, representing Anjumani Tayidi Islam, Jorhat.
2. Mr. Nabin Chandra Bardoloi, representing Assam Association.

Memorandum by the Bengal Chamber of Commerce for the Reforms Committee on the question of the franchise and electorates.

The Bengal Chamber of Commerce was established on the 31st March 1834 during the Governor-Generalship of Lord William Bentinck. The Charter Act of 1833 had required the East India Company to close its commercial business without delay, and the Company consequently became a purely political and administrative body. This change must have greatly enhanced the influence and importance of the seventy-nine firms of European merchants and bankers who, in the following year, associated themselves together into a Chamber of Commerce for the promotion and protection of their common interests. Of the earlier activities of the Chamber there is but a scanty record. We know, however, that it was reorganized in 1853, and that since that time it has made steady and constant progress. It was incorporated in 1893 as a public Company under section 26 of the Indian Companies Act of 1882. There is no necessity, for the purpose of this note, to attempt to trace the history of the Chamber. Nor need its objects be detailed here, for these are set forth in its memorandum and articles of association. It will suffice to say that its principal object is now, as it has always been, to promote and to protect the trade, commerce and manufactures of India, and in particular the trade, commerce and manufactures of Calcutta.

2. The affairs of the Chamber are managed by a Committee which is elected annually by the members. The Committee consists of a President, a Vice-President, and seven members; with a Secretary and Assistant Secretaries. The qualifications for membership are wide. The founders of the Chamber condemned the principle of exclusion, and it is only now, as a result of the war, that an attempt is being made to differentiate between British subjects and the subjects of foreign States. The election of candidates for membership is entrusted to the Committee with the reservation that elections made by them may be cancelled by the members in annual general meeting. There are at the present time 221 members of the Chamber. Of these 193 are British, 15 are British Indian, and 13 are foreigners.

3. With the extension and development of the trade and commerce of the Presidency, numerous commercial associations have been formed in connection with special mercantile interests. These are connected with, or recognized by, the Chamber, and are really an integral part of its organization. They are nineteen in number, and their designations are as follows:—Royal Exchange, Calcutta Liners' Conference, Calcutta Baled Jute Association, Calcutta Fire Insurance Agents' Association, Calcutta Hydraulic Press Association, Calcutta Import Trade Association, Indian Tea Association, Calcutta Marine Insurance Agents' Association, Calcutta Wheat and Seed Trade Association, Wine, Spirit and Beer Association of India, Indian Jute Mills Association, Indian Mining Association, Calcutta Tea Traders' Association, Indian Paper Makers' Association, Indian Engineering Association, Jute Fabric Shippers' Association, Jute Fabric Brokers' Association, Baled Jute Shippers' Association, and the Calcutta Jute Dealers' Association.

4. It is not an easy matter to define with statistical precision the extent of the commercial and industrial interests represented by the Chamber. These interests centre in Bengal, but they extend into most of the other Indian provinces also. They have given to Calcutta the largest European population of any eastern city. They have brought into existence large European settlements in the mining districts of Burdwan and Manbhum. They have created the tea gardens of Assam and Bengal, and they have made the cultivation and manufacture of jute one of the largest and most profitable of India's industries. The membership of the Chamber, and of its allied associations, includes all the jute mills, an enormous majority of the tea gardens of the two provinces, all the ocean shipping companies, and almost all of the inland steamer companies, in addition to the railways

... serving the province, the Calcutta Port Trust, the Presidency Bank, the Exchange Banks, and most of the principal local banks. Moreover, the members of the Chamber, and its associations, very largely control the import trade in piece-goods, metals, etc., and still more largely the export trade in raw jute and jute manufactured goods, tea, grain, hides, etc.

5. In the last pre-war year—1913-14—the value of the import and export trade of the Presidency of Bengal reached the large total of Rs. 18,325 lakhs (£123½ millions at 1s. 4d.). In 1834-35 the corresponding total was Rs. 680 lakhs (£6,800,000 at 2s.). It is not an exaggeration to say that this enormous increase roughly suggests the extent of the growth, during the intervening period, of the commercial interests centred in the Chamber.

6. The foregoing is an outline of what these commercial interests consist. It is now necessary to examine the extent to which they are represented in the legislatures of the country. In the Imperial Legislative Council the European commerce of the whole of India is represented by two members, who are elected respectively by the Bengal and the Bombay Chambers of Commerce. In the Bengal Provincial Council the representation is admittedly not so entirely inadequate. Its extent is shown in the following table:—

Members elected by—

Bengal Chamber of Commerce	...	...	2
Calcutta Trades Association	...	...	1
Chittagong Port Commissioners	...	...	1
Bengal Tea Planters	...	...	1

Members nominated—

Other British commercial interests	...	...	1
Specially nominated	...	...	2
			—
		Total	8

7. There is no desire on the part of the European community to claim a disproportionately large representation in the Councils. But it is claimed that the representation must be adequate. A community which, in comparison with the great Indian communities, is numerically insignificant, but which stands for vast interests, must claim representation on the basis of those interests. The adequacy of the representation to be given must be, that is to say, judged by the extent of the interests, and not by the numerical strength of the community.

8. The Chamber of Commerce is strongly opposed to a reversion to the principle of nomination. By the regulations framed under the Indian Councils Act of 1892 the Chamber was empowered to recommend for nomination in respect of both the Imperial Council and the Bengal Provincial Council. But under the Act of 1909 a system of election was introduced. There must be, therefore, no question now of reverting to the Act of 1892. The principle of election has been conceded, and it must be retained. It is not suggested that the Government ever exercised their right to refuse to nominate a recommended candidate. But the Chamber claims that this right on the part of the Government is unnecessary, and should not exist. The European commercial community is as much entitled to elect members as any other community. Under the nomination system there is no guarantee that the community will be represented by the men whom it may wish to represent it. Nor is there a guarantee of any representation at all.

9. In the past the representation of European non-official interests in the Imperial Legislative Council has been, it must be acknowledged, hopelessly inadequate. As has been shown the Bengal Chamber and the Bombay Chamber alone have been represented. The European commerce of the rest of India, not to speak of the general body of the important British community, has been permitted no voice in the legislatures, except on rare occasions when special nomination has been granted. In the future, it will be in the Council of State, and the Imperial Legislative Assembly, that the questions of the greatest moment to the commercial community

will be discussed. Finance, fiscal policy, railway policy, the development of industries, the extension of commerce, the improvement of agriculture, and other cognate subjects will be dealt with chiefly by the central Government. The Provincial legislatures will frame and dispose of commercial and industrial legislation only as affecting their own provinces. This legislation must be of necessity restricted, and must be of infinitely less consequence than the corresponding legislation to be undertaken by the Imperial Government. It follows that in the Council of State the European British community must be adequately represented. In a Council of fifty members it cannot be deemed to be unreasonable that European commerce and industry should claim three elected members. The Bengal and Bombay Chambers should, that is to say, be empowered to elect one member each, and the third member might be elected jointly by the Madras, Rangoon, Karachi and Upper India Chambers. In addition it must be surely conceded that the European British community is entitled to elect one member, thus making four European elected members in all.

10. If in a Council of State of fifty members it is reasonable to ask for four Europeans, it follows that in an Imperial Legislative Assembly of one hundred members there should be eight European representatives. This arrangement would enable the leading Chambers of Commerce to be represented, and it would also ensure that the general European community would not be overlooked so completely as they are at present.

11. In the Bengal Provincial Council the European interests of the province are obviously entitled to a very much larger share of representation. In the existing Bengal Provincial Council the Europeans are approximately 20 per cent. of the non-official members. Assuming the new Council to consist of a hundred members, of whom, say, fifteen would be officials, there ought to be seventeen non-official European members. This would ensure not only the representation of the European community generally, but also the great special interests, such as the railways, jute mills, the tea industry, the import trade, the export trade, the mining interests, shipping, inland navigation, general and local commerce and industry.

12. It has been stated that this claim to representation is not based on the numerical strength of the European community. It is, however, desirable that these figures should be given. According to the census returns of 1911 there were at that time 185,434 European British subjects in India, of whom 119,732 were males over fifteen years of age. Of these 99,681 Europeans were classified as actual workers. The figure for all India must be, therefore, considered to be approximately 100,000, inclusive of 65,971 in the Army and the Police. The European British male subjects over fifteen years of age in Bengal were given as 12,413 and the male workers as 11,887, of whom 3,610 were designated as "Public Force," i.e., Army and Police.

13. The Anglo-Indian and the European British communities should be classed separately. The interests of the two are of course to some extent similar. But it cannot be said that the Anglo-Indians are responsible for great commercial interests; or that they are able, to the same extent as the British, to uphold British traditions, and to strive for British ideals.

14. As regards voting qualifications, it is suggested that the special representation accorded to the Chamber of Commerce, the Trades Association, and the Planting community should be continued on the present system, i.e., election. For the communal voting by the general European electorate it will be necessary to define who is meant by the term "voter." The following definition is one which might be suitable for the purpose:—

A male British-born subject paying Indian taxes and ordinarily resident in India, but domiciled in the United Kingdom, or in a British Colony, or whose father or grandfather was, at the time of his death, domiciled in the United Kingdom, or in a British Colony.

In conclusion it is reiterated that the number of European non-official members of both the Imperial and the Provincial Councils must be adequate. And the number of representatives suggested in paragraphs 9 to 11 above certainly cannot be deemed to be excessive. It is, on the contrary,

Conclusion.

the irreducible minimum, anything below which would be entirely unacceptable. It is in no spirit of racial antagonism, or of opposition to the interests of the great Indian communities, that the Europeans press their claim. But they have great material interests, and they maintain that those interests—to which the prosperity of India is acknowledged to be largely due—must be adequately represented in any scheme of responsible Government. It is, moreover, to the advantage of the Indian communities themselves that they should have within their legislative bodies as large a number as possible of those men of British race who, without being officials, are inseparably united to India, and who mainly direct and control her foreign commerce. And it is claimed that, here in Bengal at least, educated Indian opinion does recognize and admit this necessity. For the non-official members of the Bengal Provincial Council recently resolved, with complete unanimity, that the number of European non-officials, in both the Imperial and the Provincial Councils, should be adequate; that it should be sufficient to safeguard European interests; and that it should increase in correspondence with any increase in the total number of elected members of the Council. This, and no more than this, is the claim which the European community makes, and which must be conceded in the new system of Government that is now to be established.

BENGAL CHAMBER OF COMMERCE,
Calcutta, the 23rd December 1918.

STATISTICS OF CERTAIN INDIAN INDUSTRIES.

Statistics Vol. I. ¹⁰¹ P. 158.

INC. - Statistics Vol. II. P. 111/7 and Banks in India. 1916.

	C. A. R.		E. A. R.	
<u>Capital and Reserves 1916.</u>	Presidency Banks -	7,36 lakhs.	49,91 lakhs.	
<u>and Deposits.</u>	Exchange Banks -	56,90 "	58,04 "	
	Joint Stock -	4,61 "	24,71 "	

Of Joint Stock Banks the figure for European managed concerns is A. 2,01 lakhs and B. 14,99 lakhs.

Practically all the Exports and Imports of India pass through the hands of the Exchange Banks.

The figures of cheques passing through the Calcutta Bankers' Clearing House (consisting entirely of British Banks except the Central Bank and Tata's Industrial Bank) for 1916 were 744 crores, which gives some idea of the volume of business transacted.

Production of Coal in India.
RAILWAYS- Statistics Vol. I. p. 198.

Capital	...	7,55	lakhs.
Total Capital Outlay	...	156,529.98	lakhs.
Of which Indian managed	...	41,847.87	"-
Of which State Railways	...	1,40.60	"-

All the remaining railways are managed by boards, either in this country or in England.

The following are the earnings of the above.-

Total gross earnings	...	64,66	lakhs.
Of which Indian managed	...	2,53	"-
Of which State railways	...	14,10	"-

COAL MINES.- Production of Coal in India.

Year 1915/16 - British tons	--	4,025,176
Capital	..Total	7.55 lacs.
Employees	...	156,554.
Of which Bengal	...	43,040.
Of which Bihar	...	92,053.

Of the above it is estimated that about 80/85% are under European management.

SHIPPING. - Statistics Vol. 2, p. 153-1. F. 11.

Year 1915/16. British tonnage... -- 4,976,176.

Capital... Total tonnage ... -- 6,052,359.

... 80% British:

The agents of all the British tonnage are British; of the remainder a large proportion is Dutch and Japanese.

WICKY MILLS 1915/16. Statistics Vol. 1. p. 54.

Number of Mills	238.
Capital (authorised)	20,53 lakhs.
Employees	221,913.

By far the greater number of mills are Indian managed.

...

1915/16. Statistics Vol. 1. p. 75/6.
1915/16. Statistics Vol. 1. p. 75/6.

Number of Mills	...	70.
Capital & Res.	...	68,12,000
Block	...	24,03 lacs.
Employees	...	4,50,000
Capital	...	13,21 -
Of the above	with a capital of 50 lacs and	
Employees	...	254,143.

aged. All above are European managed.

67 mills with 251,957 employees are in Bengal.

The reserve and other funds of the Jute Mills are Rs18,60
 is does not include Hastings Mill.

FER MILLS, 1915/16. Statistics Vol. 1. P. p. 78/9.

Number of Mills	5	9.
Capital & Deb.	77	1,163 lakhs.
Employes	6,074	4,665.

Of the above, with a capital of 50 lakhs are European
managed.

OLIVE MILLS 1915-16 Statistics, Vol. 4, p. 80.

Number of Mills	5	4,10 lakhs.
Capital	77	Lakhs.
Employees	6,074	

Of these three with capital of 71 lakhs are European man

A GARDNER. Production of Tea in India. 1917/18.

Page 9. Fixed Capital 1,171.58 4,82 lacs.
Sterling :- 29.88 -

The following is the value of Fixed Capital in the tea industry in the two best tea producing articles: 54,71 lacs.

1917/18. Page 9. Employees ... 726,825.
Of which Bengal ... 152,514.
Since 1901 in Assam ... 507,204.

Of the tea produced it is estimated that 90/95% is from gardens under European management.

Statistics Vol. 1. p. 121/2.

PORTS - Merchandise. - Statistics Vol. 1. p. 121/2.

1913/14. India	...	1,91,30 lacs.
Bengal	...	75,01 -"

The following is the share of Bengal Chamber and allied association firms in the three most important articles of import to Calcutta for 1913/14. (Trade Circular).

Piece-Goods & Yarns.	Value	28,14 lacs.
	Quantity	717,087 package
	Chamber	537,403 -"

Sugar.	Value	6,54 lacs.
	Quantity	332,885 tons.
	Chamber	229,646 -" or

Of the non-chamber imports of sugar of 103,289 tons 72,000 tons are molasses worth in 1913/14 Rs. per maund, compare with White Java sugar at Rs. per maund.

Quantity
----------	-----	-----

PCET - Merchandise.- Statistics Vol. 1. p.121/2.

1913/14. India ... 2,49,00 lacs.
 Bengal ... 64,02,78

The following is the share of Bengal Chamber and allied association firms in the three most important articles of export from Calcutta for 1913/14. (Bose's Circulars).-

Jute. Value ... 50,04 lacs.
 Quantity ... 49,42,161 Bales.
 Chamber ... 42,75,126 -" or 87%.

1 shippers were members of the Calcutta Baled Jute Association

Gunnies. Value ... 28,20 lacs.
Bags. Quantity .. 43,376,800 bags.
 Chamber ... 36,784,500 -" or 85%.

Cloth. Quantity ... 1,110,350,500 yds.
 Chamber ... 1,065,722,500 " or 96%.

Tea. Value ... 13,36 lacs.
 Quantity ... 2,535,566 packages.
 Chamber ... 2,065,942 -" or 82%.

Practically all tea shipped was by members of the Calcutta Tea Trades Association..

Written statement submitted by Mr. A. D. Pickford, Chairman, Indian Tea Association, Calcutta, in connection with the evidence to be given by him before the Franchise Committee.

The following statistics are given:—

	Assam.	Bengal.	All Indian.
Total area of tea plantations ...	Acres 1,366,089	419,940 (a)	2,020,675
Total area under tea ...	399,690	167,791 (b)	664,284
Persons employed ...	Nos. 518,387	138,401 (c)	752,533
Outturn of tea ...	lbs. 243,648,706	88,308,662 (d)	359,431,378
Percentage of acreage represented in Indian Tea Association ...	Per cent. 86	74 (e)	

	Darjeeling.	Douars.
(a)	129,581 acres	262,792 acres
(b)	54,646 "	107,820 "
(c)	43,283 persons	90,126 persons
(d)	18,660,752 lbs.	67,659,149 lbs.
(e)	48 per cent.	80 per cent.

Capital of joint stock companies engaged in production of tea in 1916 amounted to about £23,000,000 made up as follows:—

	Rs.
Companies registered in India ...	4,82,31,729
Ditto Ditto United Kingdom ...	=29,88,81,720
£19,925,448 ...	
Total ...	34,71,13,449

Figures relating to position as regards European superintendents, managers, assistants, etc.

NOTE.—These figures were tabulated from returns received from a large number of members of the Indian Tea Association.

	Area represented in the returns.	Normal European staff.	Total area under tea.	European staff of all gardens in same ratio.
	Acres.	Nos.	Acres.	Nos.
Assam ...	357,185	1,062	399,690	1,188
Darjeeling (including Terai) ...	39,676	115	54,646	158
Douars ...	84,291	252	107,820	322

It is laid down in the report that the franchise should be as broad as possible. In the case of tea gardens the coolie population consists of two kinds, those actually under agreement to gardens and those who are settled on grants outside the garden areas. None of these have a standard of education fitting them to exercise a vote, but if property is to be a qualification the second class should be given voting power, even though their votes will be largely directed by the planters who employ them or who live near them.

Where the vote is exercised by persons largely uneducated it seems desirable as a general principle that the electorate should be as numerous as possible in order to minimize the chances of undue influence.

In a letter addressed to the Assam Branch of the Indian Tea Association by the Indian Tea Association, Calcutta, a copy of which is attached, the opinion is urged that the election of representatives of tea gardens should be direct, and not by nomination. The tea industry should have the absolute right to decide who shall represent it.

I am opposed to the suggestion contained in the last part of paragraph 232. The general body of electors can be no adequate judges of the most suitable representatives of the planting community on the Legislative Councils. The risks alluded to in paragraph 230 of the report are not applicable to the tea industry.

If it is true, as stated in the first part of paragraph 232, that "a general extension of the communal system would be fatal to that development of representation upon the national basis on which alone a system of responsible Government can possibly be rooted," I suggest it is also true that to leave the representation of interest of minorities such as the tea industry in the hands of any general electorate would tend to drive the community out of the political field altogether.

If Legislative Councils are to have control, their responsibility should be real, and there should be no chance of that responsibility being frittered away by subsequent action. Therefore, though there may be danger in the arrangement, I do not think the number of nominated officials should be such as to risk the independence of the Council.

The Northern India tea industry is in a peculiar position in relation to these questions. The gardens are situated partly in Bengal and partly in Assam, mainly the latter. Representatives on the Provincial Councils are naturally and rightly drawn from residents in the tea districts—planters. But they do not represent the tea industry as a whole. The majority of planters are managers of estates belonging to joint stock companies or private proprietors owned and controlled in Calcutta and London. Apart from the lack of independence which this involves, there are many operations connected with the industry with which practically only London and Calcutta are concerned, as for instance the marketing of the tea, shipping arrangements and all that occurs after tea is packed and despatched from the garden. Practically all large questions of policy are dealt with by London and Calcutta in consultation. The situation is further complicated by the fact that certain companies have gardens situated in both Assam and Bengal.

It is essential, therefore, if the industry is to be properly represented, that room should be found both on the Assam and Bengal Legislative Councils for members representing proprietary interests not located in the planting districts otherwise than through managers.

I am also of opinion that the Northern India tea industry as a whole should be represented on the Legislative Assembly.

The election of planting representatives of the tea industry might be in the hands of all managers and assistants drawing salaries of Rs. 300 and over, while, in the case of the proprietary interests, votes both for the Legislative Councils and the Legislative Assembly could be on a tea-bearing acreage basis.

No. 1076 O., dated Calcutta, the 16th November 1918.

From—The Secretary, Indian Tea Association,

To—The Secretary, Assam Branch, Indian Tea Association.

REFORM SCHEME REPORT.

I am directed to acknowledge the receipt of your letter No. 224 of 25th October and its enclosure.

2. The Committee have carefully considered what their attitude should be in this difficult matter. As already indicated they do not feel called upon to offer general criticisms on the reform scheme as a whole beyond associating themselves with the views expressed by the Bengal Chamber of Commerce.

3. So far as the particular interests represented by the Indian Tea Association are concerned, they are in the difficulty—which your branch probably feel also—that there is nothing to go on. Under the reform scheme as formulated by Lord Chelmsford and Mr. Montagu it is conceivable that it might be proposed to impose on Assam, instead of a Chief Commissioner, the cumbersome machinery of a Governor and Council. On this point the Committee feel that the province is not ripe for any such fundamental change in the form of Government. They consider that the Indian gentlemen in Assam, who are elected or nominated Members of the Council, have not shown that they would be able to accept so great a responsibility.

4. At the other end of the scale it is conceivable that Assam might be excluded from the general scheme, and be regarded as a "backward" province. Without some knowledge of what this would entail, as for instance in the matter of representation on the Council, it is impossible to say whether this would be an advantage or a disadvantage.

5. The question of the due representation of tea interests is of course of the utmost importance, but here again a mere expression of opinion that the number of seats reserved to the tea industry should be so many is purposeless without information on the number of Councillors, the degree of representation granted to other interests, etc. On one point, however, the Committee are clear, namely, that if election is to be the basis of government in the future the representatives of tea interests should be sent to Council by election and not by nomination. The latter would mean, theoretically, if not practically, that the representatives of the tea industry would serve at the invitation of Government and not by the will of the industry. The Committee hold that under any new scheme their interests should be governed by law, and not by convention. As has already been pointed out, it seems absurd that those who are by nationality and racial tradition best fitted to exercise a vote should be prevented from doing so, while in the case of Indians an electoral system is to be artificially created.

6. With regard to the two Committees which, it is noted, will take evidence in Calcutta between 25th and 30th November the Committee of this Association feel it is very important that your branch should nominate a witness to appear before them.

**Written statement by Mr. W. L. Travers, Chairman of the
Dooars Planters' Association in connection with the
evidence to be given by him before the Franchise Com-
mittee.**

In response to a telegram from the Chairman of the Indian Tea Association, I arrived in Calcutta upon the afternoon of the 18th December. Upon arrival I learn that I am invited to give evidence before your Committee. The Government of Bengal, in a letter of the 6th December to the Indian Tea Association, state that a letter of invitation has been sent me. This letter I have not received. My written statement has to be submitted to you to-day. Hence it will be understood that I have not the time to prepare a detailed statement of statistics and figures, most of which are available only from my office up-country. Hence, with apologies, I venture to place before you copies of two letters, written to the Government of Bengal, which roughly represent the views of the members of my Association upon the matter under review.

For many reasons I would urge that the tea district of Jalpaiguri—the Dooars—be excluded from the reformed Government. Not only are the people upon the tea gardens entirely unfit for any measure of representative Government, but also the population of the country adjoining. These latter have only adopted the Hindu and Muhammadan religions within comparatively recent times, and they are far too backward in education and general development to be able to conceive any idea of Government by vote.

Hence, as I have stated, I urge exclusion. But should this not be allowed, I strongly hold the opinion that there should be a special tea constituency to represent the large Dooars industry. In regard to the method of election for a member or members, in my letters I have suggested that votes should be given to the members of the staffs of estates in proportion to the acreage of such. But a more simple idea has since occurred to me, and that is that every employé of any estate, who pays income-tax, should be entitled to a vote.

No. 18—2743, dated the 10th August 1918.

From—The Chairman, Dooars Planters' Association,
To—The Commissioner of the Rajshahi Division.

The report of Mr. Montagu and Lord Chelmsford is now before the public, and at a meeting of the Committee of this Association which was held at Jalpaiguri on Tuesday, the 6th August 1918, it was decided that I should address you.

It is not desired at present to comment upon or to express our opinion upon the proposals in general, but it was felt that an immediate representation must be made to Government upon the subject of the representation of the Dooars Planting Industry in the Provincial Council.

It is, in our opinion, one of the chief demerits of the report that the importance of non-official European representation generally is evidently not realized by its authors. The claims of various classes of Indians, and the necessity for official representation, are referred to at length, but the British non-official is referred to in a manner which denotes that the subject is one of minor consideration in the minds of the writers of the proposals. Although the number of Britishers is very small, compared with the huge population of the country, yet those who really know this country must be convinced of the necessity that a considerable number of non-official British gentlemen should be members of the Provincial Council. The non-official Britisher has occupied a unique position in this country for many many years, and he still does and will continue to do so, until the standard of comfort of the people has been raised to a state far higher than it is, or can be for some considerable time. Not only does he represent millions of British capital and a huge British trade, but he has, though often only indirectly, assisted largely in the administration and development of the country, and the bringing of more wealth to its people. Then it cannot be doubted that the inclusion of men who have been brought up in an atmosphere of ancient parliamentary institutions

and democratic Government, and who have now almost by instinct absorbed that atmosphere as part of their general outlook upon life, must be invaluable to Indian Government for many years yet to come. They will lend stability to the Council, and to its deliberations.

Now to refer especially to local conditions. Here in Jalpaiguri we have an industry, in which now indeed there are large amounts of Indian capital and Indian interests, but which has been instituted and developed and is still chiefly maintained by British capital and British supervision. There are 115,000 acres of land actually planted with the tea plant, and thousands of acres of land employed for subsidiary purposes of this branch of agriculture. We do not know definitely the numbers of aboriginal coolies who have been brought into this and neighbouring districts through the agency of tea, but probably upon the tea estates and upon other agricultural land which they have considerably assisted to open up and develop, there must be 200,000 people. For these people in their present state of civilization, as well as to represent the local interests of the tea industry itself, we ask for a permanent Dooars Planting Representative in the reformed Bengal Council.

At the present time there is but one representative for the whole of the tea community in Bengal, resident in the districts of the Dooars, Darjeeling, the Terai and Chittagong. The Dooars is, by far the largest and most important district, being considerably more than twice the size of Darjeeling. It is an unfortunate fact that the labour and planting conditions of these districts differ very considerably. The Dooars is situated upon the plains and upon the rise of land from the plains to the hills. The Darjeeling gardens are almost entirely in the mountains. The Dooars employs people from Chota Nagpur, the Santal Parganas and Chaibassa, while the Darjeeling coolies are almost entirely Paharias. Hence amongst the ever-changing circumstances which affect labour and planting generally, it is most difficult for a planter residing in one district to efficiently represent the other. We appeal to Government that a representative may be allowed for each of the districts. In the large majority of the Terai gardens conditions approach more nearly to those of the Dooars than to those of Darjeeling.

Next we would refer to the method of election at present in existence. Under these rules, the manager of any estate of whatever size, provided that its acreage exceeds 100 acres, has one vote. In the Dooars the gardens are of large size, often with two or three or even more assistant managers besides the manager. In Darjeeling the estates are small, and the majority of gardens have but a manager, with no assistant. Hence in Darjeeling, although the population is very much less than that of the Dooars, the number of votes almost equals that of the latter district.

We venture to suggest that in the future on every garden of over 500 and less than 1,000 acres, one assistant manager should receive a vote, on each estate which is over 1,000 and under 1,500 acres two assistants should receive the vote, and so on. Roughly speaking, one member of the directing staff, whether British or Indian, is employed for each 500 acres of planted tea, and this system of allowing votes to assistants, in addition to those of the managers, would give the franchise to a very large majority of the managers and assistants, and at the same time do away with the present unjust system of election. If, however, Government should decide that nomination must be resorted to, and that only one seat can be allowed to tea planters, we would urge that the nominations should be made in accordance with the numerical proportion of directing staffs, and acreage of tea. It is surely only fair and just that the Dooars, with its very large superiority of numbers of managers and assistant managers, and of acreage and importance generally, should be represented upon the Council far more frequently than the other districts. Since the present rules of election for the Bengal Council have been in existence, the Dooars has been represented once. But at the last election, since we thought that it was only just that Darjeeling should elect the member sometimes, we did not contest the seat, and allowed the unopposed return of Mr. Irwin of that district. We are strongly of the opinion, however, that a Dooars gentleman should represent the constituency, if it remains as at the present time, upon the next two Councils in succession.

In conclusion we wish to state that, in whatever form the coming reforms may finally be, it is our hope that they may enable us to co-operate and work with our Indian fellow-subjects, for the Government and future welfare of this country.

No. 18—3617, dated the 3rd October 1918.

From—W. L. TRAYERS, ESQ., O.B.E., Chairmans, Dooars Planters' Association,

To—The Deputy Commissioner, Jalpaiguri.

I have to acknowledge receipt of your memorandum No. 3866 of the 1st October, with which you send a copy of a letter from the Chief Secretary of Bengal. This letter refers to the proposal in the reform report, in which it is suggested that backward tracts or districts should be placed outside the operation of the reformed Government. The district of Jalpaiguri is named as one of the backward districts which may possibly be excluded and my opinion is asked upon the matter.

2. The question of representation and of the application of the vote to the Dooars and its neighbourhood is one which has much occupied my attention since the publication of the reform proposals. Not only are the thousands of aboriginal peoples resident upon tea estates and in other parts of the Dooars entirely unfit at present for even a beginning of democratic Government, but the same remark applies, with almost equal force, to the indigenous peasant or ryot. The latter themselves are not far removed from the characteristics of the aboriginal. Their religion is a mass of superstition and in education the whole district is extremely backward. They do not appear to be sufficiently advanced to understand or appreciate representative Government by election, and I do not believe that even village Self-Government can be applied with safety to any portion of Jalpaiguri, with which I am acquainted. Here and there, such as in the town of Jalpaiguri, there are small bodies of Indians sufficiently advanced for the application of a part perhaps of the principles stated in the reforms, but such must be a tiny minority of the total population of the Jalpaiguri district. Taking all the facts into consideration, I am convinced that the present form of benevolent Government is at present entirely suited to the need of the people and that it will be so for a good many years to come.

The Chief Secretary points out that, if the district were to be excluded from the new Government of Bengal, after reforms are in operation, the present representation in the Council through the tea-constituency, would be lost. In this connection I would point out that the large and important tea industry of Bengal is intimately associated with many matters of general importance to the province. In all local matters, if the district were excluded, we could communicate with the District Magistrate up to the Governor of the province. But it must be remembered that the industry draws its labouring population from other parts of this province, and from other provinces. Then questions relating to railways and waterways, and in very many other directions concerning matters of importance to Bengal generally, have a connection, direct or indirect, with the tea industry. It therefore seems only just that there should be a representative upon the Legislative Council to protect what may be described as our provincial interests, as opposed to those which may be described as entirely local. Then again the European population of the Dooars and Darjeeling will surely largely increase after the war. The gardens are increasing in number and in area, and many more Britishers can be and will be employed in the industry. Even though, the Dooars or the Jalpaiguri district be excluded from the operations of a reformed Government, yet surely the latter, with its increased powers, will legislate upon subjects which will largely affect and interest us personally. Hence I consider that there should still be a representative of the tea industry upon the Legislative Council. If, however, the questions of exclusion and representation are so intimately connected, I am sure that all planters would much prefer to lose their representative and to trust that their views may be placed before the Council by others rather than that the district should be included amongst those under the reformed Government.

3. In connection with the proposed exclusion, the fact that the district is situated upon the frontier is of great importance. The Government of India and the Governor of Bengal are responsible for the defence of India. The attitude of the people of Bhutan, or even of those of Tibet and China, may, in the future, be such that it will be a great advantage to have this district directly under the Governor.

4. In conclusion, I would state that your letter arrived only yesterday, and that an answer, to reach you by the 4th of October, must be despatched today. Hence I have had no time to consult the members of my Association, or even sufficient to permit myself adequately to consider a matter which may affect, in the future, our industry and ourselves so largely. I believe that the opinions which I have expressed will commend themselves to a very large majority of the members of the Dooars Planters' Association.

Statement of the Hon'ble Raja Reshee Case Law, C.I.E., on Franchise.

It would, I think, very much facilitate matters if I adhered to the order of the terms of reference to the Franchise Committee as set out in the official *communiqué* dated Simla, the 15th October 1918.

I shall take into consideration only the problems that affect the Presidency of Bengal, and in doing so, beg to note that I agree entirely with what the august authors of the Reform Report say with regard to communal representation, and would point out that in this country, we have not yet arrived at that stage of political consciousness when a citizen regards himself as no more or less than a citizen, no matter, whether by religious persuasion or by reason of individual interest, he is this, that or anything else. I begin, therefore, by extending my cordial support to the principle of communal representation, and am inclined to go a little beyond the report on this point. It will be manifest as I go on what I mean, and how I should like to give effect to my meaning. I would deal first with the question of constituencies.

1(a).—Constituencies.

In my opinion, the constituencies should be divided as follows:—

- (1) Landholders.
- (2) Indian Mercantile Community.
- (3) European Mercantile Community.
- (4) The Universities of Calcutta and Dacca.
- (5) The Corporation of Calcutta.
- (6) European Trade, or No. 9 (European Community).
- (7) Indian Trade.
- (8) Marwari Community.
- (9) European Community, or No. 6 (European Trade).
- (10) Muhammadan Community.
- (11) Planting Community.
- (12) Mining Interest.
- (13) Chittagong Port Trust.
- (14) Calcutta Port Trust.
- (15) General Electorate.

1. **Landholders.**—It would seem that the landholders, having a community of interest with the rest of the people in the province, in that they are in close touch with the entire agricultural community who form the bulk of the population of the Presidency, would not be justified to claim any portion of representation reserved to themselves. But I would insist that by reason of landholders, as a landowning community having, on the one hand, directly to do so much with the affairs of the Government, and, on the other, with the bulk of the population, are entitled to a share of representation apart from the fact that no other community of people in the Presidency can be said to have as large an interest and stake in the country as they. In support of the latter contention the spirit of law that prevails in England could safely be invoked. There they have the House of Lords composed entirely of the landed aristocracy and the wealthy nobility. There they have a separate House to themselves, which is a part of the legislative machinery as important as the House of Commons itself, except under certain extreme circumstances of very recent introduction. There the landlords have their separate Chamber, because they have no place in the lower house unless and until they renounce their peerage, and it is a question not free from doubt whether a peer can renounce his peerage. Just because under the Reform Scheme, we are not going to have a House similarly composed, I should think the simplest solution would be to allow the landlords of Bengal a separate representation of their own in the Provincial Legislative Council. And the proposal that I put forward here is well known in the history of political institutions.

2. **The Indian Mercantile Community.**—I do not know if it is necessary for me to labour the point that the Indian mercantile community have an interest in the country no less important than that of the European

mercantile community to whom a separate representation has been vouchsafed. It is a community growing in volume and influence, and is composed of some of the ablest men in the country who by reason of their experience, and practical ability in business organisations, can bring a very large quantity of first-hand information to bear upon the actual measures of legislation, without which, I am convinced, the result of the labours of the assembly will be poorer. The Indian mercantile community under the Morley-Minto reforms has, as much as the landholding community, been recognized as a necessary adjunct to the Legislative Council, and I am not aware of any shortcoming on the part of either why they should be hereafter disfranchised.

3. **The European Mercantile Community.**—With regard to the European mercantile community I need not say anything beyond that their claims have been fully recognized in the report.

4. **The Universities of Calcutta and Dacca.**—It is but meet that the University of Calcutta, and the proposed University of Dacca, should have a separate representation of their own, similar to the representation given to the great Universities of Oxford and Cambridge, London, Edinburgh and Dublin in the British House of Commons. It is not necessary to note the particular reasons why these should be given separate representation, for they are self-evident.

5. **The Corporation of Calcutta or rather the area within their Jurisdiction.**—Here I propose to make a slight departure from the rule that prevails in England, namely, the great County Council of London has to rest content without a separate representation of its own. The reason why that is so, is not far to seek. The London County Council is a highly developed institution, membership of which takes rank in English public life only next to that of the House of Commons. There are members common to both the Council and the House, and it is inconceivable that any member of the House of Commons itself should not be interested in the affairs of the Council, or should not be vitally interested in the city of London itself. The interests of the London County Council, therefore, are fully safeguarded and abundantly represented through the Metropolitan Boroughs in the national legislature, and till the Corporation of Calcutta has arrived at that stage of municipal evolution in the public life of India, I would assign a separate representation to it.

6 and 7. **European and Indian Trades.**—Under the report, neither the European Trade nor their Indian confrères as such, have a *locus standi* for purposes of representation. I would, therefore, suggest, that the claims of both of them should be separately taken into consideration for such purpose.

8. **The Marwari Community.**—The Marwari community, which is a very important body in the commercial and municipal life of Calcutta, and bids fair to be in the near future even more so, should certainly have a separate representation of their own, instead of being called upon to throw themselves into the hotchpot.

9. **The European Community.**—In my opinion, the European community should have a representation of their own if the European trade is overlooked; but I should certainly object to both the European trade and the community having each a separate representation. They should have either the one or the other, but not both.

10. **The Muhammadan Community.**—The report recognizes the need for the present of communal representation for the Muhammadans, and I agree with that recognition.

11 and 12. **The Planting Community and the Mining Interest.**—The interests of the Indian and European planting communities and of the Indian and European mining interest, respectively, should be severally represented in the Legislative Council by persons of their own choice, and the importance of such concession granted to them cannot be overstated. The close of the war, it is anticipated, will witness a great recrudescence in industrial venture, signs of which are already in evidence. This will necessarily entail a large volume of legislation regulating both the planting and the mining industries. In these circumstances, it is but proper that they should have an adequate representation and voice in the making of legislation touching their interests.

13 and 14. **The Calcutta and Chittagong Port Trusts.**—Those who argue that the representation of various mercantile interests may be safely trusted to look after the interests of the Port Trusts of Calcutta and of Chittagong, forget the fact that the interests of the two are wholly divergent, if not opposed to each other. For the development of these institutions and, therefore, for the further development of these ports, upon which the prosperity of the Presidency of Bengal must eventually depend, I suggest that they should be separately represented.

15. **The General Electorate.**—To this I attach the greatest importance, for upon the successful grouping of it much of the future political evolution of India will depend. And any mistake made now with regard to it will be a fatal blunder for all times.

1(b).—Franchise.

Having now gone over the ground of constituencies, I proceed to consider how the franchise should be distributed on a "broad" basis. I have indicated above how "such communal and special representation as may be deemed necessary" may be given effect to.

(a) **Landlords.**—I am of opinion that every landlord paying a revenue of Rs. 1,000, or a cess of Rs. 20 a year, to the Government direct, and every holder of a title not below the rank of a Rai Bahadur or Khan Bahadur, should be entitled to a vote in the separate representation of landlords.

(b) **The Indian Mercantile Community.**—In this I would include all the individual members of firms paying an income-tax of Rs. 500 a year for a vote.

(c) **The European Mercantile Community.**—On them I would impose similar conditions.

(d) **The Universities of Calcutta and Dacca.**—Every Fellow or Senator, whether honorary or otherwise, or registered graduate of the Universities of Calcutta and Dacca, should be qualified to vote for university representation. Till the establishment of the Dacca University, its representation, might be taken advantage of by that of Calcutta.

(e) **The Corporation of Calcutta.**—Every person on the electoral roll of the Municipality of Calcutta should be entitled to a vote for election to the Legislative Council.

(f) **Mufassal Municipalities.**—Every person in the electoral roll of the mufassal municipalities should be entitled to a vote for election to the Legislative Council.

(g) **District and Local Boards.**—The basis of this franchise should be considerably widened, and should be broad-based on an annual Rs. 2 cess or chaukidari tax-paying qualification.

(h) **European Trade.**—Every European engaged in such trade including his employees, paying the minimum income-tax of Rs. 100 a year, should be qualified to vote.

(i) **Indian Trade.**—The same qualification as (h).

(j) **The Marwari Community.**—Every Marwari trader or gentleman engaged in business and paying an income-tax of not less than Rs. 100 a year should have a vote.

(k) **The European Community.**—If the European community should prefer a communal representation rather than take advantage of (h), I would insist upon the payment of a minimum income-tax of Rs. 100 a year for qualification.

(l) **The Muhammadan Community.**—With regard to this community, I think the basic principle of their franchise, which obtains now, might be extended upon the present foundation.

(m) **The Mining Interest.**—Every planter, Indian and European, including his landlord, and employees receiving a remuneration of Rs. 25 a month, should have a vote.

(n) **The Planting Interest.**—Every person, Indian and European, interested in mining concern including his landlord, and employees receiving a remuneration of Rs. 25 a month, should have a vote.

(o) **The Calcutta Port Trust.**—Every person interested in the Calcutta Port Trust, whether by reason of employment under them carrying a salary of not less than Rs. 25 a month, or of being a member of the Trust, should have a vote. I anticipate, however, some difficulty here—for under present conditions none but the Vice-Chairman shall have a chance for one of the two seats I propose to be allotted to it. I would, moreover, urge that no officer of the Trust other than the Vice-Chairman, whose qualification to represent the Trust is of a superior type to that of anybody else, shall be eligible to be a candidate.

(p) **The Chittagong Port Trust.**—Every person interested in the Chittagong Port Trust, whether by reason of employment under them carrying a salary of not less than Rs. 25 a month, or of being a member of the Trust, should have a vote. I anticipate, however, some difficulty here—for under present conditions none but the Vice-Chairman shall have a chance for one of the two seats I propose to be allotted to it. I would, moreover, urge that no officer of the Trust other than the Vice-Chairman, whose qualification to represent the Trust is of a superior type to that of anybody else, shall be eligible to be a candidate.

(q) **General Electorate.**—This shall be the largest, and all those whom I have enumerated in the foregoing paragraphs (a) to (p), shall be qualified voters here.

This procedure, I think, would sufficiently broaden the franchise, so as to make representation worthy of the ultimate goal of responsible government in India.

2.—Direct election.

For the purpose of direct election, I would divide each class I have enumerated above, into territorial groups, or electoral districts, and if for that purpose it should become necessary for me to have more than one group or electoral district in one administrative district, or in an administrative subdivision, or in the city of Calcutta, I should not hesitate to do so. I shall give one or two illustrative cases later on.

3.—Proportional representation.

As at present advised, I am not opposed to the proposal of proportional representation, but I anticipate some difficulty in giving effect to the principle having regard to the fact that numerical proportion may sometimes be found to be inadequate to the principle of class representation. To simplify matters, I would allot certain seats to each individual class, and divide them among the groups.

4.—Nominated official members.

The number of nominated official members should on no account exceed beyond the Secretaries and Heads of Departments of the Government.

5.—Size of the Provincial Council.

We should not lose sight of the fact that under the Reform Scheme, the legislative assembly is meant to be more of the nature of a Parliament than an enlarged Council. The entire view of the report does not admit of the conception of a Council at all. It must, therefore, be of a size, worthy of a Parliament, at all events, in its incipient stage.

In order that each class, minor or major, should have adequate representation on the Council, I would considerably enlarge it in Bengal where an assembly of 290 members, of whom 232 shall be elected, cannot, under any circumstances, be considered too large. This is primarily (the proportion would be much less as I have shown later on) on the basis of one member for every 200,000 of our aggregate population of 46,300,000. *Of this total number of 290, I would allot one-fifth, namely, 58 seats to officials, non-official nominated and *ex-officio* members, leaving four-fifths, namely 232, to be appointed by general and communal election. Two of them I shall make over to the

Calcutta University, and 1 to the Dacca University. The European mercantile community may have 4, the Indian mercantile community 2, the European Trade or the European community 2, the Indian Trade 2, the Marwari Community 2, the Indian Planting Community 1, the European Planting Community 1, the Indian Mining Interest 1, the European Mining Interest 1, the Chittagong Port 1, the Calcutta Port 2 and the Muhammadan Community 40; and I should also make over 15 to the Landholding Community. This leaves a balance of 155 members to be chosen by the general electorate, from which I would not exclude any of those communities, or classes, or interests I have enumerated under head "1 (a).—*Constituencies*," and to whom I have given special representation. This, of course, involves the principle of plural voting in one particular aspect of it; namely, that a voter may have more than one vote, but each one of his votes must refer to a particular and separate capacity and constituency, so that he may not be permitted to exercise more than one vote in the same constituency. If he has a separate vote in another capacity in another constituency, he may exercise it there, but no person shall vote at a general election for more than two constituencies. But then as I understand the situation to be, it is this: that the Viceroy and the Secretary of State do not altogether reject the principle of plural voting any more than some of the European Governments have been able to do away with it. I would urge, therefore, that the principle of plural voting in the election of our Legislative Council may be accepted as a safeguard against the return of persons who are neither qualified nor desirable.

6.—Qualification of Voters.

Subject to these conditions and limitations, I would include in my list of voters every graduate, whether of the Provincial Universities, or of any European University, of not less than three years' standing, and every holder of a title conferred by a recognized Board of Examiners, or an Indian University, and every registered medical practitioner, every Barrister, Vakil, Pleader, or Mulkhtear, or Attorney, and every person who pays an income-tax of the minimum amount of Rs. 100 a year, and those who are on the electoral roll of rural and urban municipalities and of rural boards, and those who pay to the Government direct a cess or chaukidari-tax of Rs. 2 a year, and those who hold tenures of not less than 50 bighas, and those who pay a Government revenue of Rs. 100 a year. I would also observe here that mufassal municipal towns in Bengal with a population of not less than 100,000 may have the right to return one member each. In this category would come the towns of Dacca and Howrah. I would, therefore, give the towns of Dacca and Howrah one member each. I would, further, insist that voters should be of the age of 21 years before they could be regarded as qualified to vote.

The strength of representation, on the basis of my calculation, would be in the proportion of one elected member by direct election for every 298,709 of the population—a figure considerably higher than what obtains anywhere in Europe, or America, or in Japan. This basis may claim the credit of being on the right side of the principle enunciated in the report, of having a broad electorate without making it unnecessarily broad and unwieldy.

7.—Duration of Legislative Assembly.

The life of each Legislative Assembly should be five years.

8.—The Legislative Assembly of India.

With reference to the Legislative Assembly of India, I would not hesitate to maintain the electorates of Landholders, Indian Mercantile Community, European Mercantile Community, the European Community, the Muhammadan Community and the Mining Interest in addition to the General Provincial electorate, but with higher qualifications of membership upon similar lines. This assembly should be constructed on the basis of one member to every million of the population, four-fifths being elected, and one-fifth nominated, not more than half of the latter being officials.

9.—Council of State.

I consider that a proportion of half and half between the nominated and the elected in the composition of the Council of State would meet the exigencies of the situation. Of the nominated, not less than one-third should be non-officials. Here, as well as in the Legislative Assembly of India, the proportion of representation should not be dissimilar to that which may prevail in the Legislative Council of Bengal. The Princes of India should have no place in the Council of State.

10.—Residential qualification for both assemblies.

No residential qualification should be required of candidates for election whether to the Legislative Assembly of India, or to the Provincial Legislative Council.

11.—Disqualification.

The rules of disqualification, which govern parliamentary elections in the United Kingdom, should apply *mutatis mutandis*.

12.—Voting and Poll.

Voting should be by ballot, and the poll throughout the country must take place on one particular day, to be followed by another for counting, both days being notified beforehand.

These, in my judgment, would make for an adequate representation of every community and interest whether they are an important minority, or otherwise. Where these minorities shall be found to have lost their adequate share at the poll, they may safely be supplemented by nomination, of which the Government would have a large contingent on hand, so that at the formation of each Legislative Assembly (after a general election) the balance of representation may be maintained and kept steady.

The principle of communal or class representation should not be permitted to endure beyond each periodic parliamentary enquiry suggested in the report, to enable the Committees to revise the principle and modify it in the light of moral and political advancement made by India during the interregnum.

13.—Illustrative cases.

1. **City of Calcutta.**—The city of Calcutta has a population of 896,000. On my basis, Calcutta shall have three seats distributed over the municipal area which I would divide into three clearly defined districts for purposes of Council election only, exactly on the same principle as the boroughs in London under the County Council:

2. The Presidency Division has a population of 4,872,752. On my basis, the Presidency Division should have as many as ~~24~~ members. I should divide the whole division into ~~34~~ groups, or districts, for purposes of Council election only—exactly on the same principle as an English shire is. 17

I would leave such grouping or subdividing to the administration.

**Opinion on franchise and electorates by the
Hon'ble Surendra Nath Roy.**

Provincial Legislative Council.

I accept the principle that the Provincial Legislative Council should be elected by a system of direct election on a franchise basis as wide as possible but that there should not be such a sudden extension of the franchise as might lead to a breakdown of the machinery through sheer weight of numbers. This implies not only that the machinery for holding the elections should be sufficient to cope with the number of voters but also that the numbers should be such as to allow of the claims of different candidates being brought forward before them, that is, allow of proper canvassing. With the present means of communication in the country and the means at the disposal of the candidates this is not possible if we go down to the qualification of Re. 1 or Rs. 2 as cess, or Rs. 2 or Rs. 4 as chaukidari tax for rural non-agriculturists as the basis. The figures published by the Government of Bengal are not accurate. The statistics do not appear to have been collected accurately. Taking the cases of 24-Parganas and Barisal I think that the number of cess-payers of Re. 1 and above alone for Bengal would be greater than 1,800,000 and this excludes the figures for Darjeeling. In my opinion the qualification for different classes of electors should be as follows:—

- (1) *For landholders.*—Persons paying Rs. 2,500 as land revenue, or Rs. 750 as cess. There should also be a separate qualification for large landlords in Calcutta. In the case of joint families the *karta* should have a vote. Patnidars and permanent revenue-holders should have a vote.
- (2) *For rural areas.*—Rayats paying cess of Rs. 5 and revenue-holders or proprietors paying cess of Rs. 7½ or persons paying chaukidari tax of Rs. 6 per annum. In rural areas it is undesirable to go lower down in order that there should be community of feeling between the elector and the elected.
- (3) *For urban areas.*—Outside Calcutta, Howrah and Cossipore-Chitpur, persons paying municipal tax at the rate of 7½ per annum. In Calcutta of Rs. 25 and in Howrah and Cossipore-Chitpur of Rs. 15 per annum.

The representation for urban and rural areas should be separate in all cases. In view of the opinion arrived at at the meeting of the non-official members of the Bengal Legislative Council, I would accept communal representation for the Muhammadans, Europeans and the Anglo-Indians for the present and on condition that Muhammadans should not stand for the general electorate. The qualification of voters for the Muhammadan electorate should be the same as in the case of the general electorate and the number of seats may be distributed as stated below. I would also give adequate representation for European commercial and general interests and that by election. Members of special communities should not be able to stand for the general electorates. In all cases of general election—the qualification of candidates should be higher than those of voters, and *hand fide* residents of the electorate should only be eligible to stand for election.

ELECTED MEMBERS.

General Electorate.

Urban areas.

Calcutta	...	...	3
Municipalities of 24-Parganas	...	...	2-2
Ditto Nadia and Murshidabad	...	...	1
Howrah District	...	...	1
Municipalities in the Hooghly district and Bally	...	...	1
Other municipalities in Burdwan Division	...	...	1
Dacca and Narainganj	...	...	1
Other municipalities in Dacca Division	...	...	1
Darjeeling and Kurseong	...	...	1
Municipalities in Rajshahi Division	...	...	1
Ditto Chittagong Division	...	...	1

Murshidabad

Mirzapur Bankura - 1

Mymensingh Dt.

Faizpur Bankura - 1

Rural areas.

24-Parganas	...	...	...	...	2
Nadia	...	...	...	...	1
Murshidabad	...	...	...	...	1
Jessore	...	...	...	...	1
Khulna	...	...	...	...	1
Burdwan	...	...	...	...	1
Birbhum	...	...	...	...	1
Bankura	...	...	...	...	1
Midnapore	...	...	...	...	2
Hooghly and Howrah	...	...	...	...	1
Rajshahi	...	...	...	...	1
Dinajpore	...	...	...	...	1
Jalpaiguri	...	...	...	...	1
Rangpur	...	...	...	...	1
Bogra	...	...	...	...	1
Pabna	...	...	...	...	1
Malda	...	...	...	...	1
Darjeeling	...	...	...	...	1
Dacca	...	...	...	...	2
Mymensingh	...	...	...	...	3
Faridpur	...	...	...	...	1
Bakarganj	...	...	...	...	1
Chittagong	...	...	...	...	1
Tippera	...	...	...	...	1
Noakhali	...	...	...	...	1
Chittagong Hill Tracts (to be nominated at present)	...	...	...	...	1
Total	...	...	...	...	45

31-4=2

Muhammadian Electorate.

Calcutta	...	...	...	...	1
24-Parganas	...	...	...	...	1
Nadia and Murshidabad	...	...	...	...	1
Jessore	...	...	...	...	1
Khulna	...	...	...	...	1
Burdwan, Birbhum and Bankura	...	...	...	...	1
Midnapore, Hooghly and Howrah	...	...	...	...	1
Rajshahi	...	...	...	...	1
Dinajpur	...	...	...	...	1
Jalpaiguri	...	...	...	...	1
Rangpur	...	...	...	...	1
Bogra	...	...	...	...	1
Pabna	...	...	...	...	1
Malda	...	...	...	...	1
Dacca	...	...	...	...	1
Mymensingh	...	...	...	...	2
Faridpur	...	...	...	...	1
Bakarganj	...	...	...	...	2
Chitagon	...	...	...	...	1
Tippera	...	...	...	...	1
Noakhali	...	...	...	...	1
Total	...	...	...	...	23

on 28/11

= 752 40/100
portion of etc

Calcutta University—

(1) Elected by Fellows	...	...	...	...	1
(2) Elected by registered graduates	...	...	...	...	1
(3) Elected by general graduate constituency	...	...	...	...	2
Landholders in the five divisions	...	...	...	...	5
Big landlords in Calcutta paying an annual tax of Rs. 1,000 and upwards	...	...	...	...	2
Bengal Chamber of Commerce	...	...	...	...	4
Calcutta Trades' Association	...	...	...	...	1
Bengal Jute Mills	...	...	...	...	1
Calcutta Port Commissioners	...	...	...	...	1
Chittagong Port	...	...	...	...	1
Sirajganj and Narainganj Chambers of Commerce	...	...	...	...	1

✓✓

Planting community, Darjeeling	...	...	1
Ditto, Jalpaiguri	...	...	1
Mining interest (by company and not by association)	...	...	1
General European community	...	...	2
Anglo-Indian community paying income-tax	...	...	2
Bengal National Chamber of Commerce in conjunction with Bengal Mahajan Sava	...	...	2
Marwari community of Calcutta and Howrah paying income-tax	...	...	2
Muhammadan merchants and traders of Calcutta	...	...	1

will this be counted

not the name

The total number of members should be 125-25 (including 2 *ex-officio*) being nominated by the President of which six should be non-officials, of the six non-officials to be nominated, one seat should be reserved for a representative of Indian commerce from the mufassal. The seat for the Chittagong Hill Tracts should also be nominated at present. Any special constituency that may be created in future being taken from the nominated non-officials. In Bengal there is no necessity for a special representation of other backward or small communities. In fact, the existing general electorate has in many cases elected members of those communities to the Legislative Council.

Constitution of the Imperial Legislative Assembly.

I would suggest that there should be 150 members in the Imperial Legislative Council, instead of 100 members suggested in the Report, I would distribute the seats as follows:—

NOMINATED MEMBERS.

- (1) Officials including *ex-officio* members ... 28
- (2) Non-officials including experts (this should include at least five members from the Native States) ... 15

ELECTED MEMBERS.

Important cities—(1) Calcutta, (2) Patna, (3) Allahabad and Lucknow, (4) Cawnpore and Agra, (5) Lahore, (6) Bombay, (7) Madras, (8) Nagpur, (9) Rangoon, (10) Delhi, (11) Ahmedabad and (12) Karachi	...	...	12
Members of municipalities and rural districts	...	...	30
Muhammadan community	...	...	12
Landholding community	...	...	12
Sikh community	...	...	1
Chamber of Commerce (Bengal)	...	...	2
Ditto (United Provinces)	...	...	1
Ditto (Bombay)	...	...	1
Ditto (Madras)	...	...	1
Ditto (Rangoon)	...	...	1
Domiciled Anglo-Indian community (Bengal and Upper India)	...	...	1
Domiciled Anglo-Indian community (Madras and Bombay)	...	...	1
Universities including those of Patna and the proposed University of Dacca	...	...	6
Northern India Tea industry (United Provinces, Bengal and Assam)	...	...	1
Indian Mercantile community (Bengal, Northern India and Bombay)	...	...	3
Madras Planting community	...	...	1
Indian Cotton industry	...	...	1
Indian Mining industry	...	...	1
Two members may be elected from each of the following Councils, viz., Bengal, Bihar and Orissa, United Provinces of Agra and Oudh, Punjab, Madras, Bombay and Burma, and one from Central Provinces, Assam, North-Western Frontier Province and Beluchistan	...	...	18
General European community	...	...	2

This completes the list.

Indian Legislative Assembly.

I recognise that the time has not yet come when by a fusion of the Native States of India and the British India a deliberative Assembly can be formed which will exercise legislative powers, regarding tariffs, exchange, opium, salt, railway, posts and telegraphs, common to the Native States and the British India. But it is essential that the representatives of Indian States should be admitted both in the Indian Legislative Assembly and in the Council of State in order that the Assembly and the Council may have first hand information as to how the subjects common to the two will affect the Native States. I have, therefore, proposed that five members of the Indian Legislative Assembly should be chosen by the Viceroy as representatives of the Native States. I would further suggest that these five members be nominated by the representative assemblies of those States where there are such assemblies. It is proposed in the report that there should be representative Indian Princes in the Council of State.

I think it is possible to have direct election in all cases, except in the cases of municipalities other than in the large towns and rural districts. There the election may be made by the members of municipalities and District and Local Boards. In the case of the Indian Legislative Assembly I do not wish that members of a special community should be disqualified from standing in the general constituencies.

Council of State.

But it is necessary that in a Council of 50, there should be at least 28 elected members—the proportion at present existing in the Bengal Legislative Council. As the elected element will include representatives of European commerce, and of the great landed interests, the Government should easily secure its legislation without any fear. If, however, the representatives of European commerce, and of the great landed interests combine with the Indian members in rejecting a measure proposed by the official Government, it is manifest that such legislation is undesirable, and that the Government should not be empowered to carry through such laws.

Twenty four Pargannas Municipalities.

MUNICIPALITIES.	TOTAL VOTERS	Number of ratepayers TOTAL	POPULATION
South Suburban	2813	6471	17683
Tallygunge	1679	2446	11183
Garden Reach	3500	4473	27665
Rajpur	1811	2428	5762
Baruipore	646	1157	3907
Jainagore	832	1621	4631
Budge Budge	2000	2139	11529

Total		13481	
Cossipore Chitpore	4035	5898	20793
Manicktollah	2989	8043	31735
Basirhat	1382	2870	9517
Boduria	1420	2010	7075
Taki	808	1045	2662
Gobardanga	624	1072	2533
Barasat	700	1461	4724
South Dum Dum	623	1925	7760
North Dum Dum	522	905	2760

Total		13104	

Barnagore	3410	4101	14982
Kamarhati	1557	2006	11243
South Barrackpore	606	932	2618
Barrackpore	768	1195	4180
Panihati	1174	2099	6339
Titāgurih	876	1219	31225
North Barrackpore	1112	1916	27027
Garulia	400	585	7876
Naihati	1235	2030	11685
Halishahar	517	1023	3647
Kanchrapara	489	1117	4567
Chhatpara	2225	3206	34739

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Memorandum on Electoral Franchise submitted by the Committee of the Bengal Landholders' Association through their nominee Babu Dwaraka Nath Chakravarti, M.A., B.L., Vakil and Zamindar.

I. The Provincial Legislative Council.

1. **Composition.**—Different interests and communities in Bengal having a population of about 45½ millions cannot be adequately represented in the Provincial Legislative Council by less than 250 members, not less than four-fifths or 200 of whom should be returned by direct election on as broad a franchise as possible.

2. The remaining one-fifth or 50 seats should be filled up by nomination of Government officials and others. The nominated official members and the experts should not exceed 30. The European community and the communities allied thereto, as well as the Anglo-Indians, should be allotted the other 20 seats. The number of representatives of the European community is included in the number to be nominated in accordance with the view indicated in paragraph 232 of the report.

We are opposed to "nomination" on principle, for the nominated members represent nobody. We are of opinion that the representation of minorities and special interests should be effected by means of special electorates as at present obtains in the case of zamindars and Muhammadans. We consider that the General European community should be allowed to return their own members through their own electorates rather than their being represented by nomination. The best way of securing adequate and effective representation to them will be to reserve to the general European and the Anglo-Indian communities 10 elective seats in plural constituencies in places where there is a considerable number of European and Anglo-Indian population. Out of these 20 seats allotted to the European community, 10 may be reserved for the special interests in that community, namely, commercial and planting, the election to be made by special electorates formed in that behalf. The number of nominated members will, in that case, have to be reduced by the number allotted to the Europeans.

3. The Universities of Calcutta and of Dacca (when established) as such should not return any members to the Provincial Council. Graduates of Indian Universities and not registered graduates alone residing in the Presidency and otherwise entitled to vote will return three representatives to the Provincial Council out of the four-fifths or 200 members mentioned above.

4. We suggest that at least 27 seats roughly representing the number of districts, although not necessarily one for each district, should be reserved for the zamindars to be returned by the zamindars through a special electorate of their own.

5. The remaining members should be returned on a territorial basis without any distinction of the urban, municipal or rural areas. We think each district should form one electoral unit and the number of members to be returned by each should be determined according to population, the progress of education and the general importance thereof. Calcutta and the suburbs will form one constituency. We would not separate the towns from the villages, for we consider that our towns are closely associated with the neighbouring villages and there is a community of interest between them.

In assigning members to each district a distinction has to be made between the Hindus and the Muhammadans. The Muhammadans are less advanced in education. We therefore propose that they should get 40 per cent. of the seats and the remaining 60 per cent. should be reserved for the Hindus and the other allied races.

Calcutta is much more advanced than the mufassal districts in many respects. It should, therefore, get a proportionately larger number of members. We propose that there should be seven Hindu, two Muhammadan and one Marwari members from Calcutta. One member should be returned by the Marwari community in Calcutta, which is an important minority. This seat should be reserved for a Marwari representative in the plural constituency of Calcutta.

6. On the aforesaid basis the 26 mufassal districts (excluding the Chittagong Hill Tracts and Calcutta with its suburbs) together will return about 92 Hindu representatives and about 68 Muhammadan representatives, the latter forming about 40 per cent. of the total elected members.

7. Then arises the question as to whether the Muhammadans should be given communal representation or not. The system of reserving about 68 elective seats for them (that is to say, about 40 per cent. of the elective seats) in plural constituencies appears to be less objectionable on principle. If they choose to have special electorates, then they should neither stand nor ^{leave} vote in other district elections. So far as the Muhammadan constituencies are concerned, Bankura and Midnapore may be grouped together : so also Jalpaiguri and Darjeeling. These districts are adjoining and the Muhammadan population in each is comparatively small.

8. The subjoined table shows the distribution of the 170 seats amongst the districts including Calcutta and the suburbs as mentioned above.

9. To sum up, the Provincial Legislative Council should have 250 members and its composition to start with and during the transitional stage should be as follows :—

Nominated official members including experts	...	30	
The European and the Anglo-Indian communities	...	20	
Graduates of Indian Universities resident in Bengal	...	3	
Landholders	...	27	
Calcutta	{ Hindus and allied communities	7	} 10
	{ Marwari	1	
	{ Muhammadans	2	
26 districts	{ Hindus	92	} 160
	{ Muhammadans	68	
	Total	...	250

10. **The Franchise.**—"The limitations of the franchise should be determined with reference to practical difficulties" mentioned in paragraph 226 of the report, which also warns any "such inordinate and sudden extension of the franchise as might lead to breakdown of the machinery through sheer weight of numbers." In coming to the following conclusions as to the franchise, the difficulties indicated in the report have been kept in view.

11. We propose that any person of the age of 21, possessing any of the qualifications enumerated below will be entitled to vote at an election for the Provincial Legislative Council :—

- (i) With regard to the European and the Anglo-Indian communities, the qualifications should be the payment of the minimum income-tax of Rs. 20 a year. Voters at municipal elections will also vote at the Council elections.
 - (ii) With regard to the Hindus, the Muhammans and the allied communities, the qualifications, of voters should be any one of the following :—
 - (a) Payment of the cess at the rate of Re. 1 or over a year either to Government or to superior landlord.
 - (b) Payment of chankidari tax at the rate of Rs. 2 a year.
 - (c) Persons entitled to vote at municipal election.
 - (d) Payment of an income-tax of Rs. 20 a year.
 - (e) Graduate in Arts, Science, Law, Engineering, Medicine, etc. ;
 - (f) Licentiates in Medicine, Engineering or a registered medical practitioner.
 - (g) Barristers, attorneys, pleaders, muktars.
 - (iii) Qualifications for special zamindary electorate should be the payment of Rs. 50 a year towards land revenue or cess.
12. The following will be disqualified from voting at elections :—
- (1) Lunatic.
 - (2) Insolvent (undischarged).
 - (3) Minor, under 21.

13. The above voters' qualifications will, it is estimated, entitle only 3 per cent. of the population to vote. This number is not at all excessive.

14. No person shall vote at more than one constituency.
15. The expedient of proportional representation should be kept in view and gradually replace all special and communal electorates.
16. **Qualification of candidates.**—Any person entitled to vote in a constituency in this Presidency shall be entitled to stand as a candidate. No residential qualification within the constituency should be required of a candidate. Every constituency should be free to nominate a qualified candidate, provided he ordinarily resides within the Presidency.
17. **Voting.**—Every voter would have as many votes as there are candidates in the constituency, but a voter should have the right to divide his votes in whatever manner he thinks best. He may even give all his votes to one candidate.
18. Polling centres should be opened in every Union or group of villages, so that a great number of voters may attend. Polling may be conducted in each centre by a committee with a gazetted officer as President.

II. Indian Legislative Assembly.

19. The size and composition of the Indian Legislative Assembly should be as follows: The total strength should be at least 150. Four-fifth of it, viz, 120, should be elected and one-fifth, that is 30, should be nominated.
20. The nominated officials and experts and European commerce should not exceed 30. The Government officials should not exceed 22, European commerce and experts should form the other 8.
21. The remaining 120 seats should be assigned to the different provinces on the basis of population, progress and general importance. They may be distributed as follows:—

Bengal	...	...	...	23
Madras	...	...	...	20
Bombay	...	...	...	18
United Provinces	...	...	...	18
Bihar and Orissa	...	...	...	11
Punjab	...	...	...	11
Central Provinces and Berar	...	...	...	9
Burma	...	...	...	5
Assam	...	...	...	4
Delhi	...	...	...	1
			Total	120

22. The 23 seats assigned to the Presidency of Bengal should be allocated as follows:—

Presidency Division	...	...	...	2
Burdwan	..	..	..	2
Rajshahi	..	..	..	2
Dacca	..	..	..	2
Chittagong	..	..	..	1
Calcutta	..	..	..	2
Zamindars	..	..	..	5
Muhammadaans	..	..	..	4
European community	..	..	..	1
Commerce (European and Indian)	..	..	..	2
			Total	23

23. Instead of the district, each of the five divisions and Calcutta should form the electoral units: Muhammadan, European and landholders' representation is to be secured in the same way as in the case of the Provincial Council. The qualifications of the voters are to be higher than in the case of the Provincial Council and such as will provide an electorate of 10,000 people. The Indian commerce should be represented during the transitional stage through the National and the Marwari Chambers of Commerce. The method of voting should, as far as practicable, follow the lines laid down in respect of the Provincial Council.

24. **The Council of State.**—The Council of State should consist of members, one half to be nominated including officials and the other half to elected. The Indian Feudatory Chiefs should not be represented.

25. Of the 30 elected members the Provincial Legislative Council through the elected representatives, should return as follows:—

Bengal	...	...	...	4
Bombay	...	...	...	4
Madras	...	...	...	4
United Provinces	...	...	...	3
Bihar and Orissa	...	...	...	3
Punjab	...	...	...	2
Central Provinces	...	...	...	2
Burma	...	...	...	1
Assam	...	...	...	1
				—
			Total	24

26. The special constituencies should be as follows:—

Muhammadans	...	...	...	2
Landholders	...	...	...	2
Chamber of Commerce	...	...	...	2
				—
			Total	6

In case of the Muhammadans and the landholders, the qualifications voters should be the same as in the case of the elections to the Imperial Council at present. The qualifications of candidates may be raised.

27. **General.**—No holders of titles as such should be entitled either vote or to represent.

Table showing the number of members to be returned by each district in the Provincial Legislative Council (*vide* paragraph 8.)

				Hindu.	Muhammadan.
1.	Calcutta	...	...	8	2
2.	Burdwan	...	...	6	1
3.	Birbhum	...	...	2	1
4.	Bankura	...	...	2	1
5.	Midnapore	...	...	9	
6.	Hooghly	...	...	5	1
7.	Howra	...	...	5	1
8.	24 Parganas (except the suburbs of Calcutta)	...	...	7	3
9.	Nadia	...	...	3	3
10.	Murshidabad	...	...	3	3
11.	Jessore	...	...	3	3
12.	Khulna	...	...	3	2
13.	Rajshahi	...	...	3	3
14.	Dinajpur	...	...	3	2
15.	Jalpaiguri	...	...	3	1
16.	Darjeeling	...	...	1	
17.	Rangpur	...	...	4	4
18.	Bogra	...	...	1	2
19.	Pabna	...	...	2	3
20.	Malda	...	...	2	1
21.	Dacca	...	...	5	6
22.	Mymensingh	...	...	6	8
23.	Faridpur	...	...	4	4
24.	Barisal	...	...	4	4
25.	Tippera	...	...	3	5
26.	Noakhali	...	...	1	3
27.	Chittagong	...	...	2	3
				—	—
			Total	100	70

**Memorandum for the Franchise and Electorates Committee of
the Reform Scheme from Dr. Pramatha Nath Banarji, M.A.,
D.Sc., on behalf of the Indian Association.**

1. In regard to the elections to the Provincial Legislative Council, two principles were urged in the scheme of reforms framed by the Indian National Congress and the All-India Moslem League, and they have been accepted by the authors of the Report on Indian Constitutional Reforms. These principles are, *firstly*, that the franchise should be as broad as possible, and *secondly*, that the method of election should be direct. We fully approve of these principles. Difficulties may, however, arise in some cases when trying to give effect to them, and modifications may be necessary on such occasions. On the question of the franchise it would be necessary to take into account the existing circumstances of the country. In the beginning franchise should be neither unduly restricted, nor too wide. We ought to start with a fairly broad franchise and advance by gradual steps towards the goal of universal suffrage.

2. The Bengal Legislative Council should, in our opinion, consist of 150 members. The population of the province is over 45 millions, and adequate representation of the people and of the various interests is not likely to be secured in a Council of a smaller size.

3. The elected element should be at least four-fifths of the total strength of the Council; that is to say, the number of elected members should be not less than 120.

4. Of the elected members, 19 should represent special interests in manner following:—

Calcutta University	...	...	...	12
European commerce	...	...	...	8
Indian commerce	...	...	...	1

One of the representatives of the Calcutta University may be returned by the registered graduates, and the other by the members of the Senate and of the Councils of Post-graduate Teaching and the Professors of Colleges affiliated with the University. When the Dacca University comes into existence, one seat ought to be given to it, and this should be formed by reducing the nominated element in the Council. The eight members allotted to European commerce may be distributed as follows:—

European commercial community of Calcutta	...	...	...	3
Ditto	...	Chittagong	...	1
Calcutta Port Trust	...	...	...	1
Jute interest	...	...	...	1
Tea interest	...	...	...	1
European trade outside the towns	...	...	...	1

5. Of the 109 members who would represent the body of the people, 44 (that is to say, a little over 40 per cent.) should be returned by the Muhammadan community through separate electorates. The remaining 65 should represent the rest of the population on a territorial basis, Muhammadans being debarred from participating in these elections.

6. The territorial electorates may be divided into two parts, urban and rural (or better, municipal and non-municipal), 27 members being given to the former and 44 to the latter. Men who possess intelligence, culture, political capacity, and desire to serve the community, are mostly to be found in the towns. They should have constituencies of their own, while agriculturists, and others connected with the land should be represented through the rural constituencies. This should be in accordance with existing practice in this country, and also in conformity with the electoral system which prevails in the United Kingdom.

* Reference may in this connection be made to the history of Parliamentary representation in England. It was the Reform Act of 1832 which put an end to the smallness, the corruption, and the non-representative character of the constituencies in England, but this Act did not introduce a very wide franchise. The franchise has since been broadened by the Acts of 1867, 1885 and 1918. The proportion of the votes to the population has grown from one-twentyeth in 1832 to one-third in 1918. It is interesting to note that the system of Responsible Government had been fully established in England even before the Reform Act of 1832.

7. The total urban population in the British territory of Bengal is about 3 millions, of which the non-Muhammadan population is about 21 lakhs. Proper representation of the urban areas can be secured if 23 seats are set apart for them. A number of seats may be allotted to each division in the proportion, on an average, of one member for every lakh or less of the non-Moslem population.* According to this method, the urban seats would be distributed between the different divisions as follows:—

Chittagong ...	... 1	Presidency ...	... 6
Dacca ...	... 3	Burdwan ...	... 4
Rajshahi ...	... 2	Calcutta ...	... 7

8. The election of urban members as representatives of administrative divisions has this advantage, that in most of these divisions it is possible to introduce some method of proportional representations. But it has also a great drawback. It is no easy matter for the electors to intelligently vote for candidates from remote parts of the division. It would, therefore, be necessary to form smaller electoral areas, and district electorates would, on the whole, be the best for the purpose. On a district basis the distribution of urban seats would be as follows:—

Chittagong Division.		Presidency Division (outside Calcutta).	
Tippera	} ... 1	24-Parganas ...	... 4
Noakhali		Nadia	} ... 1
Chittagong		Murshidabad	
Dacca Division.		Jessore	} ... 1
Dacca ...	... 1	Khulna	
Mymensingh	... 1	Calcutta ...	... 7
Faridpur	} ... 1		
Bakarganj			
Rajshahi Division.		Burdwan.	
Rajshahi	} ... 1	Burdwan	} ... 1
Dinajpur		Birbhun	
Jalpaiguri		Bankura	
Darjeeling		Midnapore	... 1
Rangpur		Hooghly ...	... 1
Bogra	} ... 1	Howrah ...	... 1
Pabna			
Malda			

Calcutta should be treated as one constituency with a system of cumulative votes.

9. The total non-Muhammadan rural population of Bengal is about 22 millions. The representation would be fair if 42 members were given to them. The rural seats should be allotted to the different districts in the proportion, on an average, of one member for every five lakhs of the non-Muhammadan population. The distribution would be as follows:—

Chittagong Division.		Rajshahi Division.	
Tippera ...	... 1	Rajshahi ...	... 1
Noakhali ...	... 1	Dinajpur ...	... 1
Chittagong (together with the Hill Tracts) ...	... 1	Jalpaiguri ...	... 1
	3	Darjeeling ...	... 1
Dacca Division.		Rangpur ...	... 1
Dacca ...	... 2	Bogra ...	... 1
Mymensingh ...	... 2	Pabna ...	... 1
Faridpur ...	... 2	Malda ...	... 1
Bakarganj ...	... 2	Rangpur and Dinajpur alternately, additional	1
	8		9

* This is merely a rough attempt to secure some sort of equal representation. It is impossible to preserve this proportion in the representation of the different districts either for rural or urban constituencies. Four principles have been adopted in this connection: (1) No district goes unrepresented; (2) where the population of a district is small, it has become necessary to put it in a group with another district or other districts; (3) small fractions of the unit have been ignored; and (4) where an electoral area sends a large number of representatives, the proportion has been slightly reduced.

Presidency Division.		Burdwan Division.	
24-Parganas ...	3	Burdwan ...	2
Nadia ...	1	Birbhum ...	1
Murshidabad ...	1	Bankura ...	2
Jessore ...	1	Midnapore ...	5
Khulna ...	1	Hooghly ...	1
Nadia and Murshidabad alternately, additional	1	Howrah ...	1
Jessore and Khulna alter- nately, additional	1	Hooghly and Howrah alternately, additional	1
	9		13

10. The Muhammadan electorates also may, if the community so desires it, be divided into two parts, namely, urban and rural. But as the urban Muhammadan population is small, 8 seats will suffice for their representation. Five of these seats may be given to the five divisions, and 3 to Calcutta. The remaining 36 seats may be distributed among the districts of groups of districts according to population.

11. The question of qualifications is one on which there is a great deal of divergence of opinion. In my opinion, for the urban electorates, every male person above the age of 21 who is (a) at present entitled to the municipal franchise, or (b) pays an income-tax or professional tax or (c) is a Matriculate of the University or (d) is a barrister, vakil, pleader, mukhtear, a licensed medical practitioner, kaviraj, hakim, or engineer, ought to be entitled to vote, provided that no person shall have more than one vote, although he may be qualified under more than one of these heads. The qualifications for voters in the city of Calcutta would be similar to those for voters in the other urban areas. In the rural areas, the following classes of persons being above the age of 21, should be entitled to vote: Any person who (a) pays a road cess of the sum of not less than Rs. 2 annually, (b) pays a license tax of a sum of Rs. 4 in respect of a trade or industry carried on within the district, or (c) pays a chaukidari tax of not less than Rs. 2 annually, or (d) is possessed of an annual income of Rs. 30, or (e) is a Matriculate of any University, or holds the certificate of a pleader or a mukhtear, or of a licensed medical practitioner, or a kaviraj, or hakim, or of an Upper Subordinate of an Engineering School: provided that no elector should have more than one vote in the same constituency. In the case of joint family, if the family as a whole possesses the minimum qualifications, one member selected by the family should be allowed to vote. The qualifications of voters in Muhammadan constituencies should be similar to those mentioned above.

12. The qualifications of candidates ought to be the same as those of voters, but residence within the constituency should not be insisted upon.

13. I am opposed to the idea of special electorates for landholders as a matter of principle. Such electorates are also unnecessary, because it is more than likely that the landholders, who are men of position and influence, will manage to capture not a few of the rural seats.

14. I am also opposed to the idea of special representation for the non-official European community. The authors of the report also do not contemplate a system of special electorates for them.

15. The question of the representation of the backward classes should be sympathetically considered. The Namasudras are practically the only homogeneous community in Bengal which can claim representation in the Council. Two or three seats may be reserved to Namasudra candidates by rotation in the five plural constituencies of Faridpur, Bakarganj, Dacca, Khulna and Jessore, in which they form a considerable proportion of the population. There should, however, be no separate electorates for Namasudras, and voting should always be general.

16. The number of Indian Christians in Bengal is about 130,000, but as they are scattered all over the country, they are unable to secure any representation to themselves. The community contains within its fold many well-educated, intelligent and capable men, and it should be fit and proper to reserve one seat to an Indian Christian candidate in the plural constituency of Calcutta. The voting should be general, but Indian Christians of other parts of Bengal may be given the right to transfer their votes to Calcutta.

17. Of the nominated members of the Bengal Legislative Council, not more than 12 should be officials, representing the different departments of

provincial administration. Government should also nominate a member of non-official experts in public health, engineering, etc.

18. On the question of the representation of Bengal in the Indian Legislative Assembly, it is proposed in the report to allot 11 seats to the province. These seats may be distributed as follows :—

European commerce	...	...	...	1
Indian commerce	...	...	...	1
Muhammadans	...	...	...	3
Calcutta	...	...	...	1
Five administrative divisions, 1 each	...	...	...	5
			Total	11

19. In principle, I am in favour of direct elections to the Indian Legislative Assembly. But as the number of seats is small compared to the population to be represented, a division as an electoral area for direct elections will be inconveniently large. It will also be difficult to form constituencies outside Calcutta, for direct elections, in which a considerable proportion of the people will be electors, and which will represent the general interests of the province. At the outset, therefore, the member for each division may be elected by an electoral college composed of the members of the Municipal Councils, of the District and Local Boards and of the Union Committees (or Village Unions), and the representatives on the Legislative Council of the division. The bulk of the people will thus participate, though indirectly, in the formation of the Indian Legislative Council Assembly. After a few years when the people will have become familiar with election methods by returning members to the Provincial Council, a system of direct election on a fairly broad franchise may be substituted. In the city of Calcutta, however, where the area is limited, the election should be direct. The member for Calcutta may be returned by an electoral college composed of (a) all graduates of the Calcutta University resident within the province, (b) persons who pay an income-tax, (c) persons who are either owners or occupiers of premises valued at Rs. 600 a year, and (d) barristers, vakils, pleaders, attorneys, engineers, licenciates in medicine and engineering.

20. It is proposed in the report that two members should be returned to the Council of State by the Bengal Legislative Council. If it be thought desirable to increase the elected element in the Council of State, I would suggest that three members be allotted to Bengal. In any case, the Bengal members should be elected by the elected members of the Provincial Council, and nominated members should not take any part in the elections.

Statement of evidence to be given by Khan Bahadur Mirza Shujat Ali Beg on behalf of the Central National Muhammadan Association before the Franchise Committee.

The views of the Central National Muhammadan Association, which I represent, on the Reform Scheme have been submitted in detail in their representation of the 12th September 1918, and I would confine my remarks in this statement only to the question of special and separate electorate and representation for Muhammadans.

The proposed constitutional reform has a double significance for the Indian minorities, and specially the Muhammadans—a common and a special interest. With the common aspect of the proposals they have nothing much to differ, but where their hitherto recognized interests have been assailed they with one voice raise a strong though respectful protest.

It has been admitted by successive Viceroys and Governors, whether liberal, unionist, or conservative, and Secretaries of State of different shades of opinion that to properly obtain the Muhammadan view in Indian politics they should themselves be given a chance to express them. The Muhammadans themselves were always keen on having a recognition of their separate existence, and the Hindus never denied them this recognition, or the force of this claim. Not only this, but Government has itself supported this view so often, and with so much emphasis, that there was no room for suspicion that this question shall ever be reopened. Even now, after the perusal of the Reform Report, where all the arguments for and against it have been marshalled, I find that there is a greater deal of well-considered and weighty opinion in its favour, and only the opinion of the present Secretary of State with some theories against it which has been to a great extent vitiated by his recognizing the needs of a separate representation for the Sikh Community. He himself does not seem to hold a decided opinion on the question of the representation of the minorities. If we take out this opinion, what we find is that all experienced Governors and great British statesmen are in favour of a separate representation for the Muhammadans.

It is a patent fact that when there are minorities either so small as not to assert themselves, or so scattered as not to form a compact body, they generally submerge and are not only dominated by the majority but perforce adopt their politics and try to accommodate themselves as best they can; but when the minorities are not weak, or have been existing for long times as separate entities uniting with other communities for general well-being but preserving their special characteristics all the same, they struggle to presume their separate existence. Illustrations of this fact are numerous in the history of the world. Even in recent times some of the most advanced European countries have a separate arrangement for important minorities, as the authorities of the reports themselves admit. Ulster is another example, where the Protestant Orangemen are not willing to be dominated by another sect though of the same religion and nationality. The claims of different nationalities for a separate recognition have been advanced and supported by some of the great British statesmen in the case of the Near East—the Czecho-Slavs and the Jugo-Slavs are the most recent additions, and the Anglo-Indians themselves in India are clamouring for it, and enjoy it to a certain extent.

I think that as long as the form of Government remains what it is proposed to be, namely the class domination, so long the classes must also be represented, and represented in the true sense, which cannot be achieved by half-hearted measures; but when the time comes that everyone in India considers himself a citizen first and anything else afterwards, and the class differences should have vanished or rubbed off, then it will be time to abolish the special representation, or I may say the need itself, would have disappeared. I am, therefore, strongly in favour of separate representation of Muhammadans and should like it to be embodied in the statute.

Franchise.

I beg to propose the following classes among the Muhammadans to be given franchise:—

I. *Educational qualification—*

- (a) Beginning from Middle Vernacular and Matriculation-passed Muhammadans upwards who have set up in life.
- (b) Passed Maulvis of junior and senior Madrasahs and other recognized institutions.
- (c) Professors and Teachers of Colleges, Schools and Madrasahs.
- (d) Mujtaheds and Muslim preachers.

II. *Professional classes—*

- (a) Barristers, Vakils, Pleaders, Attorneys and Mukhtears and Marriage Registrars.
- (b) Doctors, Medical Practitioners, Hakims and Kavirajes.

III. *Title holders.*

IV. *Pensioners—*

Political, Civil and Military pensioners.

V. *Service—*

- (a) Government servants.
- (b) Others employed under local bodies or mercantile firms.

VI. *Traders.*

VII. *House-owners and occupiers.*

VIII. *Landholders, Aimadars and Lakhirajdars.*

IX. *Agriculturists.*

X. *Miscellaneous—*

- Honorary Magistrates, Municipal Commissioners, Members of District and Local Boards and Heads of the Panchayats.

Constitution.—The number of councillors should be 100, of which not less than 50 should be elected Muhammadans in Bengal.

The district should form the constituency, each returning one or more Muhammadan members according to size and population.

Calcutta, 2 members.—The Calcutta University should have three representatives, one should be a Muhammadan. The same should be the case with Dacca University which is expected to come into existence soon.

The system of indirect election should be done away with.

M. SHUJAT ALLI.

Witness on behalf of the Central National Muhammadan Association before the Franchise Committee.

**Statement containing the substance of evidence of
Mr. G. H. C. Ariff before the Franchise Committee
of Indian Constitutional Reforms.**

The total strength of the Bengal Council should be 125, out of which four-fifths should be elected members. Twenty seats should be reserved for important communities like the Europeans, etc. Of the remaining 80 seats, they should be equally divided between the two great communities, Hindus and Muhammadans. According to the census of 1911, it can be shown that Muhammadans increase on the average by 10 millions every ten years. The actual population of Muhammadans now, therefore, must be more than 52 per cent.

2. The distribution of seats among Muhammadans and Hindus should be thus :—

		Muhammadans.	Hindus.
24-Parganas ...	...	2	2
27 districts ...	...	27	27
Calcutta ...	...	4	4
Dacca ...	...	2	2
Calcutta University ...	...	2	2
Dacca ditto ...	...	1	1
Landholders ...	...	1	1
Indian Commercial Community ...	...	1	1
	Total ...	40	40

3. The qualifications of the voters should be on the same system as is already existing, but they should be lowered especially in land revenue and road cess cases.

4. Voting should be recorded in one day.

5. There should be especial qualifications of candidates from educational and property points of view.

**Statement of evidence of the Hon'ble Mr. E. B. Eden, for
the Reforms Committee. (Franchise.)**

The Calcutta Trades Association are primarily concerned with the representation of Calcutta in the Bengal Legislative Council and the number of representatives to be assigned to the European community.

They have already expressed their conviction that the European community of Calcutta are entitled to representation as a community, that fair and adequate representation can be provided only by assigning to the community a number of seats to be filled by the votes of a communal electorate, and that the alternative plan of allowing European representatives to be elected by assigned divisions through a mixed vote, would not ensure a correct representation of European opinion and interests.

They are disposed to think that it would be better to retain the arrangement by which the Bengal Chamber of Commerce and the Calcutta Trades Association elect representatives to the Provincial Legislative Council, because these bodies are well organized, and are specially qualified to assist in securing that protection of European commerce and trade which has been promised by the Viceroy and the Secretary of State in their report. They are of opinion that effectual representation, by whatever means secured, should be the end in view, and they believe that the existing system works well.

But this amount of European representation, which has long been felt to be insufficient, will be rendered still more inadequate when the Bengal Legislative Council is enlarged. At present the number of European non-official members is eight out of a total of 52. Of these five are representative of, or resident in, Calcutta. A proportion of one-tenth does less than justice to the commercial and trading interests of the city, and the proposed reduction in the number of official members will aggravate the unfairness, for though the thirteen English officials cannot be looked upon as representatives of the European community, they raised the British element in the Council to a substantial factor, and secured due consideration for the British point of view.

If, for convenience of calculation, we assume that the present number of members of the Legislative Council is doubled, the number of European representatives should at least be doubled also, so that out of an assembly of 104 members at least sixteen should be representatives of the European community in Bengal. Even then, however, the European position would be much weakened. For in the existing legislature, if we eliminate the 13 European official members, the European representatives are 8 out of 39—a minority of 31—, whereas in the new Council if, say, 8 official members are eliminated from the total of 104, the 16 European representatives will be in minority of 80 (96-16).

In view of the reduction of the British official element, the Trades Association hold that at least twenty representatives should be given to the Europeans of Bengal, of whom thirteen should be assigned to Calcutta. Three being returned by the Bengal Chamber of Commerce and the Calcutta Trades Association, as at present, there will remain ten to be chosen by the European population.

We have not the precise figures, but we estimate that if all Europeans of the age of 21, who are assessable to income-tax, are given a vote the constituency will not fall far short of five thousand electors.

No reason has been adduced why this constituency should not elect its representatives. It consists of men with political traditions, if not political experience, and it may well be able to set an example to the new Indian electorate in the proper use of a vote. It is admitted in the report of the Viceroy and the Secretary of State that a separate electorate for Europeans is not open to any objection on the score of being inimical to nationhood, for Europeans are not, and never will be, absorbed in the Indian population. For so highly qualified a community nomination would be wholly out of place, and there is ground to apprehend that Government might select nominees who do not represent European views or interests.

Statement of Babu Debi Prasad Khaitan, representative of the Marwari Association, to be placed before the Franchise Committee.

Instead of writing out my statement in a narrative form, I propose to state my points only in order to save the Committee unnecessary trouble.

Provincial Legislative Councils.

1. To make the Council representative, it is essential that all important interests should be represented. If in the operation of any scheme it be found that any important interest is not represented—

- (a) the Scheme falls short to that extent;
- (b) the point of view of that interest is not placed before and considered by the members of the Council notwithstanding their intense desire to protect all classes of people and interests, as a result of which—
 - (i) they may be prejudicially affected by their case not being considered at all and acts being done which may be of benefit to others, but of injury to them;
 - (ii) acts beneficial to them, and not affecting others, not being considered and done at all;
 - (iii) acts intended to benefit them may fall short of the desired end, or may be done in a manner different from what would be really beneficial to them;
- (c) acts affecting the general interests would certainly be better done if all points of view were taken into consideration;
- (d) such interests would be debarred from doing public service.

2. It is to a great extent correct that the people of India being divided by race, religion and caste, are at present not in a position to consider the interests of any but their own section. I do not agree that a system of communal and class representation is desirable because it works and applies the principle of democracy over the widest range over which it is actually alive at all, by appealing to the instincts which are strongest; and that we must hope to develop the finer, which are also at present the weaker, instincts by using the forces that really count.

On the other hand, I advocate special representation of interests for the following reasons:—

The people of India being divided by race, religion and caste, different communities are at present so separated from each other in mode of living, habits of thinking, traditions, customs and necessities, that in spite of their noblest intentions they have not been able to understand each other. Opinions of Indian non-official bodies have been treated with scant respect and consideration, and consequently, assuming that it would be within the range of practical politics, non-official bodies have not developed for continuous co-operative working when the leaders would become acquainted with the views and necessities of the other communities. I must say that the creation and development of such non-official bodies is not practical. This can only be done in official bodies invested with responsibility and power, where everybody would feel that the pure happiness and prosperity of all are in his hands, and he has to think, feel and act for the good of all concerned. Then, he is anxious to study the needs of the people in general, and the presence of accredited representatives of all views and interests is a *sine qua non* for the proper discharge of his duties—

- (a) as their presence will not allow him to neglect their interests;
- (b) owing to their presence all views will be not only easily available to him, but will be kept up prominently before him.

Meeting and conferring on the same platform with the common object of the good of all in view, the representatives will feel a community of interests, and divergence will in the course of a few years disappear. It will surely lead to an effective sense of the common interests, a bond compounded of community of race, religion and language. I do not at all agree with the views expressed in paragraphs 229 and 230 of the Report. I strongly feel

that a system, which will jealously provide for the adequate representation of all interests in each province, far from being a hindrance to the development of the self-governing principle, is the first step that must be taken whenever it is intended that the seed of self-government is to be sown. Otherwise the unrepresented minorities will suffer from apathy and neglect, and probably even from a sense of superiority and desire to exercise undue ruling power in those representing the majorities with whom the power of decision will rest.

In the case of Indians, nomination cannot be sufficient. Apart from the fact that nominated members will have serious disqualifications as compared with elected members, instances will be repeated of such persons being nominated—

- (a) as would spend more time in seeking the favour of the officials in whose hands the power of nomination will lie, than in studying the questions and needs of the country, or of the interests whom they would be intended to represent;
- (b) as would be inclined to support the views of those officials rather than press the claims and needs of the people, and
- (c) as would not be recognized or felt by the people concerned as truly representing them and having their confidence.

I agree that a satisfactory way out of the difficulty is by reserving to particular communities (who should be specially represented) a certain number of seats in plural constituencies, but with a general electoral roll.

Apart from the consideration of special representation, the franchise should be made broad enough and territorial. I believe that if the franchise be made broad enough, many interests which are not in the minority, will get represented without special arrangements for them.

I have not got the necessary statistics for Bengal before me and, therefore, except with reference to the Marwari community, my observations can at best be based on rough and general impressions. I, therefore, think more useful purpose will be served by my drawing the attention of the Committee to the circumstances of the Marwari community. I shall place their claims for special representation later on. Here I shall very shortly review their position with the object of creating a franchise. The Marwaris, who may be entrusted with the duties of citizenship, may be classified into—

- (a) Business men including shop-keepers, shroffs, agents, banians, brokers, shippers, balers, importing firms, mill-owners, exporters, and those engaged in other trades;
- (b) Landholders;
- (c) Monibs and gomastahs, i.e. service-holders;
- (d) Professional men, e.g., Vaidyas, Pandits, lawyers, etc.

So far as education is concerned, though they are backward in English education, with very few exceptions they are all educated in the vernaculars, book-keeping, etc., and carry on their business in an educated, organized and systematic manner. If English education is made the criterion, with very few exceptions they will all be left away from the fold of voters. If income were to be made the qualification of voting, I may easily suggest that an annual income of at least Rs. 250 may be made the qualification. So far as the Marwari community is concerned, this would be the easiest and best way of creating a franchise.

But having regard to the wording of paragraph 226 of the Report, I am afraid, this recommendation will not be accepted, and as there are other ways which, though more intricate, might apply to the Marwari community in common with all the other communities in Bengal, I beg to suggest that the following qualifications might be adopted:—

- (a) Owner or lessee of property worth at least Rs. 500.
- (b) Men in service drawing a salary of at least Rs. 300 per annum.
- (c) *Bond fide* shop-keepers, brokers, traders, commission agents, merchants and men in the professions, e.g., lawyers, doctors, engineers, etc.
- (d) Persons who have passed the Matriculation Examination, or an examination equivalent thereto.
- (e) Persons residing in towns and cities and paying an annual rental of at least Rs. 100.

The disqualifications may be framed on lines almost similar to those prevailing in England.

Whatever qualifications may be adopted to entitle a person to vote, the size and composition of any Provincial Council should not be determined upon by first fixing the number of members and then allotting such numbers of seats to such constituencies as it may be found to be possible to allot to. Such a system necessarily results in leaving out important interests, and also in not giving adequate representation to such interests to whom it is found to be possible to allot some seats. If any instance of this defect is required, it may be sufficient to cite the case of the Marwari community in Bengal, which has been recognized to be important and deserving of seats in the Bengal Legislative Council, but which has not yet been allowed to be represented on the ground that the fixed number of members of the Legislative Council did not admit of their just claims being acceded to.

The proper method would be to first decide upon the sections, and the number of members necessary to suitably represent each section, and then to total up the numbers and arrive at the aggregate. Having regard to the extensive area and large population of Bengal, and the divergent interests involved in that province, it follows as a matter of course that to make the Council representative, the number of members should be large. But the irreducible minimum, which I can propose for the size and composition of the Bengal Legislative Council, is as follows:—

	Each District town, 1	...	...	...	28
	„ Subdivision, 2	...	...	...	170
	University	...	...	...	1
	Corporation of Calcutta	...	...	...	1
	Calcutta Port Trust	...	...	...	1
Special interests.	{	Muhammadans	...	...	15
		Europeans	...	...	10
	{	Marwaris { City of Calcutta, 2	5
		{ Other parts of Bengal, 3	5
		Anglo-Indians	2
		Indian Christians	2
					<hr/> 235	
	Nomination of non-officials	...	...	...	15
					<hr/> 250	
	Officials	...	...	...	50
					<hr/> 300	

I cannot but add that it would be desirable to allot more than two seats to each of the bigger subdivisions in order that the elected members may come in contact with the population and study their needs and wishes. In regard to the official members, the Governor should be given the power to nominate only such officials whose presence would be considered to be desirable to enlighten the Council about matters connected with the departments in their charge. No useful purpose will be served by nominating officials for the purpose of counting heads only, and for that purpose to keep them away unnecessarily from their respective duties.

The Indian Legislative Assembly.

The proposal, that it is in the provinces only that the first steps towards the progressive realisation of responsible government should be taken, leaving the central Government wholly irresponsible to the people as ever, is, I am afraid, not in keeping with the spirit of reform. The Government of India being responsible to Parliament for good government of the country, they should avail themselves of the co-operation of the people to the fullest extent, for without direct popular co-operation, good government becomes an exceptionally difficult task. It is not in my province to suggest to what extent the reforms should be introduced into the constitution of the supreme Government, but if the light of reform is to touch only the Legislative Council, I will say this, that it should be made representative of the entire interests of the population of India numbering over three hundred millions. My idea is that the Indian Legislative Assembly should be the microcosm of the Indian nation, otherwise its opportunities of influencing the Government will not be really increased.

I have no hesitation in saying that raising the total strength of the Assembly to 100 members, of whom two-thirds, or 66 or 67 only will be

elected representatives of the people, will be not even half enough to meet the requirements of the country. Even if one member is given to a million, the total strength of the council ought to exceed 300, and if the various interests are carefully studied with a view to the securing of adequate representation of each interest, I think more than 300 members will be needed. The principle under which England and Wales return nearly 500 members to Parliament, should be followed in this country also.

Electoral arrangements both in the Provincial Council and the Legislative Assembly of the Government of India should be as far as possible on the same lines, and members should be elected by direct election. To secure the representation of all the diverse interests, there must be some communal representation also. For reasons I have already stated, I would urge that provision should be made for the representation of the Marwari community on the Assembly also by giving them at least 3 members. I do not think that with our districts, subdivisions and thanas, it should be very difficult to determine the electorates. Difficulties will arise if only numbers are fixed first, and constituencies are determined afterwards. I am alive to the fact that in constituencies of a very large size, candidates for election must necessarily find it difficult to come into close touch with the electors, but this difficulty can be minimised by fixing higher qualifications for voters in electorates to the Indian Council.

As regards the Council of State with an official majority, I am of opinion that as a counterpoise to the Legislative Assembly it is wholly undesirable to establish it and besides, it will serve no useful purpose. But if it is to be established, it should contain representative men of all interests, so that its resolution may not only carry due weight but be arrived at after consideration of all shades of opinion.

Special representation for Marwaris.

The utter neglect of the Marwari community in the past as regards representation on all bodies, and the unfulfilled promise of the heads of Government in that respect, compel me to deal specially with their case for representation. In the last war, Rajputana has supplied with a large number of recruits for the army; Imperial Service Transport Corps are maintained at their expense in every State in Rajputana, and they have contributed to no mean extent to the success of the War Loans and to the several funds started in connection with the war. Apart from the said facts, I beg to summarise their permanent condition as follows:—

1. By origin different from the inhabitants of every province.
2. Their business has made them scatter throughout India—to the remote villages even—and they are in the minority everywhere.
3. Their language different, manner of living and thinking different, no intermingling nor intermarriage with the inhabitants of any province, their traditions and customs different.
4. They are merchants, distributive trade mostly in their hands;—in this they are different from the inhabitants of every province, who are mostly composed of agriculturists, whose educated classes are mostly either in the services, or in the learned professions.
5. The interests of the inhabitants may to some extent be looked after by those in the services, or by reason of the influence of those in the learned professions, but the nature of the Marwaris' work precludes them from this assistance also.
6. It is often said that the Marwaris are birds of passage. This is not so. They have settled in each province for a large number of years. Large numbers of families have not visited Rajputana for generations. Almost all have brought out their families to the places of their residence, and permanently reside there. They have purchased extensive lands. Businesses, big and small, have been in existence for generations. They have established mills and factories, possess mines and carry on vocations without the slightest intention of carrying away the profits to Rajputana. They have established schools, hospitals, dharmasalas, chattras, and other permanent institutions of charity and public utility. They have subscribed to all public objects whether started by Government or by private efforts. They have permanently made British India their home. They are of its flesh and blood now. Welfare of British India is their welfare, evil of British India is their evil.
7. Their interests and needs cannot be compared with those of the people of one province of British India settling in another. One essential difference may be perceived by an illustration. For example, though

Bhatiyas may be in a minority in Bengal, they are in the majority in Bombay; they will have their full scope in Bombay; their interests will be protected by the Councils of Bombay; they will have their representatives on the Government of India and the India Councils; their interests will be protected from there.

The case of Marwaris is different. Their original homes are under the feudatory Chiefs: consequently, they will neither have their connected Provincial Councils, nor will they have their representation on the India Councils from that source. It is admitted on all hands that the feudatory Chiefs will not be entitled to interfere with any matter concerning British India, and those connected with the administration of British India will not be at liberty to interfere with any matter concerning the Chiefs' territories.

8. What then is the result? The Marwaris are a class apart from the inhabitants of British India. Taking the whole of British India or any province together, they are numerically as well as in importance and interests strong, but being scattered are in the minority everywhere. They have permanent stakes in British India. Their interests in any province cannot be protected by their being in a majority in any other province. They have to be protected in each province. They cannot be neglected. They have been of great assistance in the past not only in the development of trade and exchange of money, but also in public objects. They have liberally opened their purse-strings for the benefit of people when their own interests have not in the least been affected.

9. No institution in any province can be said to be representative unless an important class like the Marwaris is represented upon it.

10. Marwaris have suffered for want of representation—

- (a) For facilities in their trade,—for the removal of inconveniences in the carrying on of their trade, they have not been able to make their voices heard. If this difficulty had not existed, not only the Marwaris, but the provinces generally would have benefited.
- (b) They have suffered in the spread of education. Although almost all the Marwaris in British India are literate, and although their business brings them in close contact with the inhabitants of each province, with the Europeans and all other communities settling in any province, and although a large number of them deal directly with merchants even outside India—and consequently knowledge of English would have been of untold practical benefit to them—still they are very backward in English education. The reason is not that they are not intelligent—for Marwaris are recognized to be intelligent and shrewd, and Marwari boys are well known to be intelligent and capable of understanding and learning things with great ease, and Marwari boys, considered to be of average intelligence in their own community, when they have taken to University education have been found not to lag behind the very meritorious students of the other communities. The reason is plainly this—the system of education established in each province is not suited to their needs; the established system hinders, rather than helps a training for commercial life. If Marwaris were represented on the Senate and the Legislative Councils, they could have explained their points of view, made their voices heard and got the requirements fulfilled.
- (c) They have suffered in civic matters. This can also be best explained by an example, *e.g.*, in Calcutta, though the Marwaris pay a large proportion of the rates and taxes of the city, no return has been made to that part of the city; the result of which has been great inconveniences felt in the matter of sanitation, traffic, physical exercise, and in every way.
- (d) They have been treated as backward, and have been neglected in many ways. The result has been that their progress has been checked, and they have not been able to do public service which they could otherwise do. Their grievances have not been heard and considered. Their interests have been treated slightly.

If the Marwari community be intended to progress as the other communities are doing, and if their claims are to be justly treated, it goes without saying that they should be allowed adequate representation on all the representative bodies.

Memorandum relating to the franchise and constitution of the Councils from Babu Amulyadhan Addy.

Bengal Provincial Legislative Council.

We are glad to find ourselves generally in agreement with the views expressed by His Excellency the Viceroy and the Right Honourable the Secretary of State regarding the constitution of the provincial legislature, namely, that—

- (1) it should have "a substantial elected majority,"
- (2) the election of members should be "by direct election on a broad franchise," and
- (3) that there should be "such communal and special representation as may be necessary."

The first step necessary for the transfer of the responsibility of Government is the formation of the Legislative Council on such a basis as would provide for an effective representation of the people at large, such representatives being in substantial majority in the Council. This is only possible if the Council be sufficiently enlarged to allow proper representation of the people, by direct election, on a broad franchise, and if the official element be in a small minority, their functions in the Council being confined mainly to supplying information and indicating the lines of action that might be followed economically, conveniently and expeditiously.

We have always expressed our disapproval of all measures proposed for the formation of electorates on the basis of race or religion. His Excellency the Viceroy and the Right Honourable the Secretary of State have justly observed, in paragraph 228 of the Reform Scheme Report, that "The crucial test to which, as we conceive, all proposals should be brought is whether they will or will not help to carry India towards responsible Government." We are strongly of opinion that electorates, if formed on the basis of race and religion, will act as a disturbing factor and hamper the crystallization of the people of various races and religions of India into a solidarity so necessary for the success of a responsible Government.

We are therefore of opinion that whether in the matter of franchise or the formation of constituencies, no regard should be paid to race or religion. A few seats should be reserved in the hands of Government. In case it would be found after an election that an important community could not secure proper representation, those reserved seats, or some of them might be allotted for the adequate representation of that community, secured either by nomination, or through election of members by the representative Association or Associations of that community.

Under the existing conditions of the country, it is necessary, as has been recognised in the report, to make adequate provisions for the representation of special and important interests as those of the land-holders, the commercial community, and education.

We also endorse the views expressed in the report against indirect election. It is absolutely necessary that the members of a Council should be elected by direct election, as otherwise the representatives cannot be made responsible to the people—a condition essential to the formation of responsible Government. These remarks, however, for reasons stated hereafter, cannot apply to the representation of commercial and industrial interests.

We propose that a province may be divided into suitable groups—each having the right to elect one representative to the provincial Council. Those persons who will have the requisite qualifications for a voter will form the electorate, and each of them will have one vote. Amongst the candidates for election from a group, one who might secure the highest number of votes of the group, should be returned as elected.

On account of the differences existing between the municipal and rural areas both with regard to education and material prosperity and also with regard to the special importance attaching to municipal areas, it will be necessary to have separate groups of municipal and rural areas formed in both the cases on the basis of population, but with different minima.

(a) **Municipal electorates.**—In the municipal areas, the basis of population for a group may, roughly speaking, be fixed at about 50 thousand.

A municipal area, which has a population largely in excess of 50,000 as Calcutta and Dacca, should be divided into a suitable number of groups on the abovementioned basis of population. Each of such groups should elect one member.

Where a municipality has a population less than 50,000, two or if necessary more municipal areas should be grouped together to return one member.

(b) **Electorates for rural areas.**—The rural areas should be divided into several suitable groups on the basis of a population of 5 lakhs for each group. The percentage of people qualified for the franchise in the rural areas is at present much lower than that in the municipal areas, which requires the formation of a rural group on a far larger basis of population than that of a municipal group.

The group of rural areas should be formed with contiguous thanas or police-stations with the view that the population of each group may approach 5 lakhs. Uniformity in the matter of population should not, at the outset, be secured at the sacrifice of convenient grouping and irrespective of other serious considerations as would arise with regard to election and polling. We do not propose to break up a thana area into two or more parts, as in that case difficulties will arise in the time of election and polling.

Special Electorates.

2. (a) **Land-holders' electorates.**—For the purpose of forming electorates to represent the interest of the land-holders, the whole province should be divided into 13 groups with the subdivisional areas on the basis of the Roads and Public Works cesses paid by the zamindars and the permanent tenure-holders. These 13 groups should each elect one representative to the Council.

(b) **Electorates for the interest of Commerce and Industry.**—It would not be practicable to form a general electorate of the commercial community, as such an electorate can properly be formed on commercial and industrial income alone; but neither the records of the income-tax nor the books of the individual merchants and industrial men can be revealed to the public without incurring the risk of serious injury to the parties concerned. Besides, it will be found hereafter that the commercial and industrial people are included in the general electorates proposed already. It is however essential that there should be commercial and industrial representatives in the Council so that the Government may have always the advantage of their experience for the proper administration of those branches in which, as recommended by the Indian Industrial Commission, the Government is expected to take vigorous action. To ensure this, the representative Chambers of Commerce, and Trades and Industrial Associations should be empowered to elect members to the various Councils. In view of the importance of foreign trade, both import and export, which is largely represented in the Bengal Chamber of Commerce, we propose that the Bengal Chamber of Commerce be allowed to return 6 members. The importance, volume and variety of the inland trade is by far greater than that of the foreign trade. The Bengal National Chamber of Commerce, which is the premier Indian Commercial Association in the province, represents, besides a considerable portion of the foreign trade, both import and export, the inland trade. All the principal trades of the province, rice, jute, coal, are fully represented in the Chamber, and most of the leading Indian merchants are its members. The Bengal National Chamber of Commerce should therefore be allowed to return at least 4 members. The Marwari Association and the Chittagong Indian Merchants' Association may each return one member. The principal Industrial Associations, such as the Indian Mining Association, the Indian Mining Federation, the Jute Industry, and the Tea Industry should each be allowed to return one member to the Council, and the Calcutta Trades Association should also have the same privilege.

(c) **Education.**—In consideration of the great importance of education as a factor in the advancement of the people, it is necessary and desirable to allot at least 10 seats for the representation of the interests of education.

In view of the greater advancement of the people living in municipal areas as contrasted with those in the rural in regard to education and material prosperity, the qualifications necessary for the exercise of the franchise should in the former be much higher than those in the latter.

Franchise.

(a) **For municipal areas.**—We propose that in the municipal areas, the qualifications for the exercise of the franchise should be made adult, literate, and (i) earning an annual income of Rs. 800 from any source, or (ii) being a house-holder or a lodger in a house of the annual value of Rs. 120, or (iii) being a license-holder paying a license fee to the amount of Rs. 25 or more.

(b) **For rural areas.**—The qualifications necessary for the exercise of the franchise in the rural areas should be resident of the locality, adult, male, and having an annual income of not less than Rs. 500 from land, agriculture, commerce, industry, profession, service, or any other source, or being a house-holder or a lodger in a house of annual value of Rs. 36.

Though it is a fact that the people in the different parts of the province are in different stages of advancement, it will be found that the qualifications of a voter proposed above will leave out those people only in all areas, who cannot, under the existing circumstances, be expected to exercise the franchise with due discretion; so, we do not consider it either necessary or expedient to lay different scales of qualifications of voters in different areas.

The qualification of a voter of the land-holders' electorate should be much below the present minimum. One paying annually the Roads and Public Works cesses to the amount of Rs. 500 for zamindari and permanent tenures should be entitled to the franchise.

The province should be divided into 10 groups with Calcutta as a group by itself, and the holders of I.A., I.Sc. or similar diplomas of the special branches of Education, Commercial, Industrial and Agricultural, of each group should be allowed to elect one representative to the Council.

3. Nominated Members.—The number of nominated members, official and non-official, should not exceed one-fourth the total number of members in the Council, of which at least one-third should be non-official, who should be nominated whenever necessary generally to secure proper representation of communal and other special interests.

The Imperial Legislative Assembly.

We are of opinion that the number of members proposed in the Report for the Imperial Legislative Assembly, and the provincial allotment made therein, is too inadequate to allow proper representation of the people of this vast country and of its different interests, and to make the Assembly "more truly representative of Indian opinion."

2. We propose that Bengal may be allowed to elect 20 members to the Imperial Legislative Assembly: 5 to represent the municipal areas, 5 the rural areas, 4 the land-holders, 4 the commercial and industrial interests, and 2 the interests of education.

3. All the major provinces should be allowed to elect members to the Imperial Legislative Assembly generally on the above scale, and the minor provinces on a lower scale.

4. For reasons stated in connection with the constitution of the Bengal Provincial Council, we are opposed to the formation of any electorate on the basis of race or religion. We would suggest for the Government to reserve to itself the right of nominating a few non-official members with a view to secure a proper representation of communal and other important interests. In case such representation be found practicable through the representative Associations of the interests concerned, it would be a better course for the Government to surrender its right of nomination to such Associations.

5. The number of nominated members should not exceed one-fourth the total number of members in the Imperial Assembly, of which at least one-third should be non-official members nominated to represent communal and other special interests.

6. For the purpose of forming electorates for the election of representatives of municipal and rural areas and the landed and educational interests, the electorates proposed for their representations in the provincial Council should be regrouped on the basis of population into as many

electorates of each kind as that kind in the province concerned may have seats in the Imperial Assembly, and each of these groups should be allowed to send one representative to the Assembly by the method of direct voting. The qualifications necessary for the exercise of the franchise in the case of the Imperial Assembly should be fixed on a higher scale than those proposed in the case of the provincial Council. The commercial representation should be secured through representative commercial Associations of the province concerned; for instance, in Bengal, the Bengal Chamber of Commerce and the Bengal National Chamber of Commerce should be allowed each to return two members. Where no such Association exists, the representation should be secured by nomination by Government.

The Council of State.

The Committee have their doubts as to the expediency of forming a

Constitution.

Council of State on the ground of ensuring the passing of measures which the Government might think essential for the discharge of its responsibility, but which might not get the sanction of the legislative bodies. In such a contingency it would be preferable for the Government to reserve to itself the right of adopting such measures by rules and regulations and by the proposed certificate procedure to the establishment of a Council of State. If, however, the establishment of the Council of State be thought necessary for the purpose of exercising a sort of revisional jurisdiction, it should be so constituted as would ensure its commanding universal respect and confidence; provisions should be made with the view that only the highly qualified and experienced persons might be eligible to be members of the Council of State. Its constitution should be framed without any regard being had for securing an official majority.

2. In the Council of State, Bengal, Bombay, Madras, and the United Provinces should be allowed to send two representatives for the rural and municipal areas, two for commerce and industry, and two for the interests of the land-holders, and one for those of education.

3. Other provinces should be allowed to send one representatives each under each of the above heads.

4. The number of nominated members should not exceed that of the elected. Besides the official members, the Government may nominate a limited number of members for the representation of any communal or other important interests, and may make provisions for the representation of provincial Governments by taking one representative from each or any of them.

5. For the present, it would be expedient to confer the right of electing the representatives of the rural and municipal areas of a province upon the non-official members of the provincial Council. The

Electorate.

representatives of the land-holders of a province should be elected by the land-holders' electorate of the province concerned, and the representative of the educational interests by the University of the province concerned; and those of commerce and industry by the representative commercial Associations of the province for instance in Bengal, the Bengal Chamber and the Bengal National Chamber of Commerce.

6. A representative of the rural and municipal areas should have at least three years' experience as a member of a Provincial or the Imperial Council or as a Municipal Commissioner or as a member of the

Members' qualification.

District Board.

7. In Bengal, a land-holder paying annually Roads and Public Works cesses to the amount of Rs. 3,000 or more should only be eligible to represent the land-holders' interest.

8. One paying an income-tax on a commercial or industrial profit of Rs. 50,000 or above should be eligible to represent the interest of commerce and industry in the Council of State.

9. The Indian Princes should not be members of the Council of State. A Council of Indian Princes may be formed, and the representatives of the Council of State and those of the Council of Indian Princes might occasionally meet to consider the questions of common interest.

Memorandum of Evidence for the Franchise and Electorate Committee.

Provincial Legislative Council for Bengal.

Composition of the Legislative Council.

In paragraph 225 of the Report the proposal for the composition of the Council is laid down. The Report says: "We propose there shall be in each province an enlarged Legislative Council differing in size and composition from province to province with a substantial elected majority elected by direct election on a broad franchise with such communal and special representation as may be necessary."

As regards communal representation the Report reluctantly conceded that so far as the Muhammadans were concerned, the present system must be maintained until conditions altered, with the reservation that "there is no reason to set up communal representation for Muhammadans in any province where they form the majority of voters" (paragraph 231).

On the question of special representation, the Report in paragraph 232 says: "The large land-owning classes also generally desire representation in an electorate of their own. Now our decision to maintain separate electorates for Muhammadans makes it difficult for us to resist these of her claims." Again in the same paragraph it is observed: "Where the great land-owners form a distinct class in any province, we think there will be a case for giving them an electorate of their own."

Again in the same paragraph the Report says: "Special electorates will no doubt be required for the representation of the planting and mining interests, for the Chambers of Commerce and possibly also for universities."

I unhesitatingly accept the aforesaid principles laid down in the Report as being eminently suitable for the reformed Bengal Legislative Council. In the first effort to introduce representative Government, purely direct election will be unworkable. I think there should not be a violent breaking away from the long-standing methods in constructing a new constitutional fabric on representative lines. It would be unwise at present to do away with special and communal electorates altogether and the Report has recognized this, as the above-quoted extracts will show. At the same time, direct representation should be introduced on as broad a basis as possible. The basis of direct representation should be broadened as time advances and as education, both general and political, and enlightenment progress and a genuine popular appreciation of the benefits of direct representation is evidenced. Communal and special representations will gradually vanish, as direct representation gains ground.

I propose that there should be one hundred elected seats, half of which should be allotted to the several special electorates and the communal electorate for the Muhammadans and the other half to two general, direct electorates, one Urban and the other Rural—14 seats to the former and 36 to the latter.

The distribution of the 50 seats for the special electorates should be as follows—

		Members.
The Muhammadan community	18	18
The Landholders	16	16
The Bengal Chamber of Commerce	6	6
The Calcutta Trades Association	3	3
The Bengal National Chamber of Commerce	2	2
The Marwari Association	1	1
The Tea-planting community	1	1
The Commissioners for the Port of Chittagong... ..	1	1
The University of Calcutta	2	2
	50	50

GENERAL ELECTORATES.

<i>Urban.</i>		Members.	<i>Rural.</i>		Members.
Calcutta	...	4	Burdwan Division	...	7
Burdwan Division	...	3	Presidency	...	7
Presidency	...	4	Rajshahi	...	8
Rajshahi	...	1	Dacca	...	10
Dacca	...	1	Chittagong	...	4
Chittagong	...	1			
		<u>14</u>			<u>36</u>

Muhammadan Electorate.—In the present Council of 28 elected members, 5 seats have been allotted to the Muhammadan community without any bar to their participating in the elections by all other electorates. By the rule of proportion, in a Council of one hundred elected members, the Muhammadans will be entitled to 18 seats. In Bengal, in the Rajshahi, Dacca and Chittagong Divisions, the Muhammadans greatly outnumber the non-Muhammadans and in the Presidency Division, the numbers of Muhammadans and non-Muhammadans are almost equal. It is only in the Burdwan Division that the non-Muhammadans greatly outnumber the Muhammadans. In the absence of any bar to the Muhammadans participating in the elections by all other electorates, it is expected that the total number of Muhammadan members of Council will be appreciably larger than 18. A water-tight electorate for the whole Muhammadan population of Bengal will tend to perpetuate communal representation which is antagonistic to the essential features of representative Government. Besides, the bulk of the Muhammadans of Bengal are really the descendants of Hindu converts. Judging by the numbers of Muhammadan population in four out of the five divisions of Bengal, it may be reasonably inferred that the number of Muhammadan voters will be considerable in those four divisions.

Landholders.—The special electorate for the landholders is justified on the following grounds:—

- (i) It satisfies the dictum of the eminent framers of the Report that owing to the vast bulk of the lands constituting permanently settled estates and revenue-free estates which are held by the landholders as proprietors of the soil, they constitute a "distinct class."
- (ii) In the present constitution they form a special electorate to which 4½ elected seats have been allotted out of a total of 28 elected seats. By rule of proportion they are entitled to 16 seats out of a total of one hundred elected seats.
- (iii) There were 1,10,000 permanently settled estates in 1903-04 besides a large number of revenue-free estates. The estates do not admit of consolidation, but admit of subdivision by way of partition, so the present number cannot be less, but is probably more.
- (iv) For Bengal, as it is at present, upon a financial redistribution, as set out in the Report will have on the basis of the revised budget estimate for 1917-18, Rs 7,76,84,000 as the total Provincial revenue, out of which the landholders, as proprietors of the permanently settled estates, will contribute in the shape of land revenue or land tax Rs. 2,24,50,000, that is to say, a proportion to the total of well over one-fourth.
- (v) The landholders are the natural leaders of the people. They are in very close and intimate touch with the agricultural community which is by far the largest of the population of Bengal as also of other provinces, both directly and indirectly through their officers, such as managers, superintendents, naibs and tahsildars. Besides, in many respects there is a community of interest between the landlords and the tenants and it is to the interest of the former to see the tenantry of the country flourish.
- (vi) They form a leisured class of means, having opportunity to study the subject of legislation and to obtain experience of its conditions. Higher education has made its way amongst them, as is evidenced by their activities in the several Legislative Councils. In Bengal, the present Indian member of the Executive Council is the premier zamindar of this Presidency. The duties of members of the reformed Council can best be discharged by

those who will be prepared to devote their time and energy and talent to studying the various problems of public administration in all their bearings. The days of irresponsible criticism must come to an end. The landholders who are by their instinct and upbringing moderate and cautious in their views, will form, as it were, the conservative element in the Council, who pin their faith on the principle of hastening slowly.

The representatives of the Bengal Chamber of Commerce, the Trades Association, the Tea-planting community and of the Commissioners for the Port of Chittagong not only represent European commerce, trade and industry but also the European community. Besides, almost all the official members belong to the European community, though they do not come in by the doors of election. In these circumstances the European community are adequately represented on the Council, having regard to the large interest they have staked in this country. A special electorate does not seem to be warranted in their case.

GENERAL ELECTORATES.

The following tabular statement will show the population of urban and rural areas in the five divisions of which the Presidency of Bengal is composed:—

		POPULATION.		
		Number of members.		
		Urban.	3 7	Rural.
Burdwan Division—				
1.	Burdwan	94,186		1,444,185
2.	Birbhum	9,131		926,342
3.	Bankura	57,206		1,081,464
4.	Midnapore	101,855		2,709,346
5.	Hooghly	151,482		938,615
6.	Howrah	201,400		742,102
		615,260		7,852,054
			4 7	
Presidency Division—				
1.	24-Parganas	548,514		1,885,590
2.	Nadia	95,918		1,521,928
3.	Murshidabad	83,483		1,288,791
4.	Jessore	21,198		1,737,066
5.	Khulna	29,151		1,337,615
		778,264		7,770,990
6.	Calcutta	8,960,674		.....
Rajshahi Division—				
1.	Rajshahi	31,657	1 8	1,438,230
2.	Dinajpur	15,945		1,671,980
3.	Jalpaiguri	11,765		890,895
4.	Darjeeling	24,579		240,971
5.	Rangpur	36,264		2,349,066
6.	Bogra	13,201		970,366
7.	Pabna	44,051		1,384,535
8.	Malda	41,394		962,765
		218,856		9,919,446
Dacca Division—				
1.	Dacca	136,427	1 10	2,823,975
2.	Mymensingh	122,069		4,404,353
3.	Faridpur	32,204		2,089,710
4.	Bakarganj	46,618		2,383,293
		337,318		11,701,331
Chittagong Division—				
1.	Chittagong	33,144	1 4	1,475,289
2.	Tippera	57,704		2,372,434
3.	Noakhali	7,009		1,295,081
		97,857		5,142,804

It is desirable that the number of seats allotted to each division might be suitably distributed amongst the districts composing each division on the basis of population and the number of voters of each district. In the case of smaller districts they might be grouped.

The 16 seats allotted to the landholders should be distributed amongst five divisions on a consideration of the number of votes and the amount of land revenue of each division. I give below a tabular statement showing the amount of revenue and cesses in the Collectorate registers of 1903-04 of each division. As the number of electors on the basis of the franchise recommended by me for the landholders is not known to me, I do not distribute the seats amongst the several divisions, but leave it to the Committee to do so.

Division.	Revenue and cesses.	
	Rs.	
Burdwan	96,54,000
Presidency	63,24,000
Rajshahi	57,62,000
Dacca	49,10,000
Chittagong	35,00,000

In the same manner the 18 special Muhammadan seats might be distributed amongst the several divisions on a consideration of the respective Muhammadan population and the number of electors of the several divisions.

NOMINATED MEMBERS.

I propose that there should be 25 nominated members, of whom not more than 18 shall be official members and not more than 7 non-official members. It is desirable that one of the non-official seats should be given to a large territorial magnate from amongst the hereditary Maharajas, Rajas and Nawabs and heads of historical houses, owning large revenue-paying estates.

Thus the total number of members of the Bengal Legislative Council will be 125.

FRANCHISE.

General disqualifications for a voter.—No person shall be eligible to vote at any election of the members of the Council if such person—

- (a) is not a British subject, or
- (b) is a female, or
- (c) has been adjudged by a competent Court to be of unsound mind, or
- (d) is under the full age of twenty-one years.

Disqualification for Membership of Council.—No person shall be eligible for election as a member of the Council if such person—

- (a) is not a British subject, or
- (b) is an official, or
- (c) is a female, or
- (d) has been adjudged by a competent Court to be of unsound mind, or
- (e) is under the full age of twenty-five years, or
- (f) is an uncertified bankrupt or an undischarged insolvent, or
- (g) has been dismissed from the Government service, or
- (h) has been sentenced by a Criminal Court for an offence punishable for a term exceeding six months or to transportation or has been ordered to find security for good behaviour under the Code of Criminal Procedure, such order not having been subsequently reversed or remitted or the offender pardoned, or
- (i) has been debarred from practising as a legal practitioner, by order of any competent authority, or
- (j) has been declared by the Executive Government to be of such reputation and antecedents that his election would, in the opinion of the Executive Government, be contrary to the public interest:

Provided that in cases (g), (h), (i) and (k) the disqualification may be removed by an order of the Executive Government in this behalf.

SPECIAL ELECTORATES.

*Qualification of Electors and Candidates.**Landholders—*

- Having a place of residence within the division concerned,
- (a) hold in the Presidency in their own right one or more estates or shares of-estates as proprietors or one or more permanent tenures or shares of such tenure directly from such proprietors and pay in respect thereof land revenue amounting to not less than two thousand and five hundred rupees or cesses amounting to not less than six hundred rupees either directly to the Collectorate or through the proprietors, and
- (b) those who are at present in the list of voters of landholders' electorate, holding titles conferred by the Government not lower in rank than that of Raja or Nawab.

No landholder or tenureholder shall be a voter in more than one division.

If any voter has more places of residence than one in different divisions then he can be voter of the division he will elect.

Each voter of a division shall have as many votes as the number of members to be elected for the division, but he shall not be able to give more than one vote to a candidate.

Every voter shall be eligible to be a candidate for election.

University.—The qualification of a voter is (a) holder of a degree of the University, (b) member of the Senate or Honorary Fellow of the University. Every voter is eligible to be a candidate for election.

The other special electorates.—The qualifications of electors shall be the same as at present. For the Marwari Association they should be similar to those of the Bengal National Chamber of Commerce.

GENERAL DIRECT ELECTORATE FRANCHISE.

URBAN.

*Qualifications for a Voter.**Calcutta—*

In addition to the qualifications for a voter laid down in the Municipal Act, I suggest that—

- (a) a payer of income-tax, or
- (b) a graduate or licentiate of any University, or
- (c) a registered medical practitioner, or
- (d) a Barrister or Vakil or Pleader or Attorney or Muktear or Revenue Agent, or
- (e) a holder of a title conferred by the recognized Board of Examiners or a University on persons proficient in any prescribed subject taught in tols or madrassas.

None who has not been a resident for twelve calendar months at least next previous to the last day for enrolment in the electoral roll shall be eligible to be a voter.

As regards the payment of rate the vote shall come to any person at any time within the prescribed period by descent, succession or devise.

Each voter shall have as many votes as the number of members to be elected, but he shall not be able to give more than one vote to a candidate.

Qualifications for a Candidate,

Every voter is eligible to be a candidate subject to the general conditions as to age, etc., as heretofore prescribed.

URBAN AREA OTHER THAN CALCUTTA.

Qualification for a Voter.

In addition to the qualifications of voters laid down in the Bengal Municipal Act, I suggest that—

- (a) a payer of income-tax, or
- (b) a graduate or licentiate or an under-graduate of any University, or
- (c) a registered medical practitioner, or
- (d) a Barrister or Vakil or Pleader or Attorney or Muktear or Revenue Agent, or

- (e) a holder of a title conferred by a recognized Board of Examiners or a University on persons proficient in any prescribed subject taught in tols or madrassas.

None who has not been a resident for twelve calendar months at least next previous to the last day for enrolment in the electoral roll shall be eligible to be a voter.

As regards the payment of rate the vote shall come to any person at any time within the prescribed period by descent, succession or devise.

Each voter of a division shall have as many votes as the number of members to be elected, but he shall not be able to give more than one vote to a candidate.

Qualifications for a Candidate.

Every voter shall be eligible to be a candidate subject to the general conditions as to age, etc., as heretofore prescribed.

RURAL.

Qualifications of Electors.

Every male person of the full age of 21 years and resident for 12 calendar months at least next previous to the last day for enrolment in the electoral roll—

- (1) who, during the said twelve months, has paid a sum of not less than two rupees as annual cess in respect of lands situated, wholly or in part within the division, or
- (2) has paid a sum of not less than two rupees as annual village rate or as annual chowkidari tax, or
- (3) paid license tax in respect of a trade, dealing or industry carried on within the division, or
- (4) has paid income-tax, or
- (5) is a graduate, licentiate or under-graduate of any University, or
- (6) is a registered medical practitioner, or
- (7) is a Barrister or Vakil or Pleader or Attorney or Mukteaf or Revenue Agent, or
- (8) is a holder of a title conferred by a recognized Board of Examiners or a University on persons proficient in any prescribed subject taught in tols or madrassas,

shall be entitled to vote.

Each voter of a division shall have as many votes as the number of members to be elected but he shall not be able to give more than one vote to a candidate.

Qualifications for a Candidate.

Every voter shall be eligible to be a candidate subject to the general conditions as to age, etc., as heretofore prescribed.

GOVERNMENT OF INDIA.

The Indian Legislative Assembly and the Council of State.

I am of opinion that the numbers of elected and nominated members as set out in the Report for the Indian Legislative Assembly and the Council of State will be suitable for the present.

As for the personal composition of the elected members of the Indian Legislative Assembly, I suggest that the total number of such members should be returned by the additional members of the several Provincial Legislative Councils and the landholders, the Muhammadan community, the Bengal Chamber of Commerce and the Bombay Chamber of Commerce in the same proportion as at present. The conditions of ineligibility of candidates, and the qualifications of candidates, the disqualifications of voters and the qualifications of voters of each constituency shall be the same as at present. As for the personal composition of the Council of State I am of opinion that the scheme propounded by the Report will, for the present, be suitable. When later on the Imperial Legislature is invested with a complexion of responsibility, the Council of State should be given the character of a second or revising chamber.

KISORI LAL GOSWAMI,

Representative of the British Indian Association.

TO THE RIGHT HONOURABLE LORD SOUTHBOROUGH

Chairman of the Franchise Committee.

My Lord,

We, the Members of the All-India Women's Deputation, which was received by His Excellency the Viceroy and the Secretary of State during their visit to Madras, desire to reiterate to the Franchise Committee the request then made by them, and received sympathetically by them, namely, that women shall be included in the new Franchise to be granted in the coming Reforms Bill, and that "in the drawing up of all-provisions regarding representation, women's sex shall not be made a disqualification for the exercise of the Franchise, or for service in public life."

We beg to point out that, since we presented this request in our Address to Mr. Montagu, it has been reinforced by Resolutions in favour of Woman Suffrage passed by numbers of Women's Associations, by District Conferences, by the Bombay and Madras Provincial Conference, by the Indian Home Rule League, by many of the Provincial Congress Committees, and finally by the Special Session of the Indian National Congress.

In view of such a popular demand on behalf of the enfranchisement of Indian women, we earnestly request the Committee to recommend that the new electorates may be so framed as to include in every case ~~xxxx~~ women who possess the same qualifications for voting as are required for men, and that sex shall be no disqualification for any opportunity for national service to be opened to the people in the promised Reform Bill. With regard to carrying this into practical effect, we would respectfully draw the Committee's attention to the method employed in Australia when women were first given the vote there. Special election officers were appointed to go to the homes of the women voters on polling day, and there record

and collect their votes. We suggest that this precedent might conveniently be followed in gosha districts in India, and that it would solve the only difficulty involved in the granting of our request.

We have had information from Woman Suffrage Societies in Great Britain and Ireland that they were keenly interested in the Committee's decision in this matter, and that they are prepared to take such action as may be necessary to support our claims, and to place their Indian sisters on the same level as themselves in the Constitution of the Empire.

If it come within the scope of the Committee's enquiry, we would ask that it should also use its influence to procure the extension of the Local Government Franchise, and the throwing open of its offices to duly qualified women in all parts of India.

Representing, as we do, many different parts of India, we know that in making these requests to Your Lordship and to the Members of the Franchise Committee we are voicing the wishes of the majority of the Indian people, who have always recognised the ability of women to take a full share in the guidance of private, local, and national affairs, and who will not be satisfied if their duly qualified women are not treated with the respect equal to that given to women in other parts of the Empire.

We accordingly trust that the Committee will accede to our requests in the direct interests of one half of the Indian people, and the later benefit of the whole Indian nation.

Women
Franchise this

What harm?

outrage on
Constitution

**Memorandum of the evidence of Mr. Tarit Bhusan Roy
(on behalf of the Bengal Mahajan Sabha) before
the Franchise Committee of Indian Constitutional
Reforms.**

It cannot be denied even by the most censorious critic and idealist that the scheme on Constitutional Reforms represents a distinct step towards the progressive realization of responsible Government in India. At the same time it must be conceded that the success and popularity of the reforms would depend in a large measure upon the manner in which the franchise is broadened and electorates are constituted. It is undoubtedly a distinctly encouraging feature of the scheme that the Provincial Legislative Council and the Indian Legislative Assembly are to be liberalized "with a substantial elected majority, elected by direct election on a broad franchise, with such communal and special representation as may be necessary." It is gratifying to find that a genuine attempt will be made for ascertaining what sort of franchise will be suited to local conditions and how interests that may be unable to find adequate representation are to be represented. The electoral architecture which it is proposed to build up is bound to be tentative in any event during the period of transition.

It appears that with a view to the development of the self-governing principle, a cultivation of the citizen spirit has been advocated, and it has been pointed out that the introduction of a system of communal electorates will impede the growth of such principle. At the same time it has been conceded that however prejudicial the system of communal representation may be to the realization of the ideal of representative Government, that it must have its place at least for some time to come inasmuch as no other method is feasible in the present state of things in India. The opinions of Lord Dufferin and Lord Lansdowne have been quoted in support. While condemning communal representation as retarding the growth of the root-principle of self-government, the illustrious authors of the memorable report have admitted that it must be maintained and that its retention in the case of Muhammadans cannot be regarded as incompatible with progress towards responsible government. While communal representation has been declared to be fatal to the development of a spirit of common citizenship it is worthy of note that the claims of representation of other minorities and special interests have been treated with sympathy. The eminent framers of the report have been pleased to concede that "special electorates will no doubt be required for the representation of the planting and mining interests, for the Chambers of Commerce and possibly also for the universities." A similar concession has also been made in the case of Indian commerce with regard to the Indian Legislative Assembly.

It may therefore be fairly assumed that the claims of Indian trade and commerce to representation both on the Provincial and Indian Legislatures are no longer open to any controversy. It is a matter of sincere gratification that the existing rights of these important special interests have not only not been assailed in the report but what is more the necessity for enlargement thereof has been very justly and generously recognized. The only question which now arises is to suggest the method and extent of representation. It is not necessary for us in this connection to embark on a controversy as to the claims of other communities or interests. It is enough for us to indicate the strength of the Provincial Legislature. In any case the number should in the transitional period however be a little more than what it is proposed to be in the Indian Legislative Assembly, for the simple reason that it will enable a larger number of men to be trained in the art of administration and will certainly tend to stimulate a healthy desire in the people to take a more intelligent interest in the affairs of the body politic.

Instead of entering into details we now proceed to suggest the way in which Indian trade and commerce ought to be represented on the Provincial Legislature. It is possibly not out of place at the outset to invite attention to the fact that while the existing system secures separate representation by allotting three seats to European commerce and trade, representation, so far as Indian trade and commerce are concerned, has been provided for by nomination by the Government of only one suitable Indian.

In view of the memorable announcement of the 20th of August 1917 and the importance of the interests of Indian trade and commerce, it will perhaps be admitted that under the scheme of enlargement, there should be not less than three members to represent them in the Provincial Council. It is respectfully submitted that in a reconstituted Council of at least 100 members this is by no means a large or unreasonable demand.

We now come to the question of the mode of representation. It is well known that Calcutta is the centre of trade and commerce. There are three

Commercial Associations in Calcutta which have been recognized by the Government, viz.—The Bengal National Chamber of Commerce, the Bengal Mahajan Sabha and the Marwari Association, of which the first two alone are indigenous and are composed of the children of Bengal. The third is composed exclusively of Marwaris who cannot strictly speaking be said to have permanently settled themselves in Bengal, when it is remembered that most of them carry on business through Moonib gomasthas,—the principals seldom if ever stirring out of their native country where evidently they have bigger stakes, and to which they are therefore more strongly attached.

In urging the special claims of the Bengal Mahajan Sabha to representation, we beg to invite the attention of the Committee to the following characteristic features :—

- (1) The Sabha is the only recognized Commercial Association, which is incorporated under the Indian Companies Act of 1882.
- (2) Its sphere of work is not limited to the town of Calcutta alone, although it is the principal centre of its activities, but extends to remote places in the province. It has branch Mahajan Sabhas at Narayanganj, Mymensingh, Bhairab, Tangail and Jhalakati (Barisal). It is also in touch with and co-operates with the Indian Merchants Association of Chittagong. This constitutes one of its special features.
- (3) The Bengal Mahajan Sabha not only represents the bulk of Indian commerce, but in fact controls the entire inland trade of Bengal, and it is no exaggeration to say that it is the mainstay of the Inland Navigation Companies of this Province. What is more it also alone occupies the same position in respect to Indian trade as the Calcutta Trades Association does in regard to European trade. From big commercial firms to the petty trader each one is admitted as member, but care is taken that they are actually engaged in trade and commerce. Unlike any other association the element of Bankers does not predominate in the Sabha, but it is composed of *bond file* merchants of all descriptions.
- (4) Including an important branch in Calcutta under the denomination of the Bengal Mahajan Sabha Spices Section, the Sabha has 397 commercial and trading firms as its members.
- (5) The Bengal Mahajan Sabha alone embraces a variety of important branches of trade and commerce, viz., piece-goods, sugar, lime, silk, muslin, rice, pulses, cotton, jute, oil, timber, hardware and various other articles of trade and commerce and its members carry on business not only in various parts of Bengal but also in Burma.

If the claim to special electorates for the representation of Indian trade and commerce is conceded as it has been done in the historic report the next question which arises is as to the method of constituting such electorates.

The best way for doing this is to call upon the said three recognised mercantile associations of Calcutta to nominate one representative each. If it is decided that only two such representatives can be allowed in the period of transition, which we hope will not be the case, we venture to submit with great respect that the right should belong in any event to the Bengal Mahajan Sabha and the Bengal National Chamber of Commerce in equal proportion for the simple reason that they are composed exclusively of hereditary Bengali merchants having their hearths and homes in Bengal and whose interest therein cannot, therefore, be said to be ephemeral.

If the Marwaris in Bengal are to be treated as a separate and distinct community which is undoubtedly the case the weighty arguments of the eminent framers of the report against the extension of the privilege of communal representation to any but the Shiks and Muhammadans would seem to apply to the Marwaris and operate as a bar to their claim.

In the event of the abovementioned three associations being equally deemed eligible as special electorates for representing the interests of trade and commerce, by two and not three representatives, we venture to suggest that the requirements of equity and justice would be met if any two of them were called upon to elect the two representatives by rotation. One weighty argument against the constitution of a joint electorate of the said three associations for electing the representatives every time, is that in such a case it will be open to any two of them always to combine and keep out the third altogether for all time a contingency which ought to be zealously guarded against.

In the Indian Legislative Assembly the interests of Indian trade and commerce should be separately represented by two members to be elected by the Bengal Mahajan Sabha and the Bengal National Chamber of Commerce equally.

Memorandum on "Electoral Franchise" submitted by the Bengal Provincial Congress Committee through their nominee Mr. B. K. Lahiri.

1. The Provincial Legislative Council.

1. **Size and composition.**—The Bengal Presidency, as at present constituted, contains an area of about 79,000 square miles and a population of about 45½ millions. If there is a territorial redistribution on a historical as well as a linguistic basis, both the area and the population will be enlarged. The present circumstances in the Presidency certainly require and justify a Provincial Legislative Council of at least 225 members, not less than four-fifths or 180 of whom should be returned by direct election on as broad a franchise as possible.

2. The remaining one-fifth or 45 seats should be filled by nomination and are to include Government officials and experts. The nominated official members and experts should not exceed 25. The European community and the communities allied thereto (numbering about 45,000), as well as the Anglo-Indians who number about 20,000, should be allotted the other 20 seats. The representation of the general European community by nomination is in accordance with the view indicated in paragraph 232 of the Report of the Secretary of State and the Viceroy.

We are opposed to "communal representation" and "nomination" on principle. We are also opposed to the formation of special electorates for the representation of special interests, e.g., the planting and the mining and of special bodies like the Chambers of Commerce. The representatives of these interests and bodies may be nominated as experts. We do not think that the Europeans will themselves like to be represented through "nomination." The best way of securing adequate and effective representation for them will be to reserve to the general European and the Anglo-Indian communities 20 elective seats in plural constituencies of Calcutta and the other districts where there is a considerable European population. The number of nominated members will, in that case, have to be reduced by the number so assigned to the European community.

3. For the reasons set out above, the Universities of Calcutta and of Dacca (when established) as such should not return any members to the Provincial Council. Degree-holders of Indian Universities and not registered graduates alone residing in the Presidency and otherwise entitled to vote are to return three representatives to the Provincial Council out of the four-fifths or 180 members mentioned above.

4. It is also for the reason set out above, that we oppose the proposal to give the zamindars an electorate of their own. We are, however, firmly convinced that the zamindars will find fair representation through the general electorate.

5. The remaining 177 members should be returned on a territorial basis without any distinction of the urban, municipal or rural areas. We think each district should form one constituency, and the number of members to be returned by each should be based mainly on its population without ignoring altogether the progress of education therein and the general importance thereof. Calcutta and the suburbs will form one constituency. The district towns are no doubt more advanced in education than the villages, but we would not separate the towns from the villages, for we consider that our towns are closely associated with the neighbouring villages and there is a community of interest between them.

In assigning members to each district on the basis of population, a distinction has to be made between the Hindus and the Muhammadans. The Muhammadans are less advanced in education. We therefore propose that they should get one member for about every three lakhs, while the Hindus should get one member for every two lakhs of the population. This will secure to the Muhammadans 40 per cent. of the elected seats.

Calcutta is much more advanced than the mufassal districts in many respects. It should therefore get a proportionately larger number of members. We propose that there should be one member for about every 75,000 of people both in the case of Hindus and allied population and Muhammadans. There should be one representative of the Marwari community, which is an important minority. This seat should be reserved for a Marwari representative in the plural constituency of Calcutta. There should then be eight Hindus, one Marwari and three Muhammadan members from Calcutta.

6. On the aforesaid basis the 26 mufassal districts (excluding the Chittagong Hill Tracts) and Calcutta with its suburbs together will return about 106 Hindu representatives and about 71 Muhammadan representatives, the latter forming about 40 per cent. of the total elected members.

7. Then arises the question as to whether the Muhammadans should be given communal representation or not. Let the Muhammadans say whether they should have special electorates or not during the transitional period. The system of reserving about 71 elective seats for them (that is to say, about 40 per cent. of the elected seats) in plural constituencies appears to be less objectionable on principle. If they choose to have special electorates, then they should not participate in other district elections. So far as the Muhammadan constituencies are concerned, Bankura and Midnapore may be grouped together; so also Jalpaiguri and Darjeeling. These districts are adjoining and Muhammadan population in each is comparatively small.

8. The *subjoined table* shows the distribution of the 177 seats amongst the districts including Calcutta and the suburbs as mentioned above.

9. To sum up: the Provincial Legislative Council should have 225 members and its composition to start with and during the transitional stage should be as follows:—

Nominated official members including experts	...	25
The European and the Anglo-Indian communities	...	20
Graduates of Indian Universities resident in Bengal	...	3
Calcutta	{ Hindus and allied communities, ...	8
	{ Marwari ...	1
	{ Muhammadans ...	3
26 districts	{ Hindus ...	97
	{ Muhammadans ...	68
	Total	225

10. **The Franchise.**—"The limitations of the franchise should be determined with reference to practical difficulties" mentioned in paragraph 226 of the report, which also warns any "such inordinate and sudden extension of the franchise as might lead to breakdown of the machinery through sheer weight of numbers." In coming to the following conclusion as to the franchise the difficulties indicated in the report have been kept in view.

11. We propose that any person of the age 21 possessing any of the qualifications enumerated below will be entitled to vote at an election for the Provincial Legislative Council. Women possessing the qualifications will also have the right of voting:

(i) With regard to the European and the Anglo-Indian communities, the qualifications should be the payment of the minimum income-tax of Rs. 20 a year. Voters at municipal elections will also vote at the Council elections.

(ii) With regard to the Hindus, the Muhammadans and the allied communities, the qualifications of voters should be any one of the following:—

- (a) payment of road cess at the rate of Re. 1 or over a year either to Government or to superior landlord;
- (b) payment of chaukidari tax at the rate of Rs. 2 a year;
- (c) persons entitled to vote at municipal elections;
- (d) payment of an income-tax of Rs. 20 a year;
- (e) graduates in arts, science, law, engineering, medicine, etc.;
- (f) licentiates in medicine, engineering or registered medical practitioners; and
- (g) barristers, attorneys, pleaders, mukhtars,

and we think the above qualifications will suit all parts of the province.

12. Persons holding service under Government, lunatics and insolvents will be disqualified from voting at elections.

13. It is not possible to ascertain the exact number of total qualified voters in this Presidency because the figures under all the heads mentioned in the last paragraph are not available. Those under the heads (a), (b) and (c) aggregate about 1,200,000. It is estimated that those coming under the remaining heads will not exceed 300,000. Thus the total number of qualified voters will be about 1,500,000. This number is by no means excessive in a Presidency which has (i) a total population of over 45 millions, (ii) a population of about 20 millions of the age 21 and upwards of which more than 10 millions are males, (iii) a literate population of over 2½ millions of the age of 21 years or thereabouts, (iv) over 14 millions actual male workers excluding field labourer, (v) over 8½ millions occupied houses, and (vi) a population of nearly 3 millions within the municipal areas alone.

14. Any person having more than one qualification must choose his register and shall be entitled to vote in one constituency only, provided that holders of University degrees should vote in the general as well as the special electorates provided for them.

15. The expedient of proportional representation should be kept in view and gradually replace all special and communal electorates.

16. **Candidates.**—Any person entitled to vote in a constituency in this Presidency shall be entitled to stand as a candidate provided he or she is of 25 years of age. No residential qualification within the constituency should be insisted upon. Every constituency should be free to nominate a qualified candidate provided he ordinarily resides within the Presidency.

17. **Method of voting.**—Every voter would have as many votes as there are candidates in the constituency, but a voter should have the right to divide his votes in whatever manner he thinks best. He may even give all his votes to one candidate. This will give some representation to some of the minor interests, e.g., the Mahishays of Midnapore who number about 33 per cent. of the population and whose number of votes are expected to be at least one-fourth, the total number will be in a position to secure some members by plumping their votes on their candidates. Similarly the Namasudras in Dacca, Mymensingh, Faridpur and Barisal, who represent 20 per cent., 20 per cent., 30 per cent. and 30 per cent. of the population in these districts, may have a chance of having one of the members in each of these districts if they get the support of a few of their brethren in the other classes.

18. Polling centres should be opened in every Union or group of villages, so that a great number of voters may attend. Polling may be conducted in each centre by a committee with a gazetted officer as president.

19. **Indian Legislative Assembly.**—The size and composition of the Indian Legislative Assembly should be as follows: the total strength should be at least 150. Four-fifths of it, viz., 120, should be elected and one-fifth, that is, 30, should be nominated.

20. The nominated officials and experts and European commerce should not exceed 30. The Government officials should not exceed 22. European commerce and experts should form the other 8.

21. The remaining 120 seats should be assigned to the different provinces on the basis of population, progress and general importance. They may be distributed as follows:—

Bengal	...	...	...	22	✓ why more
Madras	...	...	...	20	
Bombay	...	...	...	18	
United Provinces	...	...	...	18	
Bihar and Orissa	...	...	...	12	
Punjab	...	...	...	11	
Central Provinces and Berar	...	...	...	9	
Burma	...	...	...	5	
Assam	...	...	...	4	
Delhi	...	...	...	1	
			Total	120	

22. The 22 seats assigned to the Presidency of Bengal should be allocated as follows:—

Presidency Division	...	...	3
Burdwan	..	...	2
Rajshahi	..	...	2
Dacca	..	...	3
Chittagong	..	...	1
Calcutta	..	...	2
Muhammadans	...	...	6
European community	...	...	1
Indian commerce	...	...	2
		Total	22

23. Instead of the district, each of the five divisions and Calcutta should form the electoral units: Muhammadan and European representation is to be secured in the same way as in the case of the Provincial Council. The qualifications of the voters are to be higher than in the case of the Provincial Council and such as will provide an electorate of 10,000 people. The Indian commerce should be represented during the transitional stage through the National and the Marwari Chambers of Commerce. Landholders do not require any separate representation. The method of

voting should, as far as practicable, follow the lines laid down in respect of the Provincial Council.

24. **The Council of State.**—In case it is decided to have the Council of State, it should be 50 strong, one half to be nominated including officials and the other half to be elected. The Indian princes should not be represented.

25. Of the 25 elected members the Provincial Legislative Councils through the elected representatives should return as follows:—

Bengal	...	...	...	3
Bombay	...	...	...	3
Madras	...	...	...	3
United Provinces	...	...	...	3
Bihar and Orissa	...	...	...	2
Punjab	...	...	...	2
Central Provinces	...	...	...	1
Burma	...	...	...	1
Assam	...	...	...	1
Total	...	...	...	19

26. The special constituencies should be as follows:—

Muhammadans	...	...	2
Landholders	...	...	2
Chamber of Commerce	...	...	2
Total	...	...	6

In case of the Muhammadans and the landholders, the qualifications should be the same as in the case of the elections to the Imperial Council at present. The qualifications of candidates may be raised.

27. **General.**—No holders of titles as such should be entitled either to vote or to represent.

Table showing the number of members to be returned by each district to the Bengal Provincial Legislative Council (vide paragraph 8).

NAME.	Population (non- Muhammadans).	Number of members.	Muhammadans.	Number of members.
1. Calcutta and suburbs ...	604,853	8+1 (Marwari)	241,587	3
2. Burdwan ...	1,220,551	6	290,381	1
3. Birbhum ...	657,053	3	222,787	1
4. Bankura ...	990,161	4	51,707	1
5. Midnapore ...	2,477,272	10	193,569	
6. Hooghly ...	883,840	5	184,009	1
7. Howrah ...	742,283	5	195,599	1
8. 24-Parganas (excluding the suburbs of Calcutta) ...	1,525,886	8	879,547	3
9. Nadia ...	642,259	3	436,119	3
10. Murshidabad ...	643,291	3	713,152	3
11. Jessore ...	607,936	3	1,087,554	3
12. Khulna ...	671,147	3	688,441	2
13. Rajshahi ...	315,640	2	1,148,384	3
14. Dinajpur ...	759,309	3	824,345	2
15. Jalpaiguri ...	547,327	3	237,456	1
16. Darjeeling ...	189,617	1	9,450	
17. Rangpur ...	803,784	4	1,569,090	4
18. Bogra ...	166,696	1	810,352	2
19. Malda ...	465,521	2	505,396	1
20. Pabna ...	354,254	2	1,073,078	3
21. Dacca ...	1,052,256	6	1,893,470	6
22. Mymensingh ...	1,161,585	6	3,324,146	8
23. Faridpur ...	774,979	4	1,341,090	4
24. Bakarganj ...	719,557	4	1,693,905	4
25. Tippera ...	672,670	3	1,755,400	5
26. Noakhali ...	300,246	1	1,000,653	3
27. Chittagong ...	347,189	2	1,089,029	3
Total	...	105+1	...	71

106

In preparing the above table, the general importance of each district and the progress of election in it has been taken into consideration.

B. K. LAHRI.

**STATEMENT FOR THE
FRANCHISE COMMITTEE**

BY

Mr. C. C. GHOSE, *Barrister-at-Law*

Representative of the National Liberal League



CALCUTTA :

Art Press, 1, Wellington Sq.

1919

Statement for the Franchise Committee

BY

MR. C. C. GHOSE, *Barrister-at-Law,*
Representative of the National Liberal League.

General observations.

I agree in thinking that constituencies should be based on a franchise broad enough, as far as existing conditions in India permit, to represent the interests of the general population and capable of exercising an intelligent choice in the selection of their representatives.

2. How is this to be attained, having regard to the conditions prevalent in Bengal?

3. There are at present 25 districts in Bengal, excluding Darjeeling and the Chittagong Hill Tracts, with a total population of about 45 millions. The population is distributed, roughly speaking, as follows: 42 millions in rural areas and 3 millions in urban areas. Half or between 22 to 23 millions of the total population represents the male population of all ages. 14 millions of this have been classed in the last Census as actual workers (males), the rest being dependents. About 12 millions of the above are male adults, and about 2½ millions are literates above 21. The literates in English, above 21, number 319,904.

The Bengal Legislative Council to consist of 125 members.

4. The Council of the National Liberal League suggest that the total strength of the Bengal Legislative Council should be not more than 125, out of which 100 members should be elected by the various constituencies, and the remaining 25 should be nominated members, including officials and other persons whose presence may be considered necessary in the Council.

Division into Urban and Rural areas.

5. I think urban and rural areas should be treated differently in the matter of representation, because the character of the popula-

tion and the interests in the two areas are different. The problems are therefore different.

Distribution of 100 elected members.

6. I would distribute the 100 elected members in manner following, taking the case of the *urban areas first*,

Calcutta (population—about 1 million) ...	8 members.
Howrah (population—about 179,000) ...	1 member.
Dacca (population—about 108,000) ...	1 member.
Other Municipal areas in Bengal (population—about 1,700,000) ...	7 members.

TOTAL ... 17 members.

The election should be through mixed electorates.

7. I will take the case of the *rural areas next*. But before doing so, I will consider the question of the seats which can or ought to be reserved for the Mohamedans.

Mohamedans.

8. In the case of the Mohamedans, I agree, as a temporary measure, having regard to the considerations set forth in paragraph 231 of the Montagu-Chelmsford Report, that they should be given special representation. It may be noted in this connection, in passing, that Lord Sydenham was until recently, opposed to special or communal representation. On the eve of his retirement from the Governorship of Bombay, in addressing the Mohamedans of Bombay, he observed as follows :

“In the political sphere, so far as Legislative Councils are concerned, you have received communal representation for which you asked. As you know, I never thought that the principle was good for you or India. I am not yet convinced that I was wrong or that you may not some day agree with me.”

It may be further noted that Lord Morley was in favour of communal representation, but not necessarily through communal electorates, and his idea was that there should be mixed or composite electoral colleges, in which Mohamedans and Hindus

should pool their votes, so to say. (See paragraph 12 of Lord Morley's Despatch to the Government of India dated 27th November 1908 and His Lordship's speech in the House of Lords on the 4th March 1909). It was the government of Lord Minto which suggested communal electorates for the Mohamedans.

According to the figures recently published by the Government of Bengal, the total Mohamedan population in Bengal is 23,975,171 while the total non-Mohamedan population is 20,988,526. If, therefore, the claim of the Mohamedans is based on the ground of population, then, it is submitted, there is no room for the application of the principle of a separate register. If the claim is based on the ground of the community being in a backward condition, then, it is only right and proper, having regard to the future of the Province as a whole, that a separate register for those who form the majority of the population should be discarded, if not now, at the earliest possible moment.

Distribution of members to represent Mohamedans and Non-Mohamedans.

9. In the present conditions, so long as the Mohamedans insist on a separate register, I would reserve 25 seats for them and distribute 31 seats over the 25 districts in Bengal.

European representation.

10. As regards Europeans, having regard to the importance of the interests represented, I agree that they should have special representation. I do not think however that the number of members representing Europeans (in which term I include communal interests as well as the interests of Trades and Commerce with its sub-heads of Mining and Planting) should be more than 15. I suggest that these 15 members should be elected partly by a mixed electorate and partly by a separate electorate. I have suggested 15 as the number, because the Europeans occupy a predominant position, out of all proportion to their numerical strength in as much as they have large commercial and manufacturing interests and as they represent the ruling race. We have a right to expect of them that they should take a wider interest in the affairs and development of the country they live in than they do at present. This would only be possible if some of them

agree to come in through the mixed electorate and thereby come to know the people of the country and its problems and needs more fully. The number 15 has been suggested on the basis that some of the European members would agree to come in through the mixed electorate; and if our anticipations are happily fulfilled, there would be no disposition on the part of Indians to quarrel if the number suggested above is slightly increased. But if the Europeans discard altogether the idea of a mixed electorate, then, it is submitted, the number 15 itself is too high.

Representation of Landowners.

11. The necessity of the representation of the interests of landowners has been insisted upon since Lord Minto's time. Having regard to present conditions in Bengal, I agree that the landed interests should be effectively represented and I would therefore allow to the landowners 10 seats through a mixed land-owning electorate. My main object of allowing a few seats to the landowners is to induce them to take a real and living interest in the larger life of the country.

Education.

12. The cause of Education should be specially represented and I would allow the University of Calcutta (which, as Lord Chelmsford remarked the other day is the biggest University in the world) to return two members. The University of Dacca, when created, will participate in the election of the two members.

How the 100 elected members are made up.

13. The above figures make up 100 elected members :

Urban areas	...	...	17
Mohamedans	...	...	25
Districts	...	...	31
Europeans	...	...	15
Landowners	...	...	10
Education	...	...	2

TOTAL	100
-------	-----	-----	-----

25 Nominated Members.

14. The remaining 25 members will be nominated by the Government. Out of the 25 nominated members, 15 may be officials and the rest should represent special interests or classes, e.g., Anglo-Indians, Indian Christians, Indian Commerce, Experts and persons whose presence in the Council would in the opinion of the Government be desirable, but who are not likely to offer themselves for election.

Ex-officio Members.

15. The Governor and the members of the Executive Council of Bengal should be *ex-officio* members of the Legislative Council.

15A. Franchise.

- (a) *Urban areas.* The vote should be allowed to all persons who have double the Municipal voting qualification. At present, the Municipal voting qualification is the payment of municipal rates of Re. 1-8 or over. It is suggested that the urban voters should be those who pay Municipal rates of Rs. 3 or over. Voters' qualifications in Calcutta and Howrah should be according to the above principle.
- (b) *Rural areas.* The basis should be payment of cesses of such amount as would create constituencies of not more than 5,000 voters to a member.
- (c) All Income-Tax-payers should be voters.
- (d) European Representation. See para. 27 below.
- (e) Landowners. See paragraph 28 below.
- (f) Education. See paragraph 29 below.
- (g) Generally. See paragraphs 30 & 31 below.

Alternative Scheme.

16. The scheme sketched in the foregoing paragraphs finds favour with the National Liberal League, and they are strongly of opinion that in no constituency should there be more than 5,000

voters to a member. They think that the caution indicated in paragraph 226 of the Montagu-Chelmsford Report against "any inordinate or sudden extension of the franchise leading to a breakdown of the machinery through sheer weight of numbers" ought not in any event to be disregarded in the slightest degree. From this point of view, the National Liberal League feel that if the figures published by the Government of Bengal in the Supplement to the *Calcutta Gazette* of December 4, 1918 be made the basis of the franchise, there is serious risk of "the machinery breaking down through sheer weight of numbers". If, however, those figures are accepted for the purpose of determining the franchise, then we are driven to the necessity of an increase in the number of the members of the Council. A slight increase will not do: the number will have to be increased very considerably. At the same time, one must remember that an inordinately large Council is not desirable. Bearing all these considerations in mind, I venture to suggest, as an alternative scheme, that the number of members should be 150, if the Government figures or anything like them are adhered to. Out of the 150, 25 will be nominated members.

Distribution of the 128 elected members.

17. Urban areas :			
Calcutta	...	...	8 members.
Howrah	...	...	1 member.
Dacca	...	...	1 member.
Other Municipal areas	...	...	7 members.
			<hr/>
	TOTAL	...	17 members.
			<hr/>

The election should be through mixed electorates.

Rural areas.

18. I would altogether allow to these areas, 80 seats inclusive of the seats for the Mohamedans as indicated below :—

I would reserve 32 seats for the Mohamedans if they would agree to come in through mixed or composite electorates.

The remaining 48 seats will be distributed over the 26 districts in Bengal.

Or

I would reserve 25 seats for the Mohamedans, they being returned partly by a communal electorate and partly by a mixed or composite electorate, if the Mohamedans would agree to such a plan. The remaining 55 seats will be distributed over the 26 districts in Bengal.

Or

I would reserve 15 seats for the Mohamedans if they insist upon a communal electorate and reject the above two plans. The remaining 65 seats will be distributed over the 26 districts in Bengal. It should be noted that the number of Mohamedans allowed here is in accordance with the proportion now considered sufficient in the present Bengal Legislative Council.

European representation.

19. I would allow 16 seats to the Europeans in place of 15. If, however, the Europeans agree to come in through a mixed electorate (consisting of voters who pay, say, Income-tax on an income of Rs. 2,000) I would allow to them even more than 16 seats.

Landowners.

20. I would allow 10 seats to them.

Education.

21. I would allow 2 seats to the Universities. If the Mohamedans agree to come in through mixed or composite electorates, I would, in that event, give them one more seat and reserve the same for them from the Universities in addition to the two seats which I have allowed under the heading of Education. This extra seat will have to come out of the number for the districts.

How the 125 elected members are made up.

22. The above figures, *i.e.*, those mentioned in paragraphs 17 to 21 hereof make up 125 elected members :—

Urban areas	...	...	17
Mohamedans	...	...	32
Districts	...	...	48
Europeans	...	...	16
Landowners	...	...	10
Education	...	...	2
			<hr/>
TOTAL	...	...	125
			<hr/>

Nominated members.

23. The Government will nominate 25 members as indicated in paragraph 14 hereof.

Ex-officio members.

24. Same as indicated in paragraph 15 hereof.

FRANCHISE.**Voters in rural areas.**

25. The voters in rural areas should be (1) agriculturists paying cess at the rate of, say, rupee 1-8 and over and (2) non-agriculturists paying *Chaukidari* tax at the rate of Rs. 4 and over.

Voters in Urban areas.

26. The vote should be allowed to all persons entitled to vote at Municipal elections at present.

26A. All Income-Tax-payers should be voters.

Voters in respect of European representation.

27. Those who pay Income-Tax on an income of Rs. 2,000 should be qualified to vote.

Voters in respect of representation of Landowners.

28. The present property qualification should be reduced and in West Bengal large permanent tenure-holders should be allowed votes.

Voters in respect of representation of Universities.

29. Fellows and graduates of five years' standing. *register*

Residence of voters.

30. The voters should have a residence in the constituency where they are enrolled as voters, but they need not necessarily be permanent residents therein. One man one vote. *u*

Candidates.

31. Candidates must be residents in the Province of Bengal and should be qualified as follows :—

- (1) They should pay Income-Tax on an income of Rs. 2,000 or,
- (2) They should have an income from any source of, say, Rs. 2,500 a year.

Exception :—(a) This will not apply to candidates for the representation of the Universities. (b) The above qualification need not be insisted on for teachers, and professors of recognised schools or colleges or for priests, missionaries and ministers and workers in religious or charitable organizations to be approved of by the Council.

Candidates as well as voters should be above the age of 21 and ~~males~~. The disqualifications should be as at present. *really*

The Indian Legislative Assembly.

32. As regards the Indian Legislative Assembly, I suggest that out of the 11 members referred to in paragraph 274 of the Montagu-Chelmsford Report, 5 should be elected by the Bengal Legislative Council; 2 should be elected by the landowners;

2 should be elected by the Mohamedans and 2 should be elected to represent European and Indian Commerce as suggested in paragraph 273 of the Report.

Council of State.

33. As regards the Council of State, I suggest that only the non-official members of the Bengal Legislative Council should participate in the election.

Provision for the representation of new interests.

34. The local Government should be empowered to increase the number of seats in the Bengal Legislative Council to 130 or 155, as the case may be, in order to provide for the representation of new interests that may arise in the interval before the next statutory revision of the constitution takes place.

Statement of the Hon'ble Mr. A. K. Fazl-ul-Haq for the Reform Committee (Franchise).

In my opinion, the various questions relating to the nature and extent of franchise possess only an academic interest for the Mussulman community. The Congress League scheme, which as a member of both the political organizations I feel bound to support, has provided for communal representation for Mussulmans. It therefore does not very much matter what the nature of the franchise happens to be, provided only that the electoral roll is not of unmanageable dimensions.

I am of opinion that in areas, such as represented by the districts of the Burdwan Division, the unit of electorate should be composed of groups of districts, at least for the Mussulman community.

I consider an electoral unit of between 5,000 to 10,000 persons is quite manageable.

I am strongly of opinion that a candidate should be free to choose a constituency which he will seek to represent, or, in other words, a candidate should be allowed to offer himself for election from any constituency, provided only he is qualified as a voter on any electoral roll in the Presidency.

A. K. FAZL-UL-HAQ.

Written statement of Maulvi Muhammad Ali-uz-zaman
Chaudhari, representing the Bengal Presidency Muslim
League.

Mahomedans should be represented by a system of special
communal representation. The total number of Mahomedan
members (elected) should not be less than what has been
fixed in the Congress League Scheme.

A candidate should be given the option of offering
himself for election from any electorate, provided only
his name appears on any one or other of the electoral rolls
of the Province in which he has his home.

The unit of electorate should not be larger than a
District, but in case any particular District does not
supply a sufficient number of voters to make up an
average electoral roll, it might be grouped with another
small District.

Special representation should be given to the uni-
versities of Dacca and Calcutta, and at least 40 per cent
of the seats allotted to the Universities should be
reserved for Mahomedans to be filled up on the basis of
separate communal electorates.

on
(European - some
British Empire - some
inside & outside both
franchise - 6/5/1914

Statement of Colonel A. J. Pugh for Electoral Committee.

I have been in Calcutta for 29 years. I am a Solicitor and member of the firm of Messrs. Pugh and Co., Solicitors. I have been a Commissioner of the Calcutta Corporation since 1914, being nominated by the Government of Bengal, and I have taken an active part in several standing and other committees of the Corporation—dealing with both the European and the Indian quarters of the town, I was elected president of the Special Committee of the Corporation to consider the Calcutta Municipal Bill, which is now under consideration. I am a member of the European Association and am on the Council of its Calcutta Branch. I took an active interest with regard to the "Joint Address" which was presented to His Excellency the Viceroy and the Right Hon'ble the Secretary of State for India last winter. The address was presented by some of the best known citizens of Bengal and other parts of India both Europeans and Indians. I am the General Secretary of the Study Circle which was started in July last by several European and Indian residents for the purpose of studying political and other problems connected with the welfare of India and specially Bengal. The substance of this memorandum has the support of several of my European and Indian friends with whom I have discussed it. *how?*

I may point out at the outset that this memorandum deals with the question of European representation only, and that in the Provincial Council for Bengal. Although I have been in this country for over 29 years, I prefer to leave the matter of general representation to others more competent than I am to speak on such a subject.

The total population of Bengal may be taken as 46 millions. Half, or 23 millions of this represents the male population of all ages. Fourteen millions out of this have been classed as actual workers (males) in the last Census, the rest being dependants. If the franchise is wide enough, a good proportion out of this 14 millions will be the voters under the Reform Scheme.

Turning now to the non-Indian population in the whole of Bengal, we find this—

Total European and Allied races (all ages and sex)	24,388
of which	
Total European British subjects (all ages and sex) ...	22,327
of which	
Total European British subjects, (males) ...	14,659*
of which	
The actual workers (males) amount to ...	11,887

These 11,887 persons are distributed roughly thus—

Calcutta, about ...	6,500
Presidency Division (except Calcutta, but including the mills and cantonments, etc., on the east bank of Hooghly) ...	1,500
Rajshahi Division (including Darjeeling and Kurseong) ...	1,800
Dacca Division (including Dacca and the port of Narainganj) ...	400
Burdwan Division (including coal districts and Howrah) ...	1,400
Chittagong Division ...	180

The above figures are for Europeans only. The figures for Armenians are—

Total ...	1,063
Total males ...	629
Actual workers ...	337

The figures for Anglo-Indians are—

Total ...	19,833
Total males ...	9,948
Actual workers ...	5,434

* This includes 4,419 persons employed in the "Public Force" and "Public Administration."

I have kept the figures for Armenians and Anglo-Indians separate from Europeans for reasons which will appear later on.

From the figures given above, it would seem that numerically Europeans are a negligible quantity. But the importance of the interests which we represent makes it absolutely necessary that we should be adequately represented on the Council. It must be conceded that a Legislative Assembly, in this country, without European members, official and non-official, is not within practical politics.

If then there must be European members, how many should there be, in order that their representation may be both adequate and effective? This would depend on the nature of interests which Europeans represent, viz. :-

- (a) Interests of the British Empire, so that the British connection may be secured, and the British character of the Administration may be maintained.
- (b) Interests of British Capital already invested, or which will be invested, in this country.
- (c) Interests of Europeans who reside here.

These interests have been so far safe-guarded, partly by European officials, and partly by nominated and partly by elected non-official Europeans.

The nature of these interests shows that Anglo-Indians and Armenians should be excluded from the term "Europeans" when we are considering what would be adequate representation of European interests. I have, therefore, dealt with the case of "European British subjects" only.

We must exclude aliens also from consideration because under a recent Act III of 1918, Bengal Council, aliens have been deprived of the right of representation on local bodies.

Taking, therefore, the total male European British subjects who are "actual workers" to be, say, 11,000, let us see how they are represented at present in the Bengal Council. We find that out of 51 members there are—

European officials	...	...	13
European nominated non-officials	...	...	3
European elected non-officials	...	...	5
Bengal Chamber	...	...	2
Trades Association	...	...	1
Chittagong Port	...	...	1
Tea planters	...	...	1
		—	
			21

The other 30 are Indians, viz. :-

Officials	...	...	2
Nominated non-officials	...	...	5
Elected landholders	...	...	5
" University	...	...	1
" Calcutta Corporation	...	...	2
" Muhammadans	...	...	5
" District Boards	...	...	5
" Municipalities	...	...	5

If there have been 21 Europeans (official and non-official) in a Council of 51, how many Europeans should there be in the reformed Councils, which are bound to be much bigger in size? I am inclined to think there will not be less than 150 members in it. My reasons are as follows :-

- (a) We have seen that there are 14 millions male workers in Bengal. With a low franchise, there will probably be between one and two million voters. The figures lately published by the Government of Bengal also seem to indicate that there would be about a million voters. There are 26 districts in Bengal. Each district would, therefore, have on an average say 40,000 to 50,000 voters. There would, therefore, probably be four to five members to represent these 40,000 to 50,000 voters, making one member to more than 10,000 voters which in itself is a huge figure.
- (b) If we add the European representatives and other representatives of special interests, we can safely say that the New Council will consist of at least 150 members.

Proceeding on the basis that there will be 150 members in the New Council, how many should be Europeans (official and non-official)? In my opinion one-third of the total, that is, 50, would be a fair proportion, although strictly speaking there ought to be 60, if we take the present proportion of 21 in 51. Again, according to the present proportion (that is 13 out of 21), there ought to be 30 official and 20 non-official Europeans making up the total of 50 European members. But in the New Council, the Government is not likely to be able to spare many officials merely to be silent official voters. And if Europeans begin to take an increased interest in public affairs, it would not be necessary to do so. It seems to me that it would be enough to have 20 official Europeans to 30 elected non-official Europeans, making up the 50.

I am not in favour of having any nominated non-official Europeans. In real politics this would not be necessary.

A question may arise as to whether it will be possible to get so many non-official Europeans, of a representative character, to stand as candidates. This is no doubt a real difficulty, but the solution should not be difficult if—

- (a) sittings of the Council are held in the evenings out of office hours,
- (b) real responsible work has to be done,
- (c) Government servants holding non-administrative posts are allowed by Government to stand as candidates, *e.g.*, the Chairman and Deputy Chairman of the Calcutta Corporation (who probably will be elected officers under the new Municipal Bill), Education officers like Professors in Government Colleges, Medical officers, etc.

The next important point for consideration is how are these 30 non-official Europeans to be elected?

The ordinary method of open election by a general electorate will not do. Unless the required number of seats are reserved for Europeans, they cannot hope to get in through open competition. Therefore there must be what is known as separate representation. The next question is, would it be necessary to have a separate electorate also?

If these 30 seats be reserved for non-official Europeans, there may be three alternative electorates and methods of election—

- (A) Election of European members by a mixed electorate.
- (B) Their election by a purely European electorate, voting being direct.
- (C) Their election by a practically European (though not wholly European or British) Institute, like the Bengal Chamber of Commerce, voting being practically indirect.

Taking (C) first, I am unable to accept this method because—

- (1) Even a powerful organization like the Chamber of Commerce has only 211 members, and most of them are firms, and Joint Stock Companies. A glance at the list of members will show that many of the occupations in which Europeans are interested are not represented by the Chamber. There are, as we have seen, some 11,000 "actual workers" among the Europeans. This method of indirect election will disfranchise most of the 11,000.
- (2) Even these 211 members are not all British or European. Some are Indians, several are aliens and non-Europeans, (*e.g.*, Japanese).
- (3) The Chamber does not represent a large class of Europeans, *e.g.*, professional men, such as doctors, lawyers, journalists, etc.
- (4) Firms and companies cannot have votes in a parliamentary election. It is the individual who is entitled to be a voter.
- (5) If firms or companies get votes, absent proprietors or shareholders would in effect be voters.
- (6) It is desirable to let the individual European vote as he likes, so that he may feel some interest in politics. Under the present system only the heads of firms have any chance of being elected, and even the head of a small firm has no chance whatever.

- (7) It is sometimes contended that even the ordinary European voter is at present incompetent to choose a proper person to represent the interests of commerce and trade, and that, therefore, indirect election through institutions is a necessity. I do not accept this view and I may also point out that the Provincial Council will have very little opportunity of affecting the larger interests of trade and commerce. Legislation with regard to these larger questions would undoubtedly be made in the Imperial Legislative Council. I am willing to concede that European representation in the Imperial Council may for the present be left in the hands of the Chambers if they so desire.

I am, on these grounds, against institutional representation on the Provincial Legislative Council. Now I will shortly deal with the other two methods of election, namely (A) and (B).

There can be hardly any doubt that method (A) would be the best method of election, provided one could be sure that representative Europeans would get in. It is useless to have a man who cannot or will not properly represent European interests. It is, however, possible to devise safe-guards by which we may eliminate this danger, *e.g.*—

- (a) by insisting that a European candidate must be a member of an association like the European Association, or
- (b) that a European candidate should get the nomination and support of, say, 100 European voters, etc.

With some such safe-guards, method (A) may be found superior to method (B). There are a great many advantages in method (A), the chief of which would be that the candidate would realise that he was in the Council to represent Indian as well as purely European interests, and he would get in touch with Indian as well as European voters. The electors, European as well as Indian, are likely to vote for the man who will endeavour to get things done. What chance will a member elected by a purely European constituency get of getting things done? None at all if he holds aloof from the other members. But if he is there as the representative of both Indian and European interests he will be in an extremely strong position.

There are a good many defects in system (B), for instance—

- (1) If we insist that 30 European non-officials should be elected by only about 11,000 European voters, over 4,000 of whom are Government servants, there would be less than 400 voters to a member. Compared with the figures for the general electorate (10,000 voters to one member) this looks very invidious.
- (2) If the non-official European members are to have any effective voice and influence it can only be by constant association with Indians. There will be greater opportunities for this if the European members are elected by a mixed electorate from a plural constituency.
- (3) It will be contended that Indians should have nothing to do with European representation. As I have stated, the interests of trade and commerce must be specially represented, and this, I believe, can be best done by Europeans. But we cannot forget that Indians also have a considerable and growing interest in these matters. This will be manifest if we analyse the various occupations in which Europeans are engaged. We find that (Census, Part I, page 572) out of 1,000 workers engaged in each of the following occupations, the number of Europeans engaged are as follows:—

Industries	...	74	Public Force	...	274
Transport	...	188	Public Administration	...	63
Trade	...	136	Arts and Professions	...	129
Others	...	...	...	...	136

This will show that Indians are also interested in the matters stated above.

- (4) But my strongest ground for holding that European members should be elected by a mixed electorate is this. One of the grounds on which I have advocated special and adequate representation for Europeans is that Europeans here would in future be the link between England and India, between Imperial interests and Indian interest, in order that the British connection may endure. It is eminently desirable that the European members of Council in future should be able to interpret faithfully the real wishes of the people. One of the means by which this can be easily done is to have European elections through mixed electorate.

If, however, Europeans are given special representation by a special electorate with direct voting, I would suggest that the constituencies should be plural constituencies returning several members each so that the principle of proportional representation be applied in the election. The small number of voters, the fact that they are to be found near or in the towns in a small area, and that most of them would be intelligent enough to judge of the comparative merits of the candidates are considerations which indicate that the principle of proportional representation can be easily tried here with good results.

I will now consider how the 30 non-official European seats should be distributed. I would suggest the following figures, which are based on the distribution of European voters:—

Calcutta	...	...	...	...	16
Presidency Division, including most of the mills up and down the river	...	...	...	...	4
Rajshahi Division, including Darjeeling and Tea districts and zemindaries (4 and 5 in alternate elections)	...	...	...	...	4½
Dacca Division	...	...	...	...	1
Burdwan Division, including collieries	...	...	...	...	4
Chittagong (on alternate elections)	...	...	...	...	½
				Total	30

Jute, Tea, Coal and zemindaries would all be adequately represented under the above scheme and any other industries which desired representation could no doubt get in amongst the Calcutta members.

It would be apparent from the above that European constituencies would all be located in towns having municipalities. It would not be very difficult to frame the constituencies in such a way that in the register for each of such constituencies there would be about 400 European voters for every European seat.

As regards the qualification of a voter who will vote for a European member I would suggest that all persons who pay income-tax on an income of Rs. 2,000 and over should be allowed to vote. I am suggesting this figure for the following reason. I do not think there should be any European voter with an income of less than Rs. 2,000 and an Indian voter who under a mixed electorate would be entitled to vote for a European member should also have the same qualification. The effect of this would be—

- (1) That the members so elected would be returned by a class of voters with higher qualifications.
- (2) The number of Europeans and Indians with the above qualifications would be about equal in Bengal.
- (3) If we take the localities where Europeans are congregated the European voters would not be in danger of being swamped by the Indian voters as is sometimes alleged.

The distribution of income-tax assesses (who pay tax on incomes over Rs. 2,000 (both Europeans and Indians) would appear from the accompanying statement marked with the letter "A."

[See notes below.]

	Total assesses.	Male assesses of income over Rs. 2,000.	Adult male European "actual workers."	Others.	Proposed number of non-official European seats.	REMARKS.
1	2	3	4	5	6	7
Bengal	61,574	20,560	11,887	8,500	30	See notes below, column 3 is approximately one-third of column 2.
1. Calcutta	23,263	7,754	6,500	1,254	16	A large proportion, perhaps a half of the 6,500 European workers are Government servants. Even if they are not allowed a vote, there would still be a large preponderance of European voters over Indian voters in the mixed electorates.
2. 24-Parganas (including the mill areas.)	2,694	898	1,500	916.	4	Items 1, 2, 3 make up the Presidency Division.
3. Rest of the Presidency Division.	4,555	1,518				
4. Burdwan Division ...	8,154	2,718	1,400	1,318	4	The Indian voters would in fact be found spread over the whole division, whereas the European voters would be found congregated practically in two districts, Burdwan and Howrah.
<i>Burdwan district</i> ...	1,835	611	...	...	...
<i>Howrah district</i> ...	817	283	...	...	...
5. Dacca Division ...	9,281	3,093	400	2,693	1	Similarly, the Indian voters in Dacca Division reside all over the division, whereas the 400 European voters will come practically from the two towns of Dacca and Narainganj. Compare the European and Indian figures for the district.
<i>Dacca district</i> ...	2,644	881	400	481	...	
6. Chittagong Division ...	3,563	1,187	180	1,007	...	Same remarks as for Dacca. One member on alternate elections.
<i>Chittagong district</i> ...	1,246	414	180	234	1/2	
7. Rajshahi Division ...	9,628	3,209	1,800	1,409	4 1/2	The European population in this division is located practically in the Darjeeling district of the division, specially in the Hill stations of Darjeeling and Kurseong.
<i>Darjeeling district</i> ...	1,303	434	...	...	...
8. Others (provincial) ...	436	145	...	...	...	There will be 4 and 5 members on alternate elections.

NOTES.

Column 2.—Figures are taken from the the Report on the Administration of Income-Tax (1917), Bengal.
 Column 3.—Figure for Bengal as in the report is 22,442. Deducting from this 382 companies and say 1,500 females we get the figure 20,560 of column 3, which is approximately the total of the column. The other figures in this column are taken as one-third of column 2, (i.e., in the same proportion as 20,560 to 61,574).
 Column 4.—The figures of this column are derived from the Census (1911) figures for Europeans of the age of 15 and over. There being very few Europeans between the ages of 15 and 21 in Bengal, the figures in this column approximately show how the 11,887 "actual workers" mentioned in the Census Report are distributed throughout Bengal.
 "Adult male European workers" would practically all be income-tax payees on incomes of Rs. 2,000-and over. Rupees 2,000 represents an income of only Rs. 166 per month.
 Column 5.—Represents the difference between columns 3 and 4.
 Column 6.—The number of non-official European seats are calculated on the basis of about 400 European voters to one seat, (i.e., 30 seats to about 11,800 actual workers).

CALCUTTA.

The 14th December 1918

A. J. PUGH.

The written statement containing the substance of the evidence to be given by Raja Mani Lal Singh Ray of Chakdighi as a witness before the Franchise Committee of the Reforms Scheme.

There should be direct election to the Provincial Legislative Councils. The electorate should be broad enough, so that the people may feel that they have a voice in the administration of their country, without being at the same time an unwieldy one. To attain this, the chaukidari-tax in rural areas, and municipal rates in urban areas, may be made the basis which will thus allow almost all the families to have a member of the electoral roll, while standard of tax and rates should be fixed in different districts according to its economic condition so as to avoid its being unwieldy.

Communal representation in the case of Muhammadans is necessary, only when they are in a minority. Equality of electoral roll may be attained by lowering the standard in case the Muhammadan voters are less than the others, which will not be a new thing and an analogy of which may be found in the present Muhammadan electorate, and if it is not found to be feasible, then they may be given two seats by separate electorate from each division according to a certain standard of the chaukidari tax or cess paid by them.

Separate representation should be given to the landholders instead of relegating this important section to nomination and thus depriving them of the privilege of being ministers, an office which many of them are eminently qualified to fill by reason of their vested interest and heredity. The electorate roll should be made, as it is in Eastern Bengal and thus augment the electoral roll to make it really representative of the class. If they are deprived of the right of election, they will get no training qualifying them to exercise the franchise, when in the near future these bodies will become more democratic.

Separate representation should also be given in the case of separate interests, such as Mining Industry, Chamber of Commerce, Planting, etc.

In the case of Universities and the Anglo-Indian community, separate representation should also be allowed, and this will do away with the necessity of reserving any seat in plural constituencies or nomination.

Taking for granted that there will be 125 members in the Bengal Legislative Council, I should like to allot the seats as below:—

Ordinarily one seat may be allotted in each district to the rural electorate—except bigger districts which may be given two seats—and taking the number of districts to be 26 existing, *plus* the proposed addition by the division of some of the existing districts which will add 3 more to the 26, thus bringing the total to 29, about 20 of which will get 1 member each, while about nine others may be given two seats each, making the total number of members for rural areas about 38 in all; while for each of the divisions ordinarily three seats may be allotted for urban areas in Rajshahi, Chittagong and Dacca Divisions, and four seats may be given to the Burdwan and Presidency Divisions in urban areas, excepting Howrah and Calcutta, which are dealt with separately. This makes the number of seats allotted to the general electorate five

There are five divisions in the province, and if two seats are given to the Muhammadans from each division it will come to

Seats for landholders (two in each division)

I would not give less than five seats to the Bengal Chamber of Commerce, who have vast interest in the province

Calcutta Trades' Association should at least get two seats

The Mining Association should be represented by at least one member

National Chamber of Commerce

Calcutta University

Marwari Association

Calcutta

Anglo-Indian Association

The number of nominated members, including officials

55
10
5
2
1
3
1
4
2
25

There remain six to make up 125. One may be kept for the Dacca University. One may be given to the Howrah Municipality. The remaining four may be given to other interests not named, but which may be deemed fit to be represented in the Council.

Imperial Council.

The electorate should be direct, and the standard should be higher than in the case of an elector of the Provincial Council.

My observations regarding the Provincial Council equally apply here to the Muhammadans and to the Mining Industry, Chamber of Commerce, Planting, etc., as well as to the Anglo-Indian community. I am against nomination and indirect election in any form anywhere either in the Provincial or the India Council.

Memorandum of evidence for the Franchise and Electorate Committee.

(By the Hon'ble Kumar Shih Shekharaswar Ray.)

Provincial Legislative Council for Bengal.

So long as the general electorate of the country is not sufficiently advanced, both in the matter of education and in the true spirit of nationalism, it is almost idle to expect that the best candidates would be always elected irrespective of their caste and creed, or of their status in the society and their stake in the country. It would be therefore necessary, for some time to come, to allow special and communal representations along with a general electorate. I fully realize that the duty of every political thinker, who loves his country, is to further the cause of democracy and socialism and do his best to put down the overbearing supremacy of, and undue enjoyment of privileges by, any class or community in the nationhood of his country. I also know that to a true democrat the very idea of class or communal representation is a huge incongruity because it savours of mutual distrust and want of faith in the sense of responsibility of the nation as a whole. But I must point out at the same time that true democracy is yet to be attained even in the most advanced countries in the world. Unless every class, community or interest is equally well advanced in the matter of a true realization of the principles of national responsibility, it would be dangerous to advocate the principles of democracy and socialism in their entirety. We all know very well that the agriculturists in Bengal are far backward in the matter of education and enlightenment at the present moment; if we now allow them to have their own way, it would only lead them to their utter ruin. They would hardly know how to safeguard their interests. Similarly industrial education and proper appreciation of the influence and intricacies of commerce have not yet been developed to such a degree when we can allow our countrymen to have a free hand in the control of commerce. Again our tolerance of mutual religious faiths has not yet reached that stage in our country when one community can have a complete confidence in the judgment and good sense of another. With these obstacles in our way we ought to be very cautious in introducing democratic principles in our country. We should at first prepare our grounds for the attainment of a state of affairs when real democracy will be possible, and during the preparatory stage our supreme effort should be directed towards educating the various interests, classes and communities to understand their responsibilities to one another. The more we understand our mutual responsibilities the more reasonable and considerate would be our attitude to one another, and thus would be brought about a peaceful evolution in the governance of our country. It is therefore absolutely necessary that along with a general electorate there ought to be special electorates of such communities and interests, association with whose representatives, would be conducive to the better realization of a sense of national responsibility.

The most pernicious effects of class or communal representation, as have been already indicated by the illustrious authors of reforms proposals, are that such representation encourages the community to "settle down into a feeling of satisfied security" and teaches men to think as partisans and not as citizens and above all puts a serious obstacle in the way of the introduction of a system of national representation. The most important problem which we shall have to face would be to see that such a state of things should never come to pass. We should therefore do all that lies in our power to discourage communal representation and encourage one single electorate for all classes and communities. With this end in view the most important step that we can take is to leave open the general electorate, as far as possible, to all classes, communities and interests in the country. Keeping open the general electorate to all will foster mutual forbearance and encourage a true national spirit in all classes, and above all will be a great leveller which is the most essential feature of true democracy. If a Britisher or a Mubammadan or a landholder is returned by the general electorate, it shows that his views have been sufficiently nationalised to command confidence of all classes and interests. Such a man is extremely valuable to the State, and no public spirited man, be he a landholder

or a Britisher or a Muhammadan, cannot but be ambitious to obtain such a position. A representative of a special class comes in the Council with a halter round his neck and of whatever use he might be to his constituency, his position is certainly not enviable. In the public life of England we see that the great leaders who could easily obtain a peerage and be secure of their seats in the Parliament, however, prefer to be elected as a commons' representative. Men with bluest blood and heirs to great aristocratic houses are eager to enter the House of Commons. All these show that class representation is at a discount all over the world and that day in India is not far off, when all the capable people of different classes and communities will flock in to get through the general electorate and thus the necessity and usefulness of separate electorates will cease to exist. But if we now shut out the general electorate to people enjoying special or communal electorates, all hope of a future happy union and nationalisation of ideas will be lost for ever.

The Bengal Legislative Council should consist of at least 100 members, of which 80 should be elected and 20 nominated. Of the latter 15 should be officials and five non-officials.

The elected seats ought to be distributed as follows :—

(1) *By general election—*

(a) Rural areas (excluding Darjeeling and Hill tracts)
25 districts (Mymensingh three, Dacca, Midnapore and Bakarganj two each and rest one each) ... 30

(b) Urbans areas—

I. Burdwan Division—

The districts of Burdwan, Birbhun and Bankura	...	...	1
The districts of Midnapore, Hooghly and Howrah	...	...	1
The town of Howrah	...	...	1
		Total	3

II. Presidency Division—

Suburban municipalities of Cossipore-Chitpur, Maniktala, Baranagar, South Suburban, Tollyganj and Garden Reach	...	...	1
Other municipalities in the 24-Parganas	...	...	1
Rest of the division	...	...	1
Calcutta Corporation	...	...	4
		Total	7

III. Rajshahi Division—

Darjeeling town	...	...	1
Rest of the division	...	...	1
		Total	2

IV. Dacca Division—

Dacca City	...	...	1
Mymensingh district	...	...	1
Rest of the division	...	...	1
		Total	3

V. Chittagong Division

	...	...	1
		Total	16

GRAND TOTAL ... 46

A residential qualification, together with a certain amount of either literacy, monetary income or landed property, should be taken into consideration in granting franchise. Voting should be direct and only males who have attained majority and are not debarred for special reasons, *e.g.*, lunacy, bankruptcy, conviction for serious offence, etc., should be able to vote. Those who are matriculates or hold diplomas of proficiency, granted by recognized bodies like the State Medical Faculty, Sanskrit Board of Examinations, Government madrasas, etc., and also those who pay any land revenue

or income-tax to the Government should be eligible as voters. In the case of rural areas those who pay a certain amount of road or public works cess or chaukidari or village fund tax should also be eligible as voters. Similarly in the urban areas those who pay a certain amount of municipal rates should also enjoy franchise. For the present the number of voters for each seat ought to be fixed between two to three thousand according to the circumstances of the constituency concerned regarding its political advancement and such other matters as predominance of one class of community in the voters' list, means of communication in the districts, necessary arrangements for recording votes, and the like. It would, therefore, be necessary to leave in the hands of the Local Government the power to fix the number of voters in each electorate and to frame rules regarding the qualifications of the voters; these qualifications, must of necessity, be different in different districts.

The general electorate, whether in rural or in urban areas, ought to be open to all without any distinction of caste, creed or class except in the case of the Calcutta Corporation whereof the four seats one must go either to a European or an Anglo-Indian and another to a Muhammadan and the rest to those who do not belong to any of the above communities.

In determining the representation of municipalities, attention is to be paid to the importance of the towns such as Howrah, Darjeeling and Dacca and to the kind of population in municipal areas; in industrial centres such as Asansol, Kharagpur, Titagarh, Bhatpara, etc., the bulk of the population is composed of illiterate labourers. The importance of Calcutta and its suburbs cannot be minimized.

(2) *By communal election.*—Muhammadans in Bengal have been allowed communal representation in the past and their claim to such representation has also been recognized in the reforms proposals. So they must be allowed to have communal representation. I, however, cannot support the Congress-League proposal, which recommends that 40 per cent. of the elected Indian members should be Muhammadans, because it appears to me to have been fixed arbitrarily, solely with a view to secure a compromise between the two political bodies which are by no means the only important political bodies in the country. There are others who are equally, if not more, influential, e.g., the landholders, Europeans, etc., who for various reasons cannot see their way to join them, and consequently no arrangement arrived at between them could be binding on the rest. Muhammadans should be allowed to return only such a number which is absolutely necessary to safeguard their communal interests. They on no account should be allowed to have the balance of power in their hands. Such a state of affairs would spell disaster not only to the cause of good Government in the country but would seriously jeopardise the interests of the non-Muhammadans.

I would therefore suggest the following—

I. Burdwan Division—			
Burdwan and Midnapore	...	...	1
Birbhum and Bankura	...	...	1
Hooghly and Howrah	...	...	1
		Total	3
II. Presidency Division—			
Nadia and Murshidabad	...	...	1
24-Parganas and Jessore	...	...	1
		Total	2
III. Rajshahi Division—			
Rajshahi, Bogra, Pabna and Malda	...	...	1
Dinajpur, Jalpaiguri and Rangpur	...	...	1
		Total	2
IV. Dacca Division—			
Dacca and Mymensingh	...	...	1
Faridpur and Bakarganj	...	...	1
		Total	2
V. Chittagong Division			
	...	...	1
		GRAND TOTAL	10

In the Burdwan Division, the Muhammadans being in the minority, they require a special consideration. But in other divisions the Muhammadans predominate and so they have every likelihood of capturing some of the seats in the general electorates of those divisions. I therefore consider that their communal interests would be amply safeguarded in the above arrangement.

The number and qualifications of the voters ought to be the same as in the case of the general electorate. Rural and urban Muhammadan population are both to participate in the elections.

I have left out Calcutta because I have provided for one Muhammadan member from the Corporation of Calcutta, only with this distinction that he is to be returned by the Muhammadans and non-Muhammadans alike. I do not think that Calcutta requires any separate Muhammadan electorate because it is most likely that some of the Muhammadan electorates in the districts would return such members who ordinarily reside in Calcutta. Moreover, the bulk of Calcutta population is composed of people from the districts. So, as far as Calcutta is concerned, no question of communal representation in the Legislative Council can be successfully pressed on its behalf.

I do not think that there is any other community in Bengal which can claim communal representation except perhaps the Anglo-Indians (*i.e.*, Eurasians). But their number is very small and they are to be found, in any appreciable number, only in and around Calcutta and perhaps Kharagpur and Asansol. In a way I have provided for one of them from the Calcutta Corporation. If that is not thought sufficient, the best thing for a scattered community like theirs would be to depend upon the Government for a nominated seat.

As for Europeans, they would be more than sufficiently represented by the representatives of special electorates of British commerce, planting community and Chittagong Port Trust.

With regard to Namasudras, aborigines and other depressed classes, I cannot call the Namasudras in Bengal to be in any way a depressed class. They are Hindus and quite a prosperous community. They will wield enough influence in the general electorates. They cannot point out to any distinct ideas of nationalism and social organization as in the case of Muhammadans. Amongst the Muhammadans religion plays a great part in keeping them and the Hindus separate in many essential matters of their every day life. But such is not the case between a Namasudra and any other Hindu.

As for the aborigines and other depressed classes, the Government would be well advised to nominate sometimes a missionary or a social worker to represent them in the Legislative Council.

(3) *By election from special electorate.*—The following are the chief "special interests" in Bengal:—

I. Commerce—

- (a) British.
(b) Indian.

II. University.

- III. Planting community.
IV. Port Trust of Chittagong
V. Landholders.

I. *Commercial interests.*—The Local Legislative Council, for a long time to come, will have very little to do with commercial interests. In a way almost all commercial questions would be under the direct control of the Government of India. What little would remain under Provincial control are, for obvious reasons, bound to be treated as reserved subjects, and so it is almost immaterial whether any large increase is made in their number or not. In fact, commercial people have taken very little interest in Provincial legislation. The main activity of the representatives of commerce in the past has been to support the Government, in most cases, without trying to enter into the merits of the questions concerned. Under the circumstances, I think that five elected representatives of British commerce and two of the Indian commerce will be sufficient for the present. They might be distributed as follows:—

(i) Chamber of Commerce	...	...	3
(ii) Trades Association	...	...	2
(iii) Marwari commercial interests	...	...	1
(iv) Bengali ditto	...	...	1
			<hr/>
	Total	...	7

The question of franchise should be determined in consultation with the representatives of their interests.

II. University 2

The Calcutta University should now elect two representatives. On the creation of the Dacca University, both of them should have one representative each. The election should be done by the registered graduates of the University.

III. Planting community 1

IV. Port Trust of Chittagong 1

V. Landholders 13

The landholders form a very important special interest in Bengal. The development of rural areas in every respect depends entirely on the assistance of and co-operation with the landholders of Bengal. Whether it is village sanitation or rural education, agricultural improvements or development of co-operative movement, it is the landholder who must take the lead and help the raiyat with his wealth and advice. Tradition of centuries has idolized him in the eyes of his raiyat and it is he who is the raiyat's natural leader and the protector of his home and hearth against the aggrandisement of unscrupulous money-lenders and land-seeking adventurers. There can be no legislation in the province in which his services would not be of paramount importance to make it suitable, acceptable and advantageous to the people. The interests of the landholders and the raiyats are virtually identical. There undoubtedly has been created some difference of interests between the raiyats and the landholders by the ill-advised land laws of Bengal. But the time has come when there is every likelihood of their differences being made up. Under the reforms proposals, the direct method of voting would send in the real representatives of the raiyats to the Council, and so there would come up very grave questions of land policy and local taxation in the reformed Council in the immediate future. In order to maintain the traditional harmonious relations between the landlord and his raiyat and bring about a fruitful change in their mutual outlooks, great changes will have to be made in the land laws of Bengal and great sacrifices will be required of the landholders. They are perfectly willing to make sacrifices and co-operate with their raiyats. But during the period of the development of the spirit of co-operation, I maintain that their representatives will be of immense help in the Council Chamber in educating public opinion and in directing the trend of legislation through proper channels.

Theoretically it is quite true that a zamindar might as well be returned through the general electorate, but there are many practical difficulties in the way. To mention only one, education, which is the great leveller, has not yet made a sufficient headway in our community as a whole and as such very few zamindars at present will feel inclined to contest a seat in the general electorate. No doubt this attitude on the part of the landholders is to be much deprecated, and it should be our endeavour to bring about the much desired change in their angle of vision; but the fact is that at the present moment there exists this attitude, and so instead of running the risk of a situation in which the zamindars would be nowhere, it is by far a better policy to devise means by which the highly desirable association with them will be possible. Then there is another difficulty. The unscrupulous lawyers, the money-lenders and the land-seeking adventurers are the greatest enemies of the landholders, and they are certainly no friends of the raiyats but by their very unscrupulousness they exercise a considerable influence over the ignorant but innocent raiyats. And in the present state of affairs it is very difficult for a landholder, with his traditional sense of dignity and decorum, to successfully contest with a candidate from any of the above classes.

It will, therefore, be to the interests of both the raiyats and the landholders that a distinct set of men should be in the Council who will make a special study of the questions affecting their interests.

The question now is what should be the number of landholders' representatives in the Legislative Council. The British Indian Association has asked for 25 per cent. of the elected seats, and the Bengal Landholders' Association 33 per cent. They have advanced very good grounds for their demands. Their chief argument is, however, based on the amount of tax that the landholders pay to the Provincial exchequer. This amount is about 25 per cent. of the total revenue of the province. But as I have already stated that

I want to help the cause of nationalism. I therefore do not want that there should be a large number of landholders in the Council to form a party of their own and create bad blood. All that I want is that there should be only the minimum number of special representatives whose services will be required only to help the legislature by truly and intelligently representing their case. Moreover, I have said that I want the general electorate to be left open to all classes and interests. Therefore it is essential that we should curtail our special demands as far as possible. If we want the full number of special representatives as is justified by our contribution to the Provincial revenue and by our stake in the country, how can we ask that the general electorate be not closed against us? It is therefore that I must make a very moderate and reasonable demand. Our present strength is 16 per cent. of the total elected seats in the local Council, and all that I demand is that this percentage should be allowed to us in the enlarged Council. In the enlarged Council, which is to consist of 80 elected and 20 nominated members, the presence of 12 or 13 zamindars is not at all dangerous even from the most extreme point of view. This number, even if all the zamindars were to combine, cannot certainly exercise any sinister influence against any other interests; but, on the other hand, so many cultured gentlemen of the leisured class, taking seriously to politics, can do a lot for their countrymen.

Thus the landholders should have 13 representatives in the Council, and they should be distributed as follows:—

(i) Burdwan Division	...	...	...	3
(ii) Presidency	..	...	...	3
(iii) Dacca	..	...	...	3
(iv) Rajshahi	..	...	...	3
(v) Chittagong	..	...	...	1
			Total	13

In arriving at these figures, I have taken into consideration the area, the revenue and the cesses of the estates (permanently and temporarily settled) in the above divisions. I have also taken good care that there might not be any cause of irritation over the question of the distribution of seats. The statement below would make my proposition clear.

The franchise in this electorate should be considerably lowered. All persons, either landholders or permanent tenure-holders, either paying a Government revenue of Rs. 500 or more, or paying as cesses, on their own account, Rs. 100 or more, should be eligible as voters. In other respects, present qualifications should remain. Each voter should have as many votes as the number of members to be elected for the division, but he shall not be able to give more than one vote to a candidate.

A statement showing the distribution of seats in the landholders' electorate.

1	2	3	4	5			6	7
				OUT OF 13 SEATS NUMBER OF SEATS ENTITLED TO, IF CALCULATED ON THE BASIS OF—				
DIVISION.	Area.	Revenue.	Cesses.	Area.	Revenue.	Cesses.	Average from the fifth column.	Equitable distribution of seats.
	Sq. miles.	Ra.	Rs.					
(i) Burdwan	14,000	79,00,000	11,60,000	2.86	4.38	2.93	3.39	3
(ii) Presidency	13,500	50,00,000	11,00,000	2.76	2.75	2.77	2.76	3
(iii) Dacca	14,500	32,50,000	11,00,000	2.86	1.83	2.77	2.52	3
(iv) Chittagong	4,500	20,75,000	5,00,000	.92	1.15	1.25	1.1	1
(v) Rajshahi	17,000	51,60,000	13,00,000	3.48	2.86	5.27	3.2	5

NOTE.—The figures have been taken from the Land Revenue Administration Report, 1915-16. Cesses from mines have been excluded and a proportionate deduction for cesses from khas mahals has been made.

The Legislative Assembly.—The number of the members of the Legislative Assembly has been fixed at 100. This seems to be quite adequate for the present, but the proposal of having two-thirds of this number elected does not much appeal to me. So long as the country is not thoroughly alive to the principle of responsible government, it is essential that in the Legislative Assembly a fair balance between the different interests and communities should be maintained and this can be secured only by giving a free and adequate power of nomination to the Viceroy in consultation with the heads of different provinces and on representation of important communities that could not be adequately represented as a result of the elections. I would therefore suggest that only three-fifths of the total number should be elected, one-fifth should be nominated non-officials and one-fifth nominated officials. The number of elected members in that case should be distributed as follows:—

Bombay and Bengal ten each, Madras and United Provinces nine each, the Punjab and Bihar and Orissa six each, Central Provinces four, Burma three, Assam two and Delhi one.

As far as Bengal is concerned, the number of elected members should be distributed as follows:—

Legislative Council	...	..	...	4
Landholders	...	...	...	2
Muhammadans	...	...	...	2
British commerce	...	...	...	2
			Total	10

As is well known the majority of the Bengal aristocracy do not like the idea of fighting at an election. It is therefore extremely desirable that one member of the aristocracy of Bengal should be invariably nominated to the Legislative Assembly. A representative of Indian commerce should also be nominated.

With regard to the Council of State, I would like to submit that there should be an adequate representation of the landholding classes on this august body. Their loyalty and devotion to the Government, their readiness to always stand by it and above all their sober judgment and inborn qualities of leadership make it extremely desirable that a good portion of the seats in this Council should be allotted to them. At least five members of this community should be in this Council, of which four would be elected from the four provinces where there is a distinct class of the landed aristocracy, viz., Bengal, Madras, Bihar and Orissa and the United Provinces, and one should be nominated for the rest of India. Considering the strength of the Muhammadans in the local Councils, whereas at least five seats are secured for the Muhammadans, the same could not be said of the position of the landholders. It is therefore necessary that a special electorate for the landholders should be established for each of the four provinces named above.

In view of the number of present elected representatives from the local Councils to the Imperial Council, the number of such representatives to the Council of State from the provinces of Bihar and Orissa, United Provinces and the Punjab might be reduced to one each. This would leave at our disposal three seats, two of which would be appropriated by the landholders as suggested above and one might be given to a Sikh electorate from the Punjab.

Before leaving the subject I cannot help remarking that the enlargement of the Indian Legislative Council (Legislative Assembly) and the creation of a Council of State would, to a very large extent, affect the efficiency of the local Councils. It is feared that for some time to come there would be a dearth of suitable men to properly carry on the work of the local Councils if so large a number of men as 105 be taken away from the provinces to form the Legislative Assembly and the Council of State, and therefore I venture to remark whether it would not have been more desirable for the present to leave the constitution of the Indian Legislative Council as it is with a few addition of seats for the communities who are at present not properly represented on it.

SHIB SHEKHARSWAR RAY.

The 23rd December 1918.

No. 1032 A.—D., dated Rangpur, the 23rd December 1918.

From—BABU SURENDRA CHANDRA ROY CHOUDHURY, Zamindar and
Honorary Secretary, The North Bengal Zamindars'
Association,

To—The Chief Secretary, to the Government of Bengal.

With reference to your kind telegraphic message of the 19th instant, and in continuation of my letter No. 1029 A.—D., dated the 20th December 1918, I am directed by the committee of this Association respectfully to submit the following statement of the substance of the evidence to be given before the committees by our witness :—

ON TRANSFERRED SUBJECTS.

- (1) High Education and the Universities, Reformatories and Industrial Schools.
- (2) Civil Justice.
- (3) Prisons.
- (4) Maintenance of Law Records and Records-of-rights.

These should be transferred subjects.

ON FRANCHISE.

The franchise, in order to be real, should be as broad as possible, and the masses should be made interested in the evolution so well conceived by the great authors of the Reform Scheme. The following minimum qualifications should therefore be considered sufficient for the voters :—

- (1) **Literary qualification.**—Literates having such elementary education as is derivable from the Lower Primary Standard.
- (2) **Property qualification.**—Any one paying at least one rupee as cesses either to any of the Collectorates or to a superior landlord ; also any one having an annual income of Rs. 250.

**Statement of evidence of the Hon'ble Mr. Aminur
Rahman for the Reforms Committee (Franchise).**

1. The qualification of voters should be the same as in Local Board elections as given in the Local Self-Government Act.

2. Those who do not pay either the cess or the chankidari-tax should have an educational qualification.

3. Students should have no vote.

4. Some special interests should be represented in the Council.

5. Age limit should be 21.

6. There should be communal representation for Muhammadans at least for a period of 20 years, after which the matter should be raised again for fresh consideration.

7. Where there is a majority of Muhammadan voters, it seems unfair to press for communal representation. The principle should be applied in respect of each constituency and not the whole province.

8. The unit of a constituency should be a district.

9. Special bodies, such as Municipalities, District Boards, etc., should have their own representatives. In these cases the electoral area should be a division.

10. The Muhammadans should have seats according to the proportion fixed in the Congress-League Scheme. The seats should be distributed on consideration of the wealth and importance of the members of the community and the proportion of population in each constituency.

Statement of evidence proposed to be given by the Hon'ble Babu Ambika Charan Mazumdar on the question of franchise and electorates, and division of the functions of Government.

1. The number of members of the Bengal Legislative Council should be 125, of whom 100, or four-fifths, should be elected and the remaining 25, or one-fifth, nominated.

2. The district should be taken as the unit of representation, and each district should be divided into two groups, urban and rural.

3. The urban electorate of each district should consist of the population of the chief town of the district, the headquarters station of each subdivision, the Munsifs' Choukis and other important centres of trade and business of the district, whether there be a Municipality or not. The rural electorate should be composed of the remaining areas and population of the district.

4. The qualifications of a voter for the urban electorate should be somewhat higher than those of the rural electorate. These qualifications I propose to specify later on.

5. There being direct representation in every electorate, the urban electorate of a district should return one member, and the rural electorate should return as many members as it may be entitled to return on the basis of one member for each lakh of population of the district; Calcutta being treated as a separate district with a separate electorate, which must be considered as entirely urban.

6. There may be special representation for certain communities, but there should be no special electorates for any community, except in the case of certain backward communities, whose interests should be safeguarded, for the present, either by nomination or through special electorates, preferably the latter, wherever practicable.

7. Each elector shall have one vote, and no elector should be permitted to vote in more than one electorate of a district, and no candidate should be allowed to stand for more than one electorate at one and the same time.

8. The number of members for special communities and interests should be separately fixed; but all such members shall come through the general electorate, either urban or rural. The seats for the Muhammadan and European communities outside Calcutta should be allotted Division by Division.

9. If any special electorate is at all needed, it should be granted only for the European community who are not permanent residents of the country.

Transferred and reserved subjects.

I generally approve of the classification made in the illustrative lists with the exception of the following:

- (i) Education in all branches, including University and technical education, should be included among the transferred subjects.
- (ii) The Court of Wards, the administration of the Arms Act and the income-tax should be transferred.
- (iii) If Law and Justice is to be reserved, there should be a complete separation of the Judicial and Executive functions.

The Imperial Government.

- (i) In my opinion, the Legislative Assembly should also be improved and constituted on the lines of the Provincial Legislative Councils.
- (ii) I do not think there is any necessity either for the Council of State in the case of the Imperial Government, or for the Grand Committee in the case of Provincial Governments.

**Memorandum of evidence proposed to be given by
Pandit Panchanan Tarkaratna before the Franchise
Committee on behalf of the Bangiya Brahman
Sabha.**

It not unoften happens that in important legislations affecting the religious belief, social custom and education of the Hindus, Hindu orthodox and ancient Hindu culture go wholly unrepresented. This is a state of things which, consistently with the avowed policy of the Government, can hardly be overlooked in any scheme of constitutional reform which seeks to adequately safeguard the interests of all classes of His Majesty's subjects.

The Hindus, who form the bulk of the Indian population, have a civilisation and culture of their own dating from time immemorial; in the development of this civilisation and culture, which have given peace and contentment to vast numbers, the pandits have played the leading part; they have given the Hindus their laws, and the work of emendation and interpretation of these laws has always been theirs. Under Hindu Kings, it was unthinkable that a council, whose business was to legislate and govern, should be without pandits to guide and counsel it. In the social autonomy enjoyed under Moslem rulers, the pandits ruled supreme, and also during early days of British rule, the pandit's aid was sought to codify and interpret Hindu laws and usages. Even at the present time, the Brahman pandits as spiritual leaders, priests and interpreters of sastras, guide the orthodox Hindu population in their daily life and practice. In this way the leading position and representative character of the pandits have all along been recognized in this country. It is, therefore, these Brahman pandits who can fitly represent them in Legislative Assemblies in matters affecting their daily life and social interests.

The pandits are a class of His Majesty's subjects whose faith and practice have always tended towards the evolution of law and order in this country. Their scriptures as well as their traditional teachings have always taught the people to look upon the King as an incarnation of the deity; to have their loyal co-operation and assistance in the Legislative Assemblies would thus be a distinct gain to the Government.

The pandits are the custodians of indigenous culture and Sanskrit learning, and have, therefore, a claim to representation in the councils just as strong as the University of Calcutta. I, therefore, beg leave to make the following suggestions on the subject of representation in the Legislative Councils of this important section of the Indian public:—

1. An adequate number with a minimum of two seats in the Provincial Councils, and one in the Imperial Council, may be allotted to pandits from each province under the reformed constitution.

2. The electorate should consist of—

- (a) Mahamahopadhyayas;
- (b) holders of certificates of Government Sanskrit Title Examinations;
- (c) pandits who have sent up at least ten students who have been successful at the Government Sanskrit Title Examinations;
- (d) pandits who maintain school recognized by the Government or responsible local bodies; and
- (e) such other eminent pandits as may be declared by the Government from time to time as specially eligible to vote on account of their learning and social position.

Statement of Sir Rajendra Nath Mukharji, Kt.

The most important and difficult issue in the whole question of the franchise, to my mind, is whether communal electorates should be maintained, and if so, whether it should be conceded only to Muhammadans, or extended to other communities as well in order to secure real representation of minorities. Considered logically, if a communal electorate be given to Muhammadans, whose number exceeds non-Muhammadans (grouping all other classes together) by three million in round figures, then in all equity and propriety the minorities also should have the option of communal electorates.

2. Personally, I am opposed to communal electorates on principle, as I believe that to attain real nationhood in India we must in time give up the idea of separate electorates. But having regard to the fact that the report suggests a separate communal electorate for Muhammadans, it will be most unfair to the small community of Europeans, whose stake in the country in commerce and industry greatly outweighs their number, if they are denied the privilege of communal electorates, specially as they are with one voice demanding it. In my opinion, no other community in Bengal should have communal electorates. There should be special nomination by Government, to represent other important communities who will not be able to be represented in the Council through election owing to their minority or backward condition.

3. Having come to that conclusion, I now fix the number of representatives of different communities, and people according to their stake, interest, education and other considerations, basing my calculation on the assumption that Bengal should have one hundred Councillors, and I propose their respective number as below:—

There will be shortly 28 districts in Bengal, and I suggest that each district should send one member by general electorate ...	28	
Calcutta	6	
Howrah	2	
Dacca	2	
Muhammadan community by communal electorate	16	<i>dark now</i>
European community in Calcutta, its suburbs and Howrah by communal electorate	6	
And from all districts by European electorate	2	
Zamindars of Bengal by special electorate	6	<i>sun</i>
Bengal Chamber of Commerce by special electorate by its members	2	
Bengal National Chamber of Commerce by special electorate by its members	1	
Trades Association by special electorate by its members	1	
Tea Planters by all the members	1	
Jute by the members of the Association	1	
Mining by the members of the Association	1	
University of Calcutta and Dacca by all the registered graduates	2	<i>Sum</i>
Indian Trade by all the shop-keepers of Calcutta and Howrah	1	<i>Sum</i>

Government nomination to represent minorities:—

Backward classes	2	
Anglo-Indians	1	
Native Christians	1	
Government Officials	10	<i>Grand total</i>
Government nomination for the purpose of supplementing representatives of such interests as will be found wanting after the result of the elections is known	8	
	<u>100</u>	

The qualification of the above representatives should be something on the line of what is given below:—

District representatives.—Men paying income-tax on an income of not less than Rs. 2,500, or an income from landed property of not less than Rs. 5,000.

Calcutta, Howrah and Dacca.—Men paying income-tax on an income of not less than Rs. 5,000.

Muhammadan community.—Men paying income-tax on an income of not less than Rs. 2,000.

Europeans.—An income of not less than Rs. 6,000 per annum.

Zamindars of Bengal.—An income of not less than Rs. 25,000.

Owing to the present unhealthy condition of almost all the districts of Bengal, well-to-do inhabitants to avoid malaria, fever, etc., come and live in or near Calcutta for the most part of the year, and if non-residents are not permitted to use the franchise the result will be that many capable men will be excluded. I would therefore propose during the first few years that there should not be any restriction on the ground of non-residence in the districts.

4. I shall now explain my reason for fixing the proportion.

Districts.—Although the different districts have enormous variations in population, education and wealth, every district should exercise its independent franchise to elect the member so as to gradually educate the people of the whole province to exercise properly their function of franchise. Calcutta, the second largest city in the Empire, being the capital of the province and a centre for education, trade and commerce, should have a special representation by six Councillors to be elected by the tax-paying citizens.

5. **Howrah.**—Is also an important city with many workshops and factories, and should have a special representation of two members elected by the tax-payers.

Dacca.—Is next in importance, and is the seat of the Government for nearly three months in the year. It is an important centre of trade being the capital of East Bengal, and should have two representatives elected by the people.

6. **Muhammadan community.**—After careful consideration I fix the number at 16. Although the Muhammadan population in Bengal is a little over half the total, yet from the statistics published by Government in the "*Gazette*" of the 4th December it appears that the number of those paying taxes in some shape or other gradually diminishes as the cess or tax increases in value. The ratio between the Muhammadans and non-Muhammadans paying cess over Re. 1 to 2 is approximately 4 to 6; over Rs. 2 is 4 to 8; and for chaukidari tax of Rs. 2 to Rs. 4 is 4 to 10, and over Rs. 4 is 4 to 15; the ratio of Muhammadans entitled to vote at Municipal election is 4 to 14. Thus it is abundantly clear that the education, standard of living, interest and stake in the province is proportionately much less in the case of Muhammadans than in the case of non-Muhammadans, and, therefore, the number of their representatives in the Council, viz., 16 out of a total of 44 elected by general electorates, and special election amongst non-Muhammadans is really more than can reasonably be expected or claimed by Muhammadans. Besides it is probable that there will be one or two Muhammadan zamindars elected by the land-owners, and also the Government judging from its past traditions is likely to nominate at least two Muhammadans from the aristocracy, making the total to about 20.

7. **Europeans.**—It is admitted in the report on the Constitutional Reforms that the Europeans in Bengal engaged in commerce and industry have interests out of all proportion to their numerical strength, and having regard to the general adverse feeling caused in this community by the publication of the report of the scheme, and the unsympathetic attitude this community has taken since the publication, I am strongly of opinion that this community should have a reasonable proportion in numbers of the total members of the Council, as for the smooth and successful working of the new scheme the whole-hearted co-operation of the Europeans is essential. There are many things that we Indians will learn from them in regard to responsibility in administration, and a mixed Council in the proportions I suggest, would in my opinion be conducive to good government. According to my proposal, the number of non-official Europeans in the new Council will be 14 elected and probably two nominated, and it is evident from the past records that the non-official Europeans generally agree with the officials; so that, taking the officials as Europeans, the total number of Europeans will be 23 out of a total strength of 100. I think this should be considered by all reasonable men as a fair proportion.

8. **Zamindars.**—I doubt whether the zamindars will be satisfied with only six members as special representatives, but it must be remembered that in the 28 district elections at least a quarter of the seats will be captured by zamindars as previous history will prove, and therefore the zamindars should have no grievance.

In regard to the special election by commerce, trades, planters and Mining Association I do not think any explanation is needed: the number is fixed on the prevailing custom, which seems to be satisfactory to all these vested interests.

9. **University.**—Hitherto there has been no direct election, and I think the fellows and registered graduates should have the privilege of sending one each from the Universities of Calcutta and Dacca, and two from Calcutta until such time as the Dacca University is established.

10. **Backward classes.**—It is not practicable or to their interest to give them separate or special electorates, and I am therefore of opinion that the best solution of the difficulty will be for Government to continue to take the same paternal care it has hitherto been taking and nominate one member to represent them. The same argument applies to Anglo-Indians and Native Christians.

11. **Nomination by Government.**—Is necessary as Government must have some of its officials to represent its side of the case as well as to explain other matters to the Council, and it should also have power to nominate such men as may not care to stand for election, and whose services Government may consider desirable in the interests of the province.

12. After the electorate rolls have been completed, it may be found necessary and expedient to group two districts with a comparatively small number of electorates into one for the purpose of electing one member jointly, and the districts, which will have a larger number of voters, may have the privilege to elect two representatives; but the total number of representatives will be 28, or an average of one in each district, for Non-Muhammadans exclusive of the special representatives as outlined above.

13. In regard to Muhammadans I propose 16 representatives in all, and this number should be distributed according to the number of electorates in the district. Some districts such as Birbhum, Bankura and Midnapore having a very small number of eligible voters, cannot claim equally with districts having a large number of voters the right to send one representative from each district. The details should be settled after the electorate rolls have been completed, but the total number should not exceed sixteen.

14. Having made my proposals in regard to the system of election, communal electorates and Government nomination for backward classes or minority communities, as well as general nomination for officials and non-officials, it now remains for me to give my views about the qualification of the voters.

15. Theoretically, to make the Government representative in the true sense of the word, the franchise should be placed on as broad a base as possible; but owing to the backwardness of the education of the masses, and the novelty of the privilege to more or less ignorant people, it is not desirable or expedient to create at the start a very large number of voters, particularly in the districts. In towns and cities such as Calcutta, Howrah and Dacca, municipal election rolls, which should be revised so as to include all men who live in a rented house irrespective as to whether rates and taxes are paid by the landlords or by the tenants, should be a guide for the purpose of the electorate rolls.

16. In the districts people paying cessor, chaukidari tax and, those who are at present entitled to vote for municipal elections, should be eligible, but to bring the number of voters in each district to a reasonable figure certain limitations should be determined, and in my opinion 20,000 should be the largest number in any big district to enable the supervising authorities to manage and scrutinize the elections properly and correctly. Government will have to prepare a list of those who pay cess or chaukidari tax, say Rs. 8 and upwards, and thus to find out what will be the number of thickly populated and wealthy districts. No one, who does not pay the required amount of taxes, or cess, or income tax, should be eligible either as a voter or a representative—mere literary qualifications should not alone entitle one to a vote. The standard of qualification in the case of Muhammadans may have to be lowered to get a reasonable number of voters.

17. **Zamindars.**—People having landed property and paying a minimum revenue to Government of at least Rs. 1,000 per annum.

18. Europeans, who pay income-tax and have an annual income of at least Rs. 2,000, should be entitled to vote for the communal representatives of Europeans.

19. I agree with the principle of the resolution moved in the Council by my friend, the Hon'ble Mr. P. C. Mitter, that half the number of European representatives should be elected by the general public, but I am of opinion that two out of the six representatives is sufficient for the present. This proposal, if accepted by the European community, will tend to bring about a more harmonious relationship between the two races: similarly 6 out of 16 Muhammadan representatives, if acceptable by Muhammadans, should be elected by both Muhammadans and non-Muhammadan electorates. The object of this proposal is to create a communal feeling between all classes.

20. There is another point I should like to suggest although it does not come within the scope of my evidence, and that is to enable business and professional men to attend the Council meeting regularly, the Council should be held from 4 P.M., and a restaurant should be built alongside of the Council Chamber to enable members to have refreshments if the Council sits to a late hour.

Government of India.

The Indian Legislative Assembly.

I agree with the recommendation contained in the report that the number of members in this Assembly should be 100, and I agree to the proportion of the representatives of the provinces as proposed in the report. But, in my opinion, these representatives should be elected by direct election by different electorates such as Municipalities, District Boards, &c.

Referring to Bengal I would propose the following:—

<i>These are</i> <i>2</i>	}	2 Members by the Municipalities.
		2 Members by all the District Boards.
		1 By the Bengal Chamber of Commerce.
		2 „ Muhammadan community.
		2 „ Zamindars.
		1 „ Bengal National Chamber of Commerce.
1 „ University.		

Direct election by public bodies will create interest and enthusiasm in these bodies, and will be a stimulus for good and capable men to join these institutions.

In regard to the members of the Assembly, to ensure that these shall be men of substance, in my opinion their qualifications (as tax-payers) should be 50 per cent. more than what is decided as necessary for the Provincial Council.

Council of State.

I agree with the proposals made in the report.

Substance of the evidence to be given by Rai Jadu-nath Mazumdar Bahadur, a nominee of the Bengal Government.

Bengal Provincial Legislative Council.

30 Municipal seats.

I give 30 seats to the municipalities of Bengal in the following manner:—

Municipal population.	Name of division.	Number.
About 1 lakh ...	Chittagong Division	... 1
" 2 lakhs ...	Rajshahi "	... 2
" 3½ " ...	Dacca "	... 4
" 6 " ...	Burdwan "	... 6
" 7½ " ...	Presidency "	... 8
" 9 " ...	Calcutta "	... 9
	Total	... 30

I treat Calcutta Municipality as a separate division. The total municipal population being about 29 lakhs, one member will represent about a lakh of people. Where any district in a division has the chance of capturing all the seats, a separate electorate should be formed of that district with a certain number of seats in proportion to population. The district of 24-Parganas includes the suburban area of Calcutta, and has many populous municipalities, which should have a separate electorate of its own, and the rest of the division another electorate, in order to avoid unequal competition. I shall adopt the same principle in other divisions, wherever necessary.

26 District Board seats.

I shall give the non-official members of the District Boards and Local Boards of each district one seat, irrespective of population. Thus 26 districts of Bengal will have 26 seats. I shall do this in order to make the Local and District Board membership attractive. If they cease to have the privilege of electing members to the Provincial Council, it may interfere with the efficiency of the Boards. This like the former will be a general electorate for all classes of people.

142 Rural seats.

I shall give one representative to every 2 lakhs of people of the rural population in every district, and one representative for every two lakhs and upwards above any multiple of three lakhs. I shall have one electorate for all classes of people, but for the present allot certain seats in the proportion generally of 4 to 10 to Muhammadans for this electorate in the following manner:—

Population.	District.	Total number of members.	Muhammadans.	Non-Muhammadans.
About 15 lakhs ...	Burdwan	... 5	2	3
" 9 " ...	Birbhum	... 3	1	2
" 11 " ...	Bankura	... 3	1	2
" 27½ " ...	Midnapore	... 10	4	6
NOTE.—Midnapore may be divided into two districts.				
" 9½ " ...	Hooghly	... 3	1	2
" 7 " ...	Howrah	... 3	1	2
" 17½ " ...	24-Parganas	... 6	2	4
" 15 " ...	Nadia	... 5	2	3
" 13 " ...	Murshidabad	... 4	1	3
" 17½ " ...	Jessore	... 6	2	4
" 13½ " ...	Khulna	... 4	1	3
" 14½ " ...	Rajshahi	... 5	2	3
" 17 " ...	Dinajpur	... 5	2	3
" 9 " ...	Jalpaiguri	... 3	1	2
" 2½ " ...	Darjeeling	... 2	1	1

NOTE.—As the population is less than 2 lakhs, I give one to the general public and one to Muhammadans.

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Population.	District.	Total number of members.	Muhammadans.	Non-Muhammadans.
About 24 lakhs	... Rangpur	... 8	3	5
" 10 "	... Bogra	... 3	1	2
" 14 "	... Pabna	... 4	1	3
" 10 "	... Malda	... 3	1	2
" 28 "	... Dacca	... 10	4	6
NOTE.—Dacca may be divided into two districts.				
" 44 "	... Mymensingh	... 15	6	9
NOTE.—Mymensingh may be divided into three districts.				
" 21 "	... Faridpur	... 7	2	5
" 24 "	... Barisal	... 8	3	5
" 24 "	... Tippera	... 8	3	5
" 13 "	... Noakhali	... 4	1	3
" 15 "	... Chittagong	... 5	2	3
	Total	... 142	51	91

Muhammadans and Non-Muhammadans will vote from the same electorate, but in every district, the electors will have to elect as many Muhammadans as are specified against its name.

5 Calcutta University seats, of which 1 to a Lady graduate.

I give 5 seats to the Calcutta University to be elected by registered graduates and members of the Senate. Of these five graduates, one shall be a lady.

2 Seats to Oriental learning.

I give one seat to the holders of Sanskrit titles conferred by Government to be elected only by the registered title-holders. Similarly I give one seat to holders of Persian or Arabic titles conferred by Government.

10 Seats to European Commerce and Industry.

I give 10 seats to European Commerce and Industry to be elected by registered European firms or companies having a nett minimum annual income of 12 thousand rupees.

5 Seats to Indian Commerce.

Similarly I give five seats to Indian firms or companies having a nett minimum annual income of 12 thousand rupees.

5 Seats to Land-holders.

I give five seats to land-holding classes having a minimum annual nett income of 12 thousand rupees.

25 Nominated seats.

I shall reserve 25 seats for nomination in the hands of Government for nominating officials and experts as well as for the representation of such classes or communities as Indian Christians, Buddhists, Parsis, Marwaris and backward Hindu caste whose importance and number in the opinion of Government require special representation.

The total number.

The total number thus arrived at by me is 250—the total population of Bengal being about 4½ crores, it will give one member for every one lakh 80 thousand people or roughly 2 lakhs of people.

Qualifications of voters and candidates.

Every male person of the age of 18 and qualified as municipal voter will be entitled to vote and stand as a candidate if not otherwise disqualified by any rules that may be framed on such grounds as conviction for heinous offences, etc.

No elector will have more than one vote within one constituency, but he will be allowed to be registered as an elector in more than one constituency if qualified.

As for rural areas any person of the age of 18 and residing within the district and otherwise qualified will be entitled to vote as well as stand for election if he pays revenue or rent of the sum of Rs. 50 or cess of the sum of Rs. 2 either to Government or to a landlord, pays chaukidari tax of not less than Rs. 4 or possessed of a clear annual income of not less than Rs. 250 or has passed the Matriculation or Entrance Examination of any University or is a Mukhtear, Pleader, Attorney, Barrister, Sub-Assistant Surgeon, Assistant Surgeon or holds a certificate or title in Sanskrit, Persian, Arabic from Government, etc. No elector shall have more than one vote, but shall be allowed to vote in any other constituency if qualified. The polling station in rural area may be held at the headquarters of thanas. For the present the entire district will be an unit for electorate for rural area and candidates should be the same as in Municipal constituencies.

is qualifications?

Indian Legislative Assembly.

The Indian Legislative Council is to consist of not less than 250 members, of which one-fifth, i.e., 50 should be nominated by the Governor-General and four-fifths, i.e., 200 should be returned by election.

The total population of British India being about 25 crores, I give one seat to every 12½ lakhs of people more or less or 8 seats to crore of people, calculating on that basis I give—

Name of Provinces.	Population.	Number of seats.
Bengal	4½ crores	36
Bombay	2 "	16
Madras	4 "	32
United Provinces	4½ "	36
Punjab	2 "	16
Bihar and Orissa	3½ "	28
Burma	1 crore	8
Assam	67 lakhs	5
Central Provinces and Berar	1½ crores	12
North-West Frontier Province	22 lakhs	2
Baluchistan	4 "	1
Ajmere and Merwar	5 "	1
Delhi	2 "	1
Coorg	2 "	1
Total		195

N.B.—Provinces having a population of less than 12½ lakhs are also each given, except Andaman and Nicobar Islands, a seat on account of importance. The total number thus comes to 195, and the remaining five seats may be adjusted among the provinces by giving some of them more than the number here allotted, according to their importance.

The thirty-six seats given to Bengal are distributed as follows:—

1. Calcutta University	2
2. Calcutta Municipality	2
3. Bengal Legislative Council	4
4. Land-holding classes	2
5. European Commerce	4
6. Indian Commerce	2
7. Municipalities, one from each division	5
8. Muhammadans one from each division	5
9. District Boards and Local Boards, two from each division	10
Total	36

1. University members will be elected by the members of the Senate and the registered graduates from among them.

2. Calcutta Municipality members will be elected by the non-official members of the municipality from among the non-official Commissioners and non-official rate-payers of the said municipality.

3. Bengal Legislative Council Members will be elected by the non-official members of the Council from among the non-official members.

4. Land-holding members will be elected by all land-holders having a minimum nett annual income of Rs. 12,000.

5. Members representing European firms and companies will be elected by the European companies or firms having a minimum nett annual income of Rs. 12,000.

6. Members representing Indian Commerce will be elected by the Indian firms or companies having the same status as stated above.

7. Municipal members, one for each division, will be elected by all the non-official Municipal Commissioners of the division from among themselves.

8. Muhammadan members, one from each division, will be elected by all the Muhammadan graduates and holders of titles for proficiencies in Persian and Arabic, all Muhammadan Barristers, Attorneys, Pleaders, Mukhtears and persons having an annual income of one thousand and above.

9. Members representing District Boards and Local Boards, two in each division, will be elected by the non-official members of the said Boards from among themselves.

Of the 50 nominated members, 9 seats should be reserved for Bengal to represent minorities and backward communities and important interests and the Local Government.

The seats reserved for Muhammadans in this scheme will be in addition to what they may secure in the general way.

JADUNATH MAZUMDAR.

Substance of the evidence to be given before the Franchise Committee as the representative of the East Bengal Landholders' Association.

I am in favour of broadening the general franchise. With regard to the percentage of the general electorate to the total population, I hope to be permitted to submit necessary facts and figures when I appear before the Committee. The general electorate, I may be permitted to add, should consist of the Urban and the Rural. I am in favour of direct election for both. I shall have my say about the proportion and qualifications of members when I shall be examined.

I am of opinion that at least one-third of the nominated members of Council should be non-officials.

I have every reason to support the demands for communal electorates. For the representations of the special interest or minorities there should be, in my opinion, the following constituencies — Landholders, Muhammadans, Mining, Planting, Universities and Medical profession. I shall submit my arguments later on and state as to what should be the strength of each of the special electorates. For the present I may be permitted to observe that the present standard of Landholders' Franchise, in connection with the provincial Council, may be extended within proper limits in order to have a larger number of voters. Facts and figures will be submitted when I am called before the Committee. I am also strongly of opinion that there should be an increase in their strength of representation if they are to take their proper part in the political life of the country as is expected of them in paragraph 147 of the Reform Report. The outstanding fact that land revenue forms 23 per cent. of the total public revenue of British India, should not be overlooked and the landholders of each province should be given such representations as may be deemed adequate, being in proportion to the contribution which they annually make to the public exchequer.

ALIPORE,

The 30th November 1915.

M. N. RAY CHOWDHURY,

of Santosh.

A Note on Electoral Franchise.

(For the consideration of the Franchise Committee of Indian Constitutional Reforms.)

Paragraphs 225 to 233 of the Report of Constitutional Reforms, in my opinion, epitomize in an unmistakable manner India's legitimate aspirations for political enfranchisement within the British Empire. It is evident, as will be admitted by any sober student of contemporary politics or constitutional history, that the distinguished authors of the report are anxious to see a closely united India, shorn of her internal clanish feuds, class prejudices and bigoted sectarianism, so far as her political existence is concerned.

The ideal is there; but how to reach it? No sacrifice is too greater to effect such a consummation. The impatient idealist is for violent methods. He wants to revolutionize India socially and politically. He is undoubtedly bent upon creating an Utopian situation of his own, and as such will perhaps epigrammatically suggest wholesale abolition of communal electorates. There is, of course, no doubt that like the illustrious framers of the report, Indian leaders of all shades of opinion apprehend that communal representations without proper safeguards against perpetuity or dormancy may retard India's progress towards responsible government; but sober-minded Indians, with whom I should like to cast my lot, are decidedly of opinion that in the transitional period it will not do to alter wholesale and all at once the character of constitution of our existing electorates which are based upon "pledges" and a "feeling of satisfied security." One and only one general electorate on a broad franchise may at the present stage prove to be a dangerous innovation, as there are so many conflicting and clashing interests in India, which have to be protected by special measures till the different families of the Indian nationality are effectually compounded into a real nation and the majority of our body politics learn to look upon the interests of the minorities with genuine sympathy; the minorities, on the other hand, having made up their mind to cease to be "partisans" and come in contact with common life of the country as "citizens" in the most comprehensive sense.

I propose that there should be one hundred elected seats, half of which should be allotted to the several special electorates and the communal electorate for Muhammadans and the other half to two general, direct electorates, one urban and the other rural—14 seats to the former and 36 to the latter.

The distribution of the 50 seats for special electorates should be as follows:—

	Number of members.
Landholders	16
The Calcutta Trades Association	3
" Muhammadian community	18
" Bengal Chamber of Commerce	6
" Bengal National Chamber of Commerce	2
" Marwari Association	1
Tea-planting community	1
The Commissioners for the Port of Chittagong	1
" University of Calcutta	2
Total	50

General electorate.

URBAN.		RURAL.	
	Number of members.		Number of members.
Calcutta	4	Burdwan Division	7
Burdwan Division	3	Presidency "	7
Presidency "	4	Rajshahi "	8
Rajshahi "	1	Dacca "	12
Dacca "	1	Chittagong "	2
Chittagong "	1		
Total	14	Total	36

It is desirable that the number of seats allotted to each division might be suitably distributed amongst the districts composing each division on the basis of population and the number of voters of each district. In the case of smaller districts they might be grouped.

In the same manner the number of seats allotted to the special landholders' electorate might be distributed among the several divisions on the basis of land revenue and cesses contributed by each division.

As the representative of the Landholders' Association I think it is incumbent on me to set forth such grounds as may justify the special electorate I have advocated for the landholders. So far as the other special electorates are concerned I think I need not enter into details which will be undoubtedly gone through by witnesses who will represent those minorities. The following grounds in my opinion should go a great way to establish the claims of the landholders to a special electorate of their own :—

(1) It may be said in the language of the illustrious authors of the report that the zamindars, like the Muhammadans, regard their existing special electorate as a settled fact and any attempt to go back on it would rouse a storm of bitter protest and put a severe strain on the loyalty of a community which always behaved with conspicuous loyalty.

(2) In Bengal landholders constitute a distinct class, as vast bulk of lands constitute permanently-settled estates and revenue-free estates.

(3) In Bengal landholders contribute in the shape of land revenue or land tax well over one-fourth of the total Provincial revenue.

(4) Having regard to the number of seats which are at present allotted to the zamindars they are entitled to sixteen seats out of a total of one hundred seats by simple rule of proportion.

(5) There should be an increase in the strength of representation if they are to take their proper part in the political life of the country as is expected in paragraph 147 of the Reform Report.

(6) The zamindars are the natural leaders of the people. The permanent settlement is based on a pledge which is inseparably associated with the British Rule. As such they should be given full opportunity under the new scheme to defend their traditional rights and privileges. It should be borne in my mind that both Sir John Shore and Lord Cornwallis observed that the zamindars were not only the proprietors of the soil but were actually in possession of what is called the sovereign power. They must be presented as a distinct class. They have always stood by the side of the Government in moments of need and difficulty and it is incumbent on the Government to protect their rights under all circumstances. No democracy could ever exist for good without an aristocracy with cautious and enlightened conservatism, and it will not do to forget what Burke said in his own cogent and forcible language about the aristocracy and its usefulness in society.

(7) The hands of the zamindars should be strengthened so far as the new administrative machinery goes ; for it is the tendency of the present day non-landholder politicians to strike at the root of the agricultural solidarity in their zeal for industrialism. If we review the political history of England of recent times we find that their tendency demonstrated in an unmistakable manner by the sociological acts of the parliament from the Enclosure acts onward by the Free Trade Laws and Tariff Reform programmes. The zamindars fear that if they are not given adequate representations in the various councils zamindari system will be ultimately destroyed by unjustly taxing land and agriculture which constitute the vital force in the life of a nation.

Special electorates for landholders.

Qualification of electors.

(a) Have a place of residence within the division concerned.

(b) Holders in the Presidency in their own right of one or more estates or shares of estates as proprietors or one or more permanent tenures or shares of such tenure held direct from such proprietors and pay in respect thereof land revenue amounting to not less than two thousand rupees or cesses amounting to not less than five hundred rupees either directly to the Collectorate or through the proprietors.

(c) Those who are at present in the list of voters of landholders electorate, holding titles conferred by the Government not lower than the rank of Raja or Nawab.

(d) No landholder or tenure-holder shall be a voter in more than one division.

(e) If any voter has more places of residence than one in different divisions then he can be voter of the division he shall elect.

(f) Each voter of a division shall have as many votes as the number of members to be elected for the division, but he shall not be able to give more than one vote to a candidate.

Government of India.

The Legislative Assembly and the Council of State.

I am of opinion that the scheme for the composition of the Assembly and the Council of State as set out in the report will be suitable for the present.

General direct electorate franchise.

URBAN AREA—CALCUTTA.

Qualification of a voter.

In addition to the qualification of voters laid down in the Municipal Act, I suggest that—

- (a) a payer of income-tax, or
- (b) a graduate or licentiate, or
- (c) a registered medical practitioner, or
- (d) a barrister or vakil or pleader or attorney or mukhtear or revenue agent, or
- (e) a holder of title conferred by the recognized Board of Examiners or a University on persons proficient in any prescribed subject taught in *tols* or madrassas, and resident for six calendar months at least next previous to the last day for enrolment in the electoral roll, shall be eligible to be a voter.

As regards the payment of rate the vote shall come to any person at any time within the prescribed period by descent, by succession or demise.

Qualification for a candidate.

Every voter is eligible to be a candidate subject to the general conditions as to age, etc., as heretofore prescribed.

URBAN AREA OTHER THAN CALCUTTA.

Qualification of a voter.

In addition to the qualification of voters laid down in the Bengal Municipal Act, I suggest that—

- (a) a payer of income-tax, or
- (b) a graduate or licentiate or an under-graduate of the Calcutta University, or
- (c) a registered medical practitioner, or
- (d) a barrister or vakil or pleader or attorney or mukhtear or revenue agent, or
- (e) a holder of title conferred by a recognised Board of Examiners or a University on persons proficient in any prescribed subject taught in *tols* or madrassas and resident for six calendar months at least next previous to the last day for enrolment in the electoral roll, shall be eligible to be a voter.

As regards the payment of rate the vote shall come to any person at any time within the prescribed period by descent, succession or demise.

Qualification for a candidate.

Every voter shall be eligible to be a candidate subject to the general conditions as to age, etc., as heretofore prescribed.

RURAL AREA.**Qualification of a voter.**

Every male person of the full age of 21 years and resident for at least six calendar months at least next previous to the last day for enrolment in the electoral roll—

(1) who during the period of six calendar months next previous to the last day for enrolment in the electoral roll has paid a sum of not less than two rupees as cess in the respect of lands situated wholly or in part within the division, or

(2) has paid a sum of not less than two rupees as village rate provided in the Bengal Village Self-Government Bill or as chaukidari tax, or

(3) paid a license tax in respect of a trade dealing or industry carried on within the division, or

(4) has paid income-tax, or

(5) is a graduate licentiate or under-graduate of any University, or

(6) is a registered medical practitioner, or

(7) is a barrister or vakil or pleader or attorney or mukhtear or revenue agent, or

(8) is a holder of title conferred by recognised Board of Examiners or University on persons proficient in any prescribed subject taught in *tols* or madrassas, shall be entitled to vote.

Qualification for a candidate.

Every voter shall be eligible to be a candidate subject to the general conditions as to age, etc., as heretofore prescribed.

SANTOSH HOUSE;

3, ALIPORE ROAD,

The 23rd December 1918.

MANMATHA NATH RAY CHOWDHURY

OF SANTOSH.

*Eastern Bengal Land Co
Associates*

Franchise.

The Moslem Community all over India have received with considerable surprise and alarm the re-opening of the question of communal representation for Mohamadians after the distinct assurances given by successive Viceroys and Secretaries of State after the compact signed in 1916 between the Hindus and Mohamadians. The authors of the Reform Scheme contend that communal electorates stereotype existing relations and will lead to encouraging the Mohamadians to settle down in feelings of satisfied security and that such a procedure is against the teachings of History. The hollowness of this position in a country like India has been exposed ~~xxxx~~ threadbare in the Press and on the platform and will not bear repetition. The acceptance of communal representation by the Morley-Minto scheme set at rest the much vexed question and if the Mohamadians had any reason for dis-satisfaction it was the inadequacy of representation. The Political outlook of the country is not likely to improve and the success of the scheme is not likely to be assured by rekindling the embers of a dying flame and thereby leading to the recondescence of the much regretted racial antagonism which existed before the Morley-Minto scheme came into operation. Every thing that leads to the creation of distrust in the minds of the Mohamadians regarding the sanctity of repeated assurances by British Statesmen, is to be most strongly deprecated and scrupulously avoided. When the

led to existence of better feelings between Hindoos and Mohamadans, has encouraged political education among the Mohamadans and has made them more patriotic - a no small gain to a people who has hitherto taken no part in the politics of thier own country Hindoo and ~~Kor~~ Mohamadans members of Legislative Councils have worked together without any hitch and if after such a successful experiment, communal representation be refused, I am afraid, people will draw very uncharitable and not unreasonable conclusions that British Government wants to divide the Hindoos and Mohamadans to suit its own purpose. On all these grounds I would submit that a settled fact should not be unsettled like the partition of Bengal and I would beg to suggest that this question of communal representation should not be made the subject of re-consideration, revision or modification by the Decennial Parliamentary Commission as is suggested in para 262 of the Report.

Coming on now to the details about the Franchise I would beg to suggest that the separate Moslem representation should be in proportion to their numerical strength or as near to it as possible, but under no circumstances less than the proportion laid down in the Congress-League scheme, provided Government, does not disturb the proportion fixed by the two bodies for other Provincial Councils; in the latter event the Moslems of Bengal will not be satisfied with less than 52 per cent representation in their own Council.

I have already stated that the Franchise should be broad and I would submit that persons qualified in one of the following ways should be entitled to vote.

1. Payment of Rupee one a year as Cess, Chowkidari tax or Municipal tax.
2. Payment of income tax.
3. Having a net annual income of Rs. 200/- a year.
4. Passing Middle Vernacular, Middle English, Junior Madrasah, Entrance or Matriculation Examination.
5. Being legally entitled to practice as legal or medical practitioners or being holders of certificates from recognised Agricultural or Veterinary Institutions.

6. Being teachers of at least 3 years standing, of Pathshalas, Mukhtabs, Tols, Madrasahs, Normal and Training Schools.

In view of the limitations set forth in number 1, the Municipal and Local Board election rules may have to be modified so far as payments of rates and other qualifications for being voters are concerned.

Any one entitled to vote should of course be ordinarily eligible for election to the Provincial Council, provided he is not a Government servant.

And no one should be entitled to stand as a candidate from an electorate unless he is a voter in that electorate.

The present indirect system of election to the Council should be altogether abolished and direct election should take its place.

A district or a combination of sub-divisions might be formed into an electoral division.

In every village Union there should be a polling station.

I have already suggested that for very obvious reasons the qualification of the voters should be made as low as possible for that will draw out the masses and enable them to get political education which they so badly want.

Memorandum for the Franchise and Electorate Committee of the Reform Scheme from Dr. S. P. Sarbadhikari, C.I.E., B.A., M.D., Member of the Senate, University of Calcutta, dated the 14th December 1918.

In the absence of any indication, as to the extent to which the authorities are prepared to go in enlarging the Legislative Assemblies and the basis on which to frame electorates, it is difficult to say much with any degree of confidence or definiteness. Any scheme emanating from a witness would be open to the criticism that it goes far beyond the present needs or capabilities of the country or that it does not go far enough.

The two guiding principles in framing any scheme of reform, as one gathers from the report, are that franchise should be by direct election, and should be broad based as far as is consistent with the state of things prevalent in this country. It is undeniable that undue broadening of franchise may lead to irregularities at elections, and improper exercise of franchise in the absence of sufficient safeguards, which are not probably fully attainable at present among peoples not thoroughly accustomed to Western methods of election—safeguards which even in the West have not always been effective. It is also undeniable that in the case of the bulk of the population indirect franchise alone is at present possible. The determination of the line of cleavage between those who are fit for direct voting and those who are not is a difficult matter.

The following points demand consideration in determining who should be qualified to vote :—

Age at which franchise should be exercised.—Although statutorily every man on attaining the age of 18 is a major that franchise should not for the present be exercised by any one under the age of 25, that is, not until a certain amount of useful experience of the world has been gathered and judgment has matured to some extent, is the opinion of many of my esteemed colleagues in the Senate, who have favoured me with their views, while a large volume of opinion is in favour of the earlier age limit of 21.

Sex.—The country is at present not ripe for female suffrage. We have no lady member of the Senate yet ; demand for female franchise, however, has commenced to be voiced.

Number of votes allowable.—The principal of one man, one vote in any given constituency should be adhered to.

Qualifications.—Although strong views have been expressed that franchise should be granted to every matriculate of the University (and this is a proposition which should undoubtedly be given effect to in due course) for present purposes, in the opinion of many notable members of the Senate and the Professoriat a good beginning will have been made by conferring franchise on—

- (i) every Graduate,
- (ii) every Barrister,
- (iii) Vakil,
- (iv) Pleader,
- (v) Attorney,
- (vi) Mukhtear,
- (vii) Qualified or Licensed Medical Practitioner,
- (viii) Qualified Engineer,
- (ix) Upper Subordinate of any Engineering School or passed student of recognised Technical Schools,
- (x) School Master in recognised schools,
- (xi) anyone at present enjoying municipal franchise,
- (xii) anyone who pays income-tax or in municipal areas pays a license tax of not less than Rs. 25 per year,
- (xiii) in the case of residents of other than municipal towns persons paying a road cess or chaukidari tax of not less than Rs. 10 per year.

In the case of members of a joint family one member alone specially deputed by the family should vote, such vote being exercisable in respect of the family property.

Special electors.—In the prevailing circumstances of the day certain special electorates have to be created to meet special needs. Had it been still an open question I should certainly have urged that certain special electorates should be perpetuated. That, however, not being practical politics I suggest that the following special electorates should be created for the present :—

- (a) *European commercial and trading electorates.*—In view of the large interests of this community in India and their comparative numerical smallness, it is necessary that this community should have special representation accorded to it.
- (b) The Muhammadan community which has, as pointed out in the report come to claim almost a prescriptive right to special treatment, though in the case of areas in which the Muhammadan population predominates, it is difficult to see why they should have this concession extended to them.
- (c) Backward classes such as the Namasudras and Mahishyas, whose numerical strength, together with the presence of a few bright examples of intellectual eminence has entitled them to special and sympathetic consideration, should have special representation. One or two seats on the Legislative Assembly may be assigned to candidates of these communities by rotation in those constituencies where their numbers abound.

It is not suggested that they should by themselves constitute a separate electorate, but that voting for such candidates should be general. I would apply the same remarks to the Indian Christian community and the non-official European community and to Bramhos.

Calcutta University.—The University of Calcutta enjoys the privilege of returning a member to the Bengal Legislative Council. It has been felt that this representation is inadequate. There has been practically unanimity of opinion among members of the University that there should be at least one seat allotted to the Senate of the University and another to the registered graduates. I would also urge a third being assigned to a representative of Professors of the post graduate classes and affiliated colleges for reasons which it is perhaps unnecessary to labour.

The size of the assembly.—The population of the Province amounts to 45 millions, of whom 22 millions are Muhammadans and 23 millions non-Muhammadans. The women and minors aggregate 34 millions. Of the remaining male population the literate are 2,401,716. The literates in English are 319,904. Any scheme of representation, to be adequate, should ensure that there be at least 150 members, of whom not less than four-fifths should be elected and rest nominated, a fair and equitable distribution of the seats reserved for elected members is shown in the schedule annexed hereto.

Qualifications of candidates.—Should be the same as that of voters.

The representation in the Indian Legislative Assembly.—Eleven seats on this assembly have fallen to the share of Bengal. These may be assigned in the following way :—

Calcutta—

Calcutta voters generally	...	1 seat.	Five Divisions	...	...	5 seats.
Fellows of the University of			Muhammadan interest	...	...	2 „
Calcutta	...	1 „	European commercial interest	...	...	1 seat.
		—	Indian commercial interest	...	...	1 „
		2				

The voting for these elections should be direct as far as the Calcutta constituencies are concerned, and in the case of mufassal areas, municipalities, district local boards, union committees or village unions should be constituted into electoral colleges for the purpose of electing members to the Indian Legislative Assembly. It should be noted that in the case of all voting whether for Bengal or Indian Legislative Assembly eligible voters who have more than one qualification to be voters should get the benefit of only one qualification in any given constituency.

I am for retaining the prefix "honourable" for the members of the Legislative Assemblies.

Schedule showing distribution of seats among the urban population of Bengal, district by district.

Chittagong Division.		Presidency Division (outside Calcutta).	
Tippera ... ..	... ..	24-Parganas	4
Noakhali ... ..	... ..	Nadia ... ..	... ..
Chittagong ... ..	... ..	Murshidabad	1
	1	Jessore	1
Dacca Division.		Khulna	1
Dacca	1	Calcutta	7
Mymensingh	1		
Faridpur	1		
Bakarganj	1		
Rajshahi Division.		Burdwan Division.	
Rajshahi ... ..	... ..	Burdwan	1
Dinajpur ... ..	... ..	Birbhum	1
Jalpaiguri ... ..	... ..	Bankura	1
Darjeeling ... ..	... ..	Midnapore	1
Rangpur ... ..	... ..	Hooghly	1
Bogra ... ..	... ..	Howrah	1
Pabna ... ..	... ..	
Malda ... ..	... ..	

Schedule showing suggested distribution of seats among:—

(a) Special electorates.

Calcutta University	2	European commerce—concluded.	
European commerce—		Jute interest	1
European commercial com-		Tea interest	1
munity of Calcutta	3	European trade outside the	
European commercial com-		towns	1
munity of Chittagong	1	Total	8
Calcutta Port Trust	1	Indian Commerce	1

(b) Non-Muhammadan electorates.

Chittagong Division.		Rajshahi Division.	
Tippera	1	Rajshahi	1
Noakhali	1	Dinajpur	1
Chittagong (together with the		Jalpaiguri	1
Hill Tracts)	1	Darjeeling	1
Total	3	Rangpur	1
Dacca Division.		Bogra	1
Dacca	2	Pabna	1
Mymensingh	2	Malda	1
Faridpur	2	Rangpur and Dinajpur alter-	
Bakarganj	2	nately, additional	1
Total	8	Total	9

(b) Non-Muhammadan electorates—concluded.

Presidency Division.			Burdwan Division.		
24-Parganas	...	3	Burdwan	...	2
Nadia	...	1	Birbhum	...	1
Murshidabad	...	1	Bankura	...	2
Jessore	...	1	Midnapore	...	5
Khulna	...	1	Hooghly	...	1
Nadia and Murshidabad alter- nately, additional	...	1	Howrah	...	1
Jessore and Khulna alter- nately, additional	...	1	Hooghly and Howrah alter- nately, additional	...	1
			Total	...	13
Total	...	9			

Schedule showing distribution of seats among the urban population of Bengal, division by division.

Chittagong	...	1	Presidency	...	6
Dacca	...	3	Burdwan	...	4
Rajshahi	...	2	Calcutta	...	7

EUROPEAN ASSOCIATION.

STATEMENT FOR ELECTORAL COMMITTEE.

THE question of electorates, as already pointed out by the Council of the European Association in criticisms of the Montagu-Chelmsford Scheme, is the crux of the whole matter.

It appears to the Council of the Association that the Committee appointed to work out this part of the reform scheme cannot do otherwise than base the new electorates on those that already exist for local and municipal bodies. For it cannot be argued that persons unfitted for the local or municipal franchise are qualified for the heavier responsibility of the vote whereby members of the Provincial Legislative Councils are to be elected. Nor can it be contended that, in India as a whole, persons who are competent to exercise the local and municipal franchise have been largely excluded therefrom by an unreasonably high standard of qualification.

The question arises whether an electorate based on the existing local and municipal electorates would be sufficiently large to speak for the people in general. The European Association has not the means of working out figures for all the provinces of India; but it has made enquiries into the conditions in one of the presidencies, and submits the results below.

In the province under notice, which is among the more advanced in general and political education, the proportion of taluq board electors to total population in the taluq board area varies from something below 1 per cent. to rather more than 3 per cent. All the taluqs in one district of the province show a proportion of less than $\frac{1}{2}$ per cent. and there is apparently no district of that province in which all the taluqs attain to a proportion of 2 per cent.

Turning to urban areas in the same province, the percentage of municipal electors to population of municipal areas is found to range from less than 2 to a little over 5.

With such figures before it, the Council of the European Association is unable to believe that even so democratic a measure as one giving the provincial franchise to all who enjoy the local and municipal franchise would produce an electorate duly representative of the general population. No doubt the electorate so formed would be an improvement, from the democratic point of view, and leaving intelligence out of the question, on that which exists. But the assumption underlying the Montagu-Chelmsford proposals is that the new electorate will be entitled, at any rate in most parts of the country, to express the will of the people. That 1, 2 or even here and there 5 per cent. of the population can accurately express the will of the whole is beyond the European Association's power of belief.

The numerical inadequacy of the electorate is not, indeed a sufficient reason for abandoning all projects of advance towards self-government; but it is a reason, and a very strong one, for great prudence in placing power in the hands of men elected by a small minority.

This question of numbers, of the proportion of electors to the whole population is, however, but one of the problems which the reformer has to solve. It is not merely through the inevitable exclusion of between 90 and 98 per cent. of the population from the franchise that self-government on an electoral basis becomes a sham. There are two other factors conducing to that result. One is the apparently unavoidable over-representation of the urban voters as compared with the rural, in a country which is mainly agricultural and in which the agricultural vote ought to have more weight. No doubt the electoral system might be so framed that the representation of rural constituencies corresponded rather to the rural population than to the fraction of it enjoying the vote. Still, the men chosen, the policies approved, would be chosen and approved by a minute body of voters; and though rural India would have less cause for complaint regarding the number of seats given it, it would still have no sort of guarantee that the men occupying them at any given time were such as the interests of the voteless majority required.

Then there is the denial of communal representation. The Council of the European Association has already declared itself strongly in favour of communal representation. In its second statement it said —

"The one argument of any apparent cogency against communal representation is that it may hinder the development of Indian 'nationhood'. To this it might be replied that in a continent where deep divisions have immemorially existed between the races inhabiting it, and where even identity of race is of less account than diversity of castes within the race, the postponement of 'nationhood' would scarcely be regarded as intolerable. But the Council of the Association would rather urge that the recognition of communal interests is the first step towards union. For the prime condition of united action by men of various communities is that each community should feel secure in its rights. The rights of which men think oftenest, and in the assertion of which they are most aggressive are those which are menaced. Let the menace be removed, and less thought of an undesirable kind will be bestowed on special communal interests, and more on the general interests of the country. But even were this otherwise, even were it true that the grant of communal representation to others besides Muhammadans and Sikhs would defer the attainment of 'nationhood' could it reasonably be argued a 'nationhood' in which communal self-respect had been destroyed would be worth having? Is it not reasonable to regard the establishment of an oligarchy as likely to create a political cleavage between the powerful and the powerless which, coinciding in many parts of the country with the social cleavage between the Brahmin and the non-Brahmin, would end all hope of union in a worthy 'nationhood'?"

"If, as the European Association firmly believes, communal representation is absolutely necessary in the interests of the Indian masses, it is not less needed for the protection of legitimate European interests. The European non-official community in India is numerically so small that it would be swamped in open elections with a general electorate. But its economic interests are so immensely important, it plays so useful and peculiar a part in the commercial development of the country to the benefit of all classes, that such swamping of it would be most disastrous to India. Again, from the political point of view, it is essential to the welfare of India that European non-officials should have their proper share in the direction of affairs, for as the *role* of the European official is continuously restricted in accordance with the new policy, the European non-official will become increasingly responsible for the maintenance in Indian administration of those ideals which Great Britain introduced into the country and the preservation of which is imperative if the new system, also imported from Great Britain, is not to collapse.

"Yet, under the Montagu-Chelmsford scheme, the only representation allowed to Europeans is through certain specialised bodies, like Chambers of Commerce, and through nomination. That the community, alone of all in India, is fitted by heredity, and by the early environment of its members before they come to this country, to understand and work the franchise and representative institutions apparently counts for little or nothing with the authors of the reform scheme. That the membership of its one general organisation, the European Association, exceeds that of any constituency represented in the Imperial Legislative Council is ignored. Europeans—except in so far as, in very exceptional cases, Europeans may be returned by a general electorate of all races, in which case they would not be genuinely representative of European opinion—are condemned to representation merely through sectional bodies and through a problematic number of nominated members. Now the members returned by bodies like Chambers of Commerce are thoroughly entitled to their places in the Legislature, for the interests they represent are vast; but such members naturally cannot receive from their constituents any general political mandate. They are in the Legislature to guard economic interests, and can only rarely and tentatively deal with questions not directly affecting such interests. That alone is a strong reason for granting communal representation to European. There is a further reason in the fact that, without communal representation, Europeans following the legal, medical and other professions, or resident where Chambers of Commerce, Planters' Associations and Trades Associations do not exist, will continue to be wholly unrepresented through a period when representation is being extended on all other sides." (As an instance of the results of denying communal representation to Europeans, though the European Association is much the largest, and the only political, European body in India, neither its President nor its Secretary has a vote for the Provincial or Imperial Legislative Council.)

"Nomination cannot remedy the resultant injuries. Experience of nomination by the Government in their *prima* does not inspire that confidence which the community is invited to feel in nomination by the Government in the days of a decline preparatory to regeneration as a popularly controlled body. And even if assurances could be given that the Government would nominate their severer critics as readily as their mute supporters, the European Association would still feel obliged to contend for the right of Europeans to choose their own representatives, instead of having them chosen by the Government. Under the new conditions, Europeans must be free to seek out men of political talent regardless of those considerations which usually have weight with the Government in making nominations. Europeans must be enabled to place in the Legislative Councils men who can incontestably claim that they are there by the general wish of the community, and over whom the community can exercise the influence constituents have under all representative systems.

"It has been suggested that Europeans could be satisfactorily represented without the concession of a communal electorate. The idea is cherished, in quarters far from disinterested, that Europeans might be guaranteed a certain proportion of seats, to be filled,

however, by vote of a general electorate, in which Indians would, of course, preponderate. The Council of the European Association is disposed to attach somewhat more importance to the personality of the occupants than to the assurance of the seats. It does not expect any benefit from filling the places marked for European representatives with European renegades.

The European Association asks, therefore, for communal representation of Europeans, on a scale commensurate with the importance of the community, without abolition of the modest amount of representation given through a few specialised bodies like Chambers of Commerce. It may be objected that Europeans are not entitled to have this specialised representation in addition to communal representation. The argument does not impress the Council of the Association. It is perfectly willing that the total amount of representation should not exceed that to which the community is fairly entitled, and will readily acquiesce in any reasonable distribution of seats between the representatives of the specialised and the communal electorates. If the total representation of Europeans is not excessive, what grievance can any one have over the fact that it is partly through representation of Chambers of Commerce, Planters' Association and Trades Associations and partly through representation of Europeans as such? Incidentally it may be pointed out that the specialised bodies are not wholly European in composition. Some Chambers of Commerce and Trades Association from time to time contain Indians, though only in minorities. It may also be said that the interests represented by them, though in a sense specially European, are nevertheless on a broad view those of producers or vendors, not of a community.

"The creation of a European communal electorate presents no serious difficulty. The Council of the Association would propose that it consist of all adult male British subjects of non-Asiatic origin liable to income-tax."

Some points in the latter part of the statement just quoted deserve further explanation.

It has already been shown that if the total European representation is not excessive, there can be no just cause for Indian complaint of the overlapping of the communal and the specialised electorates and how the European representation is divided is immaterial to other classes. It may, however, be urged by constitutional purists that, even though no injustice result to Indians, such overlapping is in itself objectionable. An examination of the matter, however, will make it clear that the overlapping will be less real than at first sight appears. The representatives of Chambers of Commerce and the like are elected by voters holding very various opinions on strictly political questions with the idea of safeguarding economic interests and little or nothing else. This has been emphasised in the past by such representatives in the Legislative Councils. It follows that if a European votes both as a communal elector and as a member of a Chamber of Commerce or other such specialised body, the two votes he casts are not cast for the one purpose. In the former case he is voting on what he regards as the merits of a host of questions which are not present to his mind when he votes for his Chamber of Planting or Trade representative. It will often happen that, on economic grounds, he will support a Chamber representative holding some opinions on non-economic questions which he does not share. It will equally often happen that as a communal voter he will favour a candidate holding some opinions in regard to commercial policy which are repugnant to him. In short, the double vote will not be used for the one purpose.

It is also to be observed that the vote given by a member of a Chamber or similar body is not, as a rule, an expression of wholly personal opinion even on economic subjects. It is not simply as a citizen, but rather as a partner or director or servant of a firm or company, that a member of these specialised bodies votes. If, therefore, he were deprived of a communal vote on the ground that he had a vote in the specialised electorate, he would, in fact, be robbed of part of his rights as a citizen, for in the first place the only vote left to him would be one the casting of which would not be wholly in his own volition, as the typical elector's is, but would be largely and very often decisively influenced by the wishes of his firm or company, and, in the second place, it would be a vote in favour of a representative with a less general and definitely political mandate than the communal representative receives.

In the statement from which I quoted passages above, an indication was given of the basis of the European communal electorate. Any difficulty there may be in drawing a line between the European and the Anglo-Indian could be overcome by introducing definite limitations, of which probably the most effective would be to limit the European vote to persons having a legal domicile in the United Kingdom and persons whose parents had that domicile.

In every Legislative Council, including the Imperial Legislative Council, a definite proportion of seats should be set aside for European representation.

This demand is justified by the need for the preservation of a strong British element in the legislative body, as in the administration; by the necessity of protecting European economic and communal interests; and by the superior education and political advancement of the members of the community compared with the average Indian on whom the franchise will be conferred. The amount of representation due to Europeans in a province cannot be mechanically estimated. It must be determined by regard to the necessity of making it effective, and not by rule of three. How the definite proportion is to be fixed will depend in each case largely on local conditions. The European Association cannot contemplate that in any province the proportion of seats given to Europeans should be lower than it is in the existing Legislative Council of the province. In some provinces there will be a strong case for raising the proportion very substantially; for while the special interests now represented will deserve and no doubt receive due representation, the claims of Europeans to communal representation, hitherto ignored, will make a demand on the total number of seats allotted according as the special electorates now represented do or do not comprise practically the entire European electorate. No figure fixed at the outset can be final, and if the adequate protection of their interests is, as it should be, the guiding principle in allotting a definite number of seats to the European community, time may show that voting strength has become so important a factor that the proportion must be increased.

The communal representation of Europeans in the Imperial Legislative Council could be best based on a system whereby each of the chief European centres, with part or whole of the province in which the centre is situated, would be made a constituency, *e.g.*, Madras might be the centre of a constituency including the whole Presidency, but the Bombay Presidency might be split between "Bombay" and "Karachi." It would not follow that Madras should have only one member while the Bombay Presidency had two. The idea would simply be to differentiate where possible, without prejudice to the number of seats, between a province in which European opinion has one source and a province in which it has two. If the total number of seats in the Imperial Legislative Council did not permit of so many European communal constituencies, then India might be divided into, say, four constituencies—Northern, Eastern, Western and Southern India, each electing one or more representatives. The European Association considers that the European communal electorate for the Imperial Legislative Council should not be required to satisfy any qualification test other than that imposed on the Provincial European communal electorate.

It is essential that the constituencies for the Imperial Legislative Council should together cover the whole of British India and that the constituencies for a province should together cover the whole province, and that no European qualified to vote should be deprived of representation merely because he resides in an area very thinly populated by Europeans.

**Statement containing the substance of the evidence
of Aga Muhammad Kazem Shirazi before the
Franchise Committee of Indian Constitutional
Reforms.**

1. The strength of the Provincial Council should be 125.
2. One hundred should be elected members.
3. Of these 100 seats a fair and adequate proportion should be reserved for important minorities such as the Europeans, etc., and the remaining seats should be equally divided between Hindus and Muhammadans.
4. There are about 27 districts and the same number of important towns. The towns should be grouped into a number of constituencies and the smaller districts should also be combined into constituencies constituting, say, 13 rural and 13 urban electoral areas, returning one member each. The remaining seats available should be assigned to the various especial electorates, *e.g.*, the University, the Landholders, Indian Commercial Communities, etc. The Senate of the University should return half the members reserved for the University and the Council of Post Graduate Teaching in Arts and Science should return the other half. Seats for the Muhammadans should be reserved in the especial electorate, *e.g.*, in the University.
5. The number of electors in any electoral area should not exceed 5,000 and the qualifications of voters should be so regulated as to have the requisite number of voters.
6. Special qualifications should be required of candidates. Persons not having *bonâ fide* connections within a particular electoral area should not be allowed to stand from that area.

Memorandum of the statement submitted by Professor S. C. Mukharji, M.A., B.L., a witness before the Franchise and Electorates Committees on behalf of the Indian Christian Association, Bengal.

The Indian Christian Association, Bengal, have prayed for communal representation for Indian Christians on the Legislative Council of Bengal, and also on the Indian Council. They feel under existing circumstances communal representation is the only just means of giving important minor communities a share in responsible Government as proposed in Montagu-Chelmsford Report. They fully appreciate the reasons set forth in the said report against grant of communal representation, but they are distinctly of opinion, that in the present circumstances they are theoretical rather than practical. They endorse the principle set forth in the memorandum submitted to the India Government by the Council of the All-India Conference of Indian Christians, viz.: "The attainment of single national solidarity in the whole country, irrespective of creed, race and caste, should be steadily kept in view by people and Government at every stage of progress. Communal representation, we maintain, is clearly necessary at this stage; but we desire that, whatever the method of its application may be, it should be avowedly worked as a concession to the expediency of situations which are bound to be overcome. . . ."

The Indian Christians, who according to the census of 1911, number 83,260 out a total population of 46,217,245 rest their claim for a special Indian Christian Electorate on the following grounds—

I. They have from the very beginning been regarded by the Government as a distinct community by passing separate legislation in their interests, e.g. —

- The Caste Disabilities Removal Act (XXI of 1850).
- The Native Converts' Marriage Dissolution Act (XXI of 1866).
- The Indian Succession Act (X of 1865).
- The Indian Christian Marriage Act (XV of 1872).
- The Indian Divorce Act (IV of 1869).
- The Marriage Validation Act (II of 1892).

II. Their percentage of literacy stands much higher than that of Hindus and Muhammadans; and in female education they hold the first place among the leading communities, and have contributed substantially to the spread of Western education among the women of other classes through the efforts of the Indian Christian women teachers and Assistant Inspectresses of Schools.

III. Their training in the principle of responsible government. No community is so compact as regards organization. During the course of a century the masses of village and town Christians have been trained in the methods of responsible government not only in Church affairs, but in all matters which relate to the welfare of a community.

They therefore pray for a special electorate of their own, and suggest that the franchise be granted to those who satisfy the following conditions:—

Voters, under the scheme, shall be not less than 21 years of age, and have one or both of the following qualifications:—

- (1) They shall have attained to the educational standard of the Matriculation or any higher examination.
(So far as this qualification is concerned, the Indian Christian community feel that no distinction should be made between male and female.)
- (2) They shall be householders paying either municipal or income-tax or land revenue to the zamindar or Government, and shall also be able to read and write.
(This is meant to include the average intelligent Indian Christian artisan or cultivator.)

SERAMPORE COLLEGE,
The 30th November 1918.

S. C. MUKHARJI,
Secretary, Indian Christian
Association, Bengal.

Dated Dhanbari, Mymensingh, the 9th December 1918.

From—THE HON'BLE NAWAB SYED NAWAB ALI CHAUDHURI, KHAN
BAHADUR, C.I.E.,

To—The Chief Secretary to the Government of Bengal.

With reference to your letter No. 6784-92 A., dated the 2nd December 1918, I have the honour to say that I am willing to appear as a witness before the Reforms Committee, which has been appointed to examine the questions of franchise and electorates under the Reforms Scheme, and I beg to submit in the following few paragraphs a statement containing the substance of my evidence to be given before the Committee on the communal representation, the distribution of seats and the qualifications of voters both for the Bengal Legislative Council and the Imperial Legislative Assembly.

2. I discussed the question of communal representation in my opinion, on the paragraphs, called for in the Montagu-Chelmsford Scheme which was submitted to the Government of Bengal on the 15th of September last, and a copy of which I attach herewith for the sake of ready reference. (*vide* pages 1 to 5, and 8 and 9).

3. A certain number of Muhammadans came to an agreement with the Hindus in a joint Conference of the Congress and the League held at Lucknow in 1916, and the scheme formulated by the joint Congress and the League laid down that in Bengal the proportion of 40 per cent. of Indian representation should be allotted to the Mussalmans, but this agreement was subject to the very important proviso to which both the Muhammadans and the Hindus agreed, and which has also been referred to in the Reforms Scheme in section 164 :—

"No Bill, nor any clause thereof, nor a Resolution introduced by a non-official affecting one or the other community (which question is to be determined by the members of the community in the Legislative Council concerned), shall be proceeded with if three-fourths of the members of that community in the particular Council, Imperial or Provincial, oppose the Bill, or any clause thereof, or the Resolution."

The agreement, however, was not accepted by the great majority of the Muhammadans, who in spite of the provision thought that the proportion was too low, and they also saw that the agreement would give the minority an absolute majority of representation. If the safeguarding proviso, which was the basis of the agreement, is not retained, the proportion of seats to be allotted to the Mussalmans needs must be increased, and should not be less than 50 per cent. in Bengal.

4. **Composition of Provincial Legislative Council.**—In my opinion the number of members in the Bengal Legislative Council should be at least 100, which may be distributed as follows :—

(a) Official	...	...	...	20
(b) Two representatives from each of the 25 districts of Bengal, one Muhammadan and one Hindu in each case	...	...	...	50
(c) Two members from the town of Calcutta, of whom one should be a Muhammadan	...	...	...	2
(d) Two representatives from the University of Calcutta, one of whom should be a Muhammadan	...	...	...	2
(e) Two representatives from the University of Dacca, of whom one should be a Muhammadan	...	...	...	2
(f) One representative of the Muhammadan Ulamas, and another of Hindu Pandits	...	...	...	2
(g) Two landholders from each division, of whom half should be Muhammadans	...	...	...	10
(h) Europeans and Anglo-Indians	...	...	...	12
Total	...	...	...	100

The distribution of seats in the above way is suggested in accordance with the present number of districts. But Government have already decided and notified their decisions by gazette about the creation of four new districts by the partition of the existing district of Mymensingh into three districts, and those of Midnapore and Dacca into two districts each; and though the work of administration has not been taken up in the new

districts, still there is every possibility that before the Reforms Scheme comes into force, the administration in the new districts will begin. Thus instead of 25 districts, there will be 29 districts, and according to the allotment of seats suggested above, one Muhammadan and one Hindu will be returned from each of the four districts and will necessitate the increase of 8 more seats. In that case it will be desirable to raise the number of seats from 100 to 110, of which 8 seats should be given to the four new districts, and 2 may be allotted to the European and the Anglo-Indian communities, who, I am told, have been assured by the non-official Indian members of the Bengal Legislative Council that their present proportion will be kept intact in the reformed Council. If, however, it be not feasible to raise the number of seats to 110, instead of taking a district (which vary so much in area and population), to be the unit for the purpose of representation, the whole Presidency may be divided into 25 units according to area and population, and each of the units being allowed to send one Hindu and one Muslim representative to the Council.

For purposes of election, the town of Howrah should be combined with Calcutta, it being really a continuation of the town of Calcutta. Separate municipal or town elections for any other place in Bengal is unnecessary, as Bengal, unlike the United Provinces, is not a province containing many cities, but it is a province of villages, or more properly of isolated houses.

I understand that by the time the reforms come into operation, the Dacca University will have been established. I have, therefore, provided for the representation of the Dacca University.

The representation of the Ulamas and the Pandits is necessary in connection with the discussion of questions concerning religious matters in the Council.

I may be permitted to remark here by the way that the qualifications of the Hindus and the Muhammadans to represent the landholders should not be the same. The Mussalman landholders on account of the Muslim law of inheritance cannot keep up their income even in the second generation, but their interest all the same remains as much as that of the Hindu landholders, who have got the advantage of joint family system and the power of disposing property by will.

5. Qualification of voters.—If the payment of cess at the minimum rate of one rupee be fixed for the qualification of voters, the Mussalmans will have a majority in only 9 districts out of 25 (excluding Calcutta). With the increase of the minimum cess as the qualification of voters, the number of districts in which the Mussalmans will have a majority, will be further diminished. Assuming as the basic principle that the election of the Hindus and the Muhammadans will be by separate register, the question of fixing the minimum cess, and the minimum chaukidari and the minimum municipal taxes cease to have an important bearing on communal representation. At the beginning the difficulties of election will be very great, owing to the want of proper machinery and the lack of educated opinion among the bulk of the people. I would, therefore, recommend that the minimum rates for the municipal and the chaukidari taxes and the cess should not be too low at the beginning; with the spread of education and experience with the new form of Government, the minimum should be lowered at some later date. I further like to point out that literacy should not be taken as a necessary qualification for a voter. Persons, who are unable to read and write, sometimes understand their business better than many literate people.

6. In addition to the above qualification of cess and the municipal and the chaukidari taxes, persons, who have passed the Matriculation Examination of a University, or any other equivalent examination, such as the Final Examination of the senior Madrassah, should be eligible to vote if they are no longer students. The age-limit for such voters should be 25 instead of 21, the age of majority, as they are not likely to settle in life long before that age. All medical diploma-holders should also be eligible to vote.

7. Disqualification for voters.—Women and men, who have not attained the age of 21, and persons who are, or have been, or were convicted by a Court of Justice for any crime involving moral turpitude, or declared as insolvent or insane, should not be allowed to vote.

8. On account of the large number of voters and the difficulties of travelling in some districts, particularly in the eastern parts of the province, it is desirable that the unit for polling should be the union. The votes should be personally recorded by an officer of a rank not inferior to that of a Sub-Deputy Collector, at a certain convenient place within the union.

9. **Indian Legislative Assembly.**—In the Imperial Legislative Council (called the Indian Legislative Assembly in the Montagu-Chelmsford Report) the elected members being two-thirds of the total, the seats should be distributed among the various provinces in the following manner :—

Provinces.	Number of Muslims.	Number of non-Muslims.	Total
Bengal ...	5	5	10
Bombay ...	4	6	10
Madras ...	2	8	10
United Provinces ...	3	5	8
Punjab ...	4	4	8
Bihar ...	2	6	8
Burma ...	1	2	3
North-West Frontier Province ...	2	1	3
Ajmere and Coorg ...	1	1	2
Delhi ...	1	1	2
Assam ...	1	1	2
Central Provinces ...	1	1	2
GRAND TOTAL ...	27	41	68

In order to avoid fraction in the distribution of seats in the different provinces, the total number of elected members has been increased by one.

The point which I like to emphasise here is that the Muslim members should be at least 40 per cent. of the elected members. It will not perhaps be out of place to point out that as a matter of fact this proportion of 40 to 100 approximates to the present strength of the Muhammadan members in the Imperial Legislative Council. This proportion should also be maintained in the case of such non-official Indian members as may be nominated by the Government.

10. Of the five Muslim members representing the Province of Bengal, I would recommend that two members should be elected by the eastern districts and two by the western districts of the Presidency; and the fifth member should be elected from the Muslim landholders of the whole Presidency.

11. **Qualification of voters for the election of members to the Imperial Legislative Assembly.**—The qualifications of voters for returning members to the Imperial Legislative Assembly, in my opinion, should be the same as is now required for voters in the election of Muhammadan members of the Provincial Legislative Council, with the qualification that graduates of not less than five years' standing should be allowed to vote. This qualification is already observed in some of the provinces. The qualifications required of landlords should be the same as is now required of landlords as voters for the Provincial Legislative Council.

Memorandum on the question of Franchise by Mr. J. W. Chippendale, M.A., B.L., Representative on behalf of the Anglo-Indian Association.

This community is comprised of persons of pure European descent domiciled in India, and of persons of mixed European and Indian descent and forms an integral and important portion of the inhabitants of the chief towns in India and of Railway centres. The domiciled Europeans and Anglo-Indians may be said to run the Railways of India and the Telegraph Department. The Preventive Service of the Customs Department is recruited entirely from their ranks; so is also the Indian Medical Department and the Survey Department. They fill important and responsible positions both in the Superior Services and in the clerical departments of Government and in mercantile offices in the Presidency towns as well. They are employed largely in European shops and trading concerns. They form an important and invaluable section of labour in India and supply expert labour and technical skill in Railway workshops, dockyards, factories and engineering works of every kind. They are also found employed as assistants on tea estates, in mines and in various other branches of industry. They have, in these ways, an important stake in the country.

This community has rendered important and substantial service to India in the past as Volunteers and in trying times has helped to quell riots and restore peace and order, and in the present day constitutes the bulk of the Indian Defence Force.

The part taken by domiciled Europeans and Anglo-Indians in the last War and their achievements both on the Western Front and in Mesopotamia entitle them to a distinctive place in the life history of India.

Of the various minorities in British India the domiciled European and Anglo-Indian community is an important one and as such has to be reckoned as a factor in the framing of any form of popular Government in India, quite apart from historic grounds which equally entitle it to a strong claim upon the consideration of Government.

By reason of their birth and education the Anglo-Indians form a connecting and cementing link between the races of the East and West. In education, thoughts and habits of life they are European and yet at the same time they understand and appreciate Indian modes of thought and life. They are the natural and ready means of creating and strengthening bonds of sympathy, good feeling and harmonious working between the Indian and the European.

The authors of the Report on Indian Constitutional Reforms themselves say in paragraph 155 of their report as follows:—"We offer them (the British commercial and the Anglo-Indian communities) representation and we expect them to make good use of it: to learn to play their part in the political life of the country and to rely not on artificial protection but on their capacity to demonstrate to intelligent Indian opinion their real value in the economy of India."

In paragraph 232, they hold that a system of communal electorates although ordinarily an evil yet has to be maintained in India either on account of existing pledges given and received or on account of certain elements valuable to the State, and in that connection they virtually admit that the domiciled European and Anglo-Indian community is an important minority and one that deserves representation and that that representation, they are of opinion, should preferably take the form of nomination, but if nomination proves unsuitable a certain number of seats ought to be reserved to it in plural constituencies but with a general electoral roll.

Neither of these two methods is suitable to the needs of the domiciled European and Anglo-Indian community for purposes of representation in the Provincial Legislatures of India.

If the domiciled European and Anglo-Indian community be an important and a valuable minority, its claims to direct election to the Provincial

Legislative Councils of India cannot be justly set aside or ignored in a scheme of responsible Government. Nomination can never be an adequate substitute.

The grounds upon which I rely, amongst others, are the following :—

(1) Beyond expressing a preference in favour of nomination for minorities the authors of the Report do not assign any special or substantial reason why the domiciled European and Anglo-Indian community should be deprived of a right which is granted to Muhammadan minorities and to the Sikhs.

(2) The arguments advanced in favour of granting an electorate to the Sikh community apply with equal or greater force to the domiciled European and Anglo-Indian community which is second to no race or creed in India in unquestioning loyalty and ready and unflinching service.

(3) There exist no valid or reasonable grounds for drawing such a distinction which is invidious in its nature and a material bar to political growth.

(4) A system of nomination in a Government which seeks to be a responsible Government is illogical and inconsistent.

The Reform Scheme seeks to establish not a Government of the wisest and most skilled in the science and art of Government but a "responsible Government." Nomination is therefore utterly opposed to and irreconcilable with "responsibility" as propounded therein. Consistency demands that a representative should be a representative *in fact* elected by direct election and responsible for his acts to the electorate which chooses him as its representative.

(5) The disadvantages of nomination are manifold. Notably it does not promote independence of speech and act but tends rather to induce subservience and ultimate inefficiency. Nomination to a Provincial Council will completely shut the door of election of members of this community to the Council of State which is to be the Supreme Legislative Authority for India on all crucial questions and also the revising authority upon all Indian Legislation.

(6) Nomination stultifies and annuls the very object of the reforms as propounded and sought to be introduced into India.

The need for these reforms and the object sought to be attained may be gathered from the following extracts :—

"It will be readily agreed that the character of political institutions reacts upon the character of the people. The fact that the exercise of responsibility calls forth the capacity for it is the best ground for confidence in the working of self-government in India." (Paragraph 130). "To call forth capacity and self-reliance in the place of helplessness." (Paragraph 145). "To learn to rise in new responsibilities." (Paragraph 146). "The greatest need is the training of the people in the exercise of electoral responsibility." (Paragraph 175). "To train the people of India for the task of governing themselves." (Paragraph 179). "Political capacity can come only through the exercise of political responsibility. Progress must depend on the growth of electorates and the intelligent exercise of their powers." (Paragraph 187).

Finally in paragraph 192 we are told definitely that "the object of the Reforms" is "to arouse interest in electorates, to develop local committees so that education in citizenship may as far as possible be extended and everywhere begin in a practical manner."

Viewed in this light nomination has no educative value whatsoever. Unlike election it cannot stimulate an interest in public affairs and create an active, intelligent and alert citizenship. The express object of the reforms and the very reason why they are sought to be introduced into India is to train people to vote and to give them a practical education in the art and practice of responsible institutions and of responsible Government.

Under these circumstances to substitute nomination in the place of election is to deny to the domiciled European and Anglo-Indian community an education which is either conceded to or bestowed upon other classes and other communities.

(7) Nomination not only postpones the commencement of a practical education in politics but produces retrogression of character and ability. To be told again and again that you are not fit or able to choose a representative for yourselves must of necessity in the long run create that belief in the minds of the individuals concerned, make them take a meaner measure of themselves from day to day, and finally render them incapable of exercising the function of discrimination and choice. Politically considered they become a negligible quantity in the body politic.

On the other hand the enjoyment of the franchise contributes to the dignity and self-respect of the individual and is an agency of political education as well as a powerful instrument for interesting the community in public affairs and enlisting their loyal support to ordered administration.

"No man is free in the political acceptance of the word," says an eminent writer, "if he does not have some share in the Government of his country and he who is governed, not by functionaries whom he has helped to choose but by authorities constituted without his consent, is a subject, not a citizen."

(8) Nomination assumes that the Government has special facilities and a complete organisation and machinery for ascertaining as to who is best fitted to represent and interpret the needs and aspirations of this community. As a matter of fact no such organisation or machinery does exist, nor is it possible to construct or evolve one without resort to election. Practically it would mean that the recommendation or suggestion of some one in office would be accepted and a man who may not be in touch at all with the people whom he is said to represent would nearly always be nominated.

(9) Nomination has been tried in the past and has failed to supply the

through Leagues and Associations of which they are members. That they have taken no part in politics in the past is due to their peculiar situation and to a certain extent to conditions of service.

Leaving aside the non-domiciled European community it will not be an exaggeration to say that the domiciled European and Anglo-Indian community is by birth, education, habits and tradition the most fitted among all the peoples of India to be immediately entrusted with the responsibilities of citizenship and the exercise of the vote.

The alternative method of granting a certain number of seats in plural constituencies but with a general electoral roll is equally unsuited and has certain drawbacks. In the first place it may fail to secure the selection of individuals in whom the community has trust and in the next place the majority of the voters would be alien to the modes of thought, habits, ideals and aspirations of the domiciled European and Anglo-Indian community for which community this majority would be assisting in choosing a representative.

With reference to the qualification of electors from this community I am of opinion that the right to vote for the Provincial Legislative Council should be placed on as wide a basis as possible and that the franchise should be sufficiently low. Electors should be "competent" and have attained the age of 21. Candidates for election should, for the present, be of the male sex and have their names on the provincial electoral rolls.

Any of the following should be qualified to vote :-

- (a) Holders of Government titles.
- (b) Fellows and Professors of Indian Universities.
- (c) Honorary Magistrates.

Legislative Councils of India cannot be justly set aside or ignored in a scheme of responsible Government. Nomination can never be an adequate substitute.

The grounds upon which I rely, amongst others, are the following :—

(1) Beyond expressing a preference in favour of nomination for minorities the authors of the Report do not assign any special or substantial reason why the domiciled European and Anglo-Indian community should be deprived of a right which is granted to Muhammadan minorities and to the Sikhs.

(2) The arguments advanced in favour of granting an electorate to the Sikh community apply with equal or greater force to the domiciled European and Anglo-Indian community which is second to no race or creed in India in unquestioning loyalty and ready and unflinching service.

(3) There exist no valid or reasonable grounds for drawing such a distinction which is invidious in its nature and a material bar to political growth.

(4) A system of nomination in a Government which seeks to be a responsible Government is illogical and inconsistent.

The Reform Scheme seeks to establish not a Government of the wisest and most skilled in the science and art of Government but a "responsible Government." Nomination is therefore utterly opposed to and irreconcilable with "responsibility" as propounded therein. Consistency demands that a representative should be a representative *in fact* elected by direct election and responsible for his acts to the electorate which chooses him as its representative.

(5) The disadvantages of nomination are manifold. Notably it does not promote independence of speech and act but tends rather to subservience and ultimate inefficiency.

Insert the following at the end of ground No. (5) on page 2 :—
 "It also debars them from being chosen by the Governor as Ministers with portfolios under the Scheme."

...reacts upon the character of the people. The fact that the exercise of responsibility calls forth the capacity for it is the best ground for confidence in the working of self-government in India." (Paragraph 130). "To call forth capacity and self-reliance in the place of helplessness." (Paragraph 145). "To learn to rise in new responsibilities." (Paragraph 146). "The greatest need is the training of the people in the exercise of electoral responsibility." (Paragraph 175). "To train the people of India for the task of governing themselves." (Paragraph 179). "Political capacity can come only through the exercise of political responsibility. Progress must depend on the growth of electorates and the intelligent exercise of their powers." (Paragraph 187).

Finally in paragraph 192 we are told definitely that "the object of the Reforms" is "to arouse interest in electorates, to develop local committees so that education in citizenship may as far as possible be extended and everywhere begin in a practical manner."

Viewed in this light nomination has no educative value whatsoever. Unlike election it cannot stimulate an interest in public affairs and create an active, intelligent and alert citizenship. The express object of the reforms and the very reason why they are sought to be introduced into India is to train people to vote and to give them a practical education in the art and practice of responsible institutions and of responsible Government.

Under these circumstances to substitute nomination in the place of election is to deny to the domiciled European and Anglo-Indian community an education which is either conceded to or bestowed upon other classes and other communities.

(7) Nomination not only postpones the commencement of a practical education in politics but produces retrogression of character and ability. To be told again and again that you are not fit or able to choose a representative for yourselves must of necessity in the long run create that belief in the minds of the individuals concerned, make them take a meaner measure of themselves from day to day, and finally render them incapable of exercising the function of discrimination and choice. Politically considered they become a negligible quantity in the body politic.

On the other hand the enjoyment of the franchise contributes to the dignity and self-respect of the individual and is an agency of political education as well as a powerful instrument for interesting the community in public affairs and enlisting their loyal support to ordered administration.

"No man is free in the political acceptation of the word," says an eminent writer, "if he does not have some share in the Government of his country and he who is governed, not by functionaries whom he has helped to choose but by authorities constituted without his consent, is a subject, not a citizen."

(8) Nomination assumes that the Government has special facilities and a complete organisation and machinery for ascertaining as to who is best fitted to represent and interpret the needs and aspirations of this community. As a matter of fact no such organisation or machinery does exist, nor is it possible to construct or evolve one without resort to election. Practically it would mean that the recommendation or suggestion of some one in office would be accepted and a man who may not be in touch at all with the people whom he is said to represent would nearly always be nominated.

(9) Nomination has been tried in the past and has failed to supply the wants and fulfil the expectations of this community.

(10) Lastly, in point of literacy which is held in paragraph 187 to be "an essential for the extension of the franchise" it may be safely asserted that of all races, peoples and tongues which form an integral and abiding portion of British India the domiciled European and Anglo-Indian community is the most literate and the most homogeneous and as such is even now ready and prepared to exercise the privilege and the power of the vote. They read the daily papers and are capable of taking an intelligent view of public matters. They are accustomed to adopt concerted action through Leagues and Associations of which they are members. That they have taken no part in politics in the past is due to their peculiar situation and to a certain extent to conditions of service.

Leaving aside the non-domiciled European community it will not be an exaggeration to say that the domiciled European and Anglo-Indian community is by birth, education, habits and tradition the most fitted among all the peoples of India to be immediately entrusted with the responsibilities of citizenship and the exercise of the vote.

The alternative method of granting a certain number of seats in plural constituencies but with a general electoral roll is equally unsuited and has certain drawbacks. In the first place it may fail to secure the selection of individuals in whom the community has trust and in the next place the majority of the voters would be alien to the modes of thought, habits, ideals and aspirations of the domiciled European and Anglo-Indian community for which community this majority would be assisting in choosing a representative.

With reference to the qualification of electors from this community I am of opinion that the right to vote for the Provincial Legislative Council should be placed on as wide a basis as possible and that the franchise should be sufficiently low. Electors should be "competent" and have attained the age of 21. Candidates for election should, for the present, be of the male sex and have their names on the provincial electoral rolls.

Any of the following should be qualified to vote :—

- (a) Holders of Government titles.
- (b) Fellows and Professors of Indian Universities.
- (c) Honorary Magistrates.

- (d) Government servants drawing a salary of Rs. 1,200 or more per annum.
- (e) Advocates, Vakils, Attorneys-at-Law and Pleaders.
- (f) Graduates of British Colonial and Indian Universities.
- (g) Qualified Licentiate and diploma holders in Surgery, Medicine and Engineering.
- (h) Professors of Colleges, and teachers in recognised schools drawing a salary of not less than Rs. 50 a month.
- (i) Proprietors of Estates or of shares of estates and permanent tenure-holders paying a revenue amounting to not less than Rs. 125 per annum or cesses amounting to not less than Rs. 31-4 per annum.
- (j) Payers of Income-tax on an income of not less than Rs. 1,000 per annum.
- (k) Pensioners receiving monthly pensions of Rs. 50 and over.

The right of voting should be extended to women who possess any of the above-mentioned qualifications.

As the numbers of this community are found mostly in populous towns, railway settlements, mining areas, and centres of important industries the division of Bengal into electoral districts upon the single member district plan is neither suitable for this community nor expedient. Every voter irrespective of his or her place of residence in Bengal should be allowed to record one vote for each seat allotted to this community. Of the total number of seats at least 5 per cent. should be allotted to this community.

As regards the Legislative Assembly of India the same arguments in favour of election will apply.

In view of the important functions of that Assembly and the subjects proposed to be reserved and dealt with exclusively by that Chamber I am of opinion that four seats should be allotted to this community to be filled by direct election and that the whole of British India should be divided into four electoral areas for that purpose and provincial electorates grouped together accordingly.

The age limit of candidates for election may perhaps be raised so as to ensure experience, greater knowledge and sounder judgment.

J. W. CHIPPENDALE.

The 3rd December 1918.

Definition.

For electoral purposes the term "Angle Indian" shall mean and include the following persons :-

(a) Subjects of His Majesty who, having been born naturalised or domiciled in the United Kingdom of Great Britain and Ireland or in any one of the European, American or Australian Colonies or possessions of His Majesty or in the Colony of New Zealand or in the Union of South Africa, or in any of the Crown Colonies, have subsequently acquired a domicile in British India according to the law for the time being in force and their descendants both pure and mixed, and

(b) Europeans other than those mentioned in clause (a) and Americans who have been naturalised as British subjects in India and have acquired a domicile in British India according to the law for the time being in force and their descendants both pure and mixed.

Bengal Legislative Council.

The number of non-official members in the Bengal Legislative Council ought not to be less than 100 nor exceed 150.

In the allotment of seats the following principles should be observed.

1. The British Element should be substantially represented.

2. The illiterate masses and particularly the agricultural classes should until primary education reaches the masses be represented by nominated members preferably by experienced District Collectors and sub-divisional officers with powers of voting or by men other than landlords.

3. Seats should be so allotted and balanced as to prevent the domination of "Sinister Interests" and "Class Legislation".

4. In Communal representations half the number of seats given to a community should be filled through its own special Electorate and the other half through a mixed Electorate with reserved seats so as to secure by a gradual process a ultimate political unification and coalescence not only in Bengal but throughout India.

Allotment of Seats.

<u>Nominated seats to represent the illiterate masses and the agriculturists</u>		10 per e
<u>British Element.</u>		
Non-domiciled British Community ..	6	} 20 "
Bengal Chamber of Commerce	6	
Planting Community	1	
Mining Interests	1	
Domiciled European and Anglo Indian Community	6	
<u>Municipalities.</u>		
Calcutta and its Suburbs and Howrah ..	7	} 12 "
Dacca ..	1	
Other Municipalities	4	
<u>Special Indian Interests.</u>		
Indian Chambers of Commerce	3	} 15 "
University or Universities to be elected by Registered graduates ..	2	
Landholders ..	10	
<u>Indian Communities.</u>		
Hindus ..		18 "
Mahomedans ..		24 "
Indian Christians ..		1 "
		<hr/> Total 100 <hr/>

Reasons.

Total number of Seats.

A Provincial Council being a chamber of the lowest grade and representing the opinions and interests of the masses should not in numbers be less than the Legislative Assembly of India, and on the other hand if the number exceeds 150 the Council will be too unwieldy.

Allotment of Seats.

Nominated Seats.- To extend the franchise at the present moment to the illiterate masses would be a farce. "I regard it" says Mill "as wholly inadmissible that any person should participate in the Suffrage, without being able to read, write and perform the common operations of Arithmetic". Those who are incapable of looking after their own interests cannot surely be entrusted with looking after the interests of the State. Till primary education reaches the masses their interests will best be looked after by nominated District Collectors and Sub-Divisional Officers to whom the rights of speech and voting should be given or by men other than landlords.

10 per cent is not an unreasonable number when the total number of illiterate persons in Bengal, Hindu and Mahomedan, male and female, amounts to 40, 941,033.

British Element.

If the power of voting be withdrawn from officials there must be some element in the Constitution of the Council which will ensure continuity of policy and advancement by sure and well-considered steps. The British element answers this purpose. Its proverbial slowness to act will prevent hasty changes

and insufficiently considered measures. It is a steady factor educated and accustomed to looking to all sides of a question and weighing all matters before taking the final step. It has also interests of various kinds in Bengal and some of them are of the utmost importance to Indian national growth. 20 seats, therefore, given to this element as a whole out of 90 elected seats is neither unreasonable nor disproportionate.

The non-domiciled British community as representing the ruling race directly and having important interests in the country and its due development are entitled to a fair representation. Judged by the standard of representation given in the existing Council, the Mahomedans with a total Electoral roll of 6351 and Literacy of 4 per cent are given 17.86 per cent of the seats. The giving of only 6 per cent of the seats in the Reformed Council to the non-domiciled British Community is not therefore immoderate.

The Bengal Chamber of Commerce, though composed of less than 200 British firms yet possesses such vast interests in the country at the present day that it ought to have as many representatives as are accorded to the non-domiciled British Community.

The Planting Community, on the other hand, is not of much importance in Bengal. The figures as taken from the Census Report of 1911 are as follows :-

(Table XV-E, Part 3 Vol.V Part 2 p.350)

Factories

Tea Plantations	240
Indigo "	2
Sugarcane "	3

Companies

	Tea	Indigo	Sugar-cane
Number owned by Companies of which the Directors are Europeans and Anglo-Indians	156	2	-
of which Directors are Indians	18	-	-
<u>Owned by Private Individuals</u>			
European and Anglo-Indian..	48	-	2
Indians	18	-	1
Totals	240	2	3

These are situated as follows :-

Tea plantations

in Jalpaiguri	106
in Chittagong	12
and in the Scheduled district of Darjeeling	122
Total	240

Indigo plantations

in Nadia	2
----------	---

Sugar plantations

in Chittagong	3
---------------	---

It is doubtful if the Reform proposals will extend to a scheduled district.

The Electoral Roll published in 1916 also shows that this interest in Bengal is not of much importance.

Jalpaiguri has	132 Electors
Chittagong District	10 "
	142
The scheduled district of Darjeeling	113
Total	252 Electors.

Mining Interest.

7.

Since the partition of Bengal this interest has dwindled down and is confined to the coalfields of Raneegunge and Assansol in the District of Burdwan which are fairly well exhausted. The real mining interests in north eastern India exist not in Bengal but in Behar and Orissa and in Assam.

The figures as shown in the last Census Report are as follows:-

Collieries in Bengal 129 of which 53 are worked by	
Companies.	{ Companies whose Directors are Europeans and Anglo Indians. 6 by Companies of which the Directors are Indian. 20 by Companies whose Directors are of both races.
Private Concerns.	{ 7 are owned by private individuals European and Anglo Indian in which is included 1 owned by Armenians. 43 by Indians.

These Collieries are located as follows:-

In Burdwan 128

" Bankura 1

129

To this interest for the above reasons 1 per cent of the seats is for the present ample. There will see come a time when with the complete exhaustion of these coal seams in Burdwan this interest will disappear altogether.

Domiciled

Domiciled European and Anglo Indian Community.

My reasons for asking 6 per cent are the following:-

(1) This Community is part of the British Element. Its interests are permanent and Indian at the same time in the larger sense of the term. It has difficult problems of its own which call for urgent solution, such as higher education and employment. It is interested in and affected by Compulsory Service. Though comparatively poor, it is, in point of numbers, at least equal to the non-domiciled British Community in Bengal and certainly larger than that Community in Calcutta and its Suburbs. The figures as taken from the Census Report of 1911 are as follows:-

Table XVIII part 2 of Vol V. p. 396.

Bengal excluding those shown under the columns "Transport" "Public Force" and "Public Administration" in Central and West Bengal and in East Bengal (Page 386). Britishers who are 20 years of age and over, of both sexes = 9,070.

While the Anglo Indians, that is the mixed race alone, after making similar deductions, total 7,777.

This means that the domiciled European and Anglo Indian Community is at least equal, if not more. Besides we have the fact that amongst the Anglo Indians themselves a large number returned themselves as Europeans.

Turning now to the actual workers (Table XVI Vol 5 part 2, p. 362) and making the same deductions as before, we have the following figures:-

Total number of Britishers of both sexes = 6,071.

While the total number of the actual workers among the Anglo Indians, that is the mixed race, alone = 4,469.

If now from the former we deduct the number of all those who are domiciled in British India or are children of such domiciled persons and class them with the Anglo Indians for electoral purposes, the domiciled European and Anglo Indian must Community must far outnumber the non-domiciled British Community and approximate at least 6000.

Calcutta and its Suburbs.

In Calcutta the Anglo Indians, namely the mixed race, alone outnumber the entire body of European British Subjects, including the military population in the Fort the Government Officials and the Police.

Table XVIII of Vol VI, part 2, p.123 shows the numbers thus:-

Calcutta and its Suburbs, including Fort William and the Port:

Total British Subjects of all ages			
of both sexes in Calcutta	..		12,080
Suburbs	..		<u>305</u>
		Total	<u>12,385</u>

Total Anglo Indians of all ages			
of both sexes in Calcutta	..		14,177
Suburbs	..		<u>292</u>
		Total	<u>14,469</u>

Those who are 20 years of age and above.

Excluding Soldiers and Sailors, but including Government Officials and the Police who are 20 years of age and above in the class designated as "European British Subjects" total only 7,220. While the Anglo Indians, namely the mixed race alone, excluding Soldier

means that the 7220 of the European British Subjects will be reduced considerably and that the domiciled British and Anglo Indian community will again outnumber the non-domiciled British community. If actual workers be taken at 6000 as hereinbefore stated the seats will work out as 1 per cent for every 1000 members of this community. Further, this is a community which is increasing yearly in numbers.

Income Tax.

I have referred to the Report on the Administration of Income Tax in Bengal (1917) and find no data for deducing any inference of value. From various enquiries made by me I ascertained

(a) that the Income Tax Office of Calcutta does possess certain figures not available to the public wherein will appear what the Europeans pay as Income Tax every year, but the word "European" is there used in a generic sense and includes Britishers, Europeans other than Britishers, Anglo Indians, Jews and Armenians. The office is guided merely by surnames and clubs them all together as Europeans.

(b) Of this class which is designated as Europeans it is difficult to say how many work in Calcutta and pay their Income Tax here. Many of the Head Offices, particularly the three Railways, pay the Income Tax of all their Employees through the Head Office, in Calcutta, irrespective of the place where their Employees are located for the time being. The E. I. Railway, leaving branches aside, extends up to Delhi, and the Bengal Nagpur Railway up to Nagpur and Waltair

(c) There are some Limited Liability Companies in Calcutta, which pay the Income Tax, which their Office and Assistants are liable to pay as part and parcel of

The figures which may be obtained at present from the Income Tax Office are therefore useless either for the purpose of calculating the number of seats to be allotted for the two sections of the Communities, namely, the non-domiciled Britishers on the one hand, and the domiciled Europeans and Anglo Indians on the other, or for determining Electoral Areas.

(2) Judging by existing standards of Electoral strength and qualifications arising from possession of property and payment of Income Tax, this community would be found to be entitled to at least 6 per cent of the total seats.

(a) The entire Electoral Roll of the Mahomedans for the whole of Bengal as corrected up to May 1916 totals only 6351. These 6351 persons are at present given 17.86 per cent of the elected seats. Of them only 2721 are payers of Income Tax and 1637 Landholders. The total number therefore of all who have substantial qualifications is only 4358.

Next we find that the taxable income for the purposes of franchise is graded. For Calcutta the vote is based on the payment of Income Tax on a minimum income of Rs3000/- a year and for other parts of the Presidency Division and for Burdwan Division as well, the figure is Rs2000/- in Rajshahi, Dacca and Chittagong Divisions Rs1000/- a year.

The number of persons who pay Income Tax in these localities and the minimum incomes on which the votes are based, are as follows :-

		Rs
Calcutta	148	444,000
Other parts of the Presidency Division	95	190,000
Burdwan Division	40	80,000
Rajshahi	1657	1,657,000
Dacca	487	487,000
Chittagong	294	<u>294,000</u>
	2721	<u>3,152,000</u>

The average income of each voter for Electoral purposes is therefore only Rs1158 a year.

Now the Anglo Indian Community, namely the mixed race alone, has a total of 4,469 actual workers in Bengal (Table XVI Vol V part 2). To this figure must be added the number of all those who are domiciled Britishers and domiciled Europeans. Out of the resulting total may we not safely assume that at least 3000 of them earn a salary of at least Rs100/- a month.

Captain W. J. Clifford in his pamphlet entitled "Facts and figures and their meaning" being a paper read by him before the "Social Study Society" of Calcutta in 1914 stated that there were 3,775 Anglo Indian actual male workers in the city of Calcutta earning Rs100/- a month. In any event the assumption that there are at least 2721 Anglo Indians in the whole of Bengal who earn Rs1158 a year cannot be disputed. If therefore the payment of Income Tax was the only consideration and nothing else, the Anglo Indians would certainly be entitled to at least 17.86 per cent of the seats.

If next substantial interests be considered the number of payers of Income Tax and Landholders

(mixed race) are alone as stated before 4469.

(b) The Burdwan Division with an Electoral roll of only 378 is entitled to send up one Mahomedan member to the present Council. Of the 378 only 40 are payers of Income Tax and 118 are Landholders.

(3) In point of literacy, which is considered to be the basis of Responsible Government, the Anglo Indians, that is the members of the mixed race alone, are 84 per cent literate. The Mahomedans 4 per cent and the Hindus 12 per cent. The "Europeans" in which term are included Britishers, non-British, Europeans, Americans and the domiciled Europeans of India are together stated to be 88 per cent literate, that is only 4 per cent more than the "Anglo Indians".

The interests of this community are not, it is true, Capital and dividends. The interests they have are higher and larger interests which appeal to humanity at large. For the above reasons it is submitted that this community deserves, and is in justice, entitled to at least the same number of seats as are allotted to the non-domiciled British Community, namely 6 per cent. Of the 6 per cent herein advocated half the number of seats ought to be voted for in the community itself through its own-special Electorate and the other half through a mixed Electorate with reserved seats. The first method would secure persons who would voice the special grievances and needs of the community "and cry out when they are hurt" or about to be hurt, while the second would, in addition, bring in men from the liberal professions who are certain of taking larger and wider views of Indian questions and thus promote the ultimate political

Municipalities.

Under the existing system of indirect elections even the Municipalities of Bengal have been given 17.86 per cent of the seats. But whereas in the proposed Council, elections will be direct and all classes and interests will be represented, this figure ought to be reduced - 12 per cent of the total ought, under changed conditions, to be sufficient.

Special Indian Interests.

The Indian Chambers of Commerce, though in their infancy, carry great possibilities and therefore ought to have for the present at least half the number of seats allotted to the Bengal Chamber of Commerce, namely, 3 per cent.

The Universities, namely, the University of Calcutta, and the University of Dacca, which is shortly to be established, ought to have 2 per cent of the seats. This is not too much for the representation of learning; but voting should not be by the Fellows of the University as at present, for that would mean indirect election, but by the Registered Graduates of the University.

To the Landholders is assigned as is customary in British countries, a high percentage of the seats allotted to special interests, namely 10 per cent.

Indian Communities. Election on a territorial basis though a well recognised system in many countries, and desirable in many respects, is under existing conditions, unpractical and unworkable in India. What is needed is a system of representation worked on

Although the Mahomedan Community forms the majority of the population in Bengal it will not, at present, (if publications in the daily papers be correct) consent to give up Communal representation. If this be so in the first place it is wiser and more expedient to give it Communal representation at the very outset, rather than to give it later on.

In the next place in comparison with the Hindus the Mahomedan community being backward in education, its literacy being only 4 per cent, and wanting in wealth and influence will be nowhere in the struggle for seats if a common general Electorate be adopted for the two communities.

The Hindus are far advanced in wealth and education and are quite capable of looking after their own interests while the reverse is the case with the Mahomedans. For this reason the number of seats suggested for the Hindus is 18 per cent while the number for the Mahomedans is 24 per cent. The apparent difference of 6 per cent will be more than made up through Municipalities and Special Indian Interests.

As to the method of voting the same rule should apply and for the same reason, namely, half the number of seats for each community should, for the present, be given through Special Electorates and the other half through mixed Electorates with seats reserved.

The Indian Christians are scattered all over Bengal and are growing in numbers and importance. One per cent of the seats allotted to this community will not be excessive. Elections^{is} always preferable to nomination and therefore the whole of Bengal may be constituted into one Electoral Area for this community.

The Legislative Assembly of India.

The Report does not go into details but suggests that 67 of the seats should be filled by Election from the Provinces and that 33 should be filled by Nomination, of the nominated seats 22 should be official and 11 non-official - Total 100. No specific number of seats is suggested for commercial interests or for the representation of Landlords.

In the first place it is necessary if not imperative that in the Legislative Assembly of India the British Element should be adequately and effectively represented. This can only be done by giving it separate representations for its various constituent parts.

Election from provinces should be direct and not indirect as at present. For, if it be indirect, the British Element in the Provincial Councils will, in the race for seats, scarcely have a look in unless safeguards be adopted such as reserved seats.

For other communities also I would suggest separate representation.

In all cases the voting should, if direct Election be adopted, be through mixed Electorates with seats reserved so as to pave the way for political enmities in as short a time as possible.

In the next place 11 per cent of nominated non-officials is too high a figure for a chamber which is not the highest in the land. Nomination of non-officials should in a representative government be restricted to securing expert skill and advice and nothing more. 4 per cent ought to be sufficient for that purpose.

The seats I would allot as follows:-

Elected Members.

Chambers of Commerce both			
European and Indian.	..	..	8
Non-domiciled British			
Community of India.	..	..	3
Domiciled European and			
Anglo Indian <u>and</u> Anglo			
Burman Community.	..	..	4
(Burmah will be represented in the Legislative Assembly and therefore the number of seats for this Community ought to be 4 that is one more than the number given to the non-domiciled British Community)			
Landholders.	..	..	10
Indian members from the			
various provinces.	..	..	49
Bengal	..	8	
Madras	..	8	
Bombay	..	8	
U. P.	..	7	
Punjab	..	6	
Behar & Orissa		4	
Central P.		3	
Burmah	..	3	
Assam	..	2	

Nominated Members.

Officials	..	..	22
Non-Officials	..	..	4

Total 100

Sd/- J. W. Chippendale

7 - 1 - 19

Franchise Committee.

List of Bengal witnesses.

Programme.

Thursday, the 2nd January 1919.

1. The Hon'ble Mr. J. H. Kerr, C.F.I., C.I.E., I.C.E.
2. Raja Kishori Lal Goswami, (British Indian Association).

Friday, the 3rd January 1919.

1. The Hon'ble Mr. S. J. Crum.
(Bengal Chamber of Commerce).
2. The Hon'ble Nawab Syed Nawab Ali Chandhari (Nominated).
3. Mr. A. D. Pickford
W. L. Travers
(Indian Tea Association and Quarry Planters' Association)
4. The Hon'ble Raja Krishikesh Lahra, C.I.E. (Nominated).

Saturday, the 4th January 1919.

1. Mr. B. Chakrabatty, Bar-at-Law. (Bengal Landholders' Association).
- ✓ 2. Mr. Promotho Nath Banerji (Indian Association).
- ✓ 3. Khan Bahadur Mirza Najat Ali Beg. (Central National Muhammadan Association).
4. Mr. G. H. G. Ariff. (Indian Muslim Association).

Sunday, the 6th January 1919.

1. The Hon'ble Mr. E. B. Eden, (Calcutta Trades Association).
- ✓ 2. Babu Debi Prasad Khaitan (Marwari Association).
- ✓ 3. Babu Ananya Ghose Esq. (Bengal National Chamber of Commerce).
4. Dr. Suresh Prasad Sarbadhikari, C.I.E. (Calcutta University).

GOVERNMENT OF BENGAL
Tuesday, the 7th January 1919.

1. Mr. S. K. Laiffi, ~~Barid~~ (General Provincial Congress Committee).
- ✓ 2. Mr. Prithwis Chandraseoy, (National Liberal League).
3. The Hon'ble Mr. A.K. Fasilul Haq, (Nominated).
- ✓ 4. Maulvi Muhammad Ali-ur-Rahman Chaudhuri, (General Presidency Muslim League).
Chief Secretary, Government of Bengal.

To the SECRETARY to the REVENUE DEPARTMENT, CALCUTTA.

1. Colonel A. J. Pugh, (Nominated).
2. Raja Kailal Singh Roy, (Nominated).
3. The Hon'ble Mr. J.W. Ealy-Batchinsea, (Nominated).
4. The Hon'ble Mr. ... (Nominated).

19) Circular No. 4151 A, of the 26th November 1912, to ...

20) Circular No. 1888 of 1912, and the ...

21) Circular No. 1888 of 1912, and the ...

22) Circular No. 1888 of 1912, and the ...

23) Circular No. 1888 of 1912, and the ...

24) Circular No. 1888 of 1912, and the ...

25) Circular No. 1888 of 1912, and the ...

26) Circular No. 1888 of 1912, and the ...

27) Circular No. 1888 of 1912, and the ...

28) Circular No. 1888 of 1912, and the ...

29) Circular No. 1888 of 1912, and the ...

30) Circular No. 1888 of 1912, and the ...

31) Circular No. 1888 of 1912, and the ...

32) Circular No. 1888 of 1912, and the ...

33) Circular No. 1888 of 1912, and the ...

34) Circular No. 1888 of 1912, and the ...

35) Circular No. 1888 of 1912, and the ...

36) Circular No. 1888 of 1912, and the ...

37) Circular No. 1888 of 1912, and the ...

38) Circular No. 1888 of 1912, and the ...

39) Circular No. 1888 of 1912, and the ...

40) Circular No. 1888 of 1912, and the ...

41) Circular No. 1888 of 1912, and the ...

42) Circular No. 1888 of 1912, and the ...

Thursday, the 9th January 1919.

1. The Hon'ble Sir Rajendra Nath Mukherji, B.A. (Nominated).

2. Raja ... (Nominated).

3. Raja Kannothe Nath ... (Nominated).

4. Khan Bahadur Syed Aulad Hassan, (Provincial Mohammedan Association, Cachar)

Bardwan " " " " 378

Barisal " " " " 2295

Chittagong " " " " 378

Friday, the 10th January 1919.

The electoral unit is the division, and each elector has one vote. No elector has more than one vote. If an elector's qualification entitles him to vote in more than one unit, he is entitled to choose the unit in which he wishes to vote for himself. It is the practice to make the Divisional Councils for the Presidency Division, Calcutta, Subdivisional Magistrates and ...

1. Mr. ... (European Association).

2. Maulvi Agat Muhammad Kamil Shirazi (Society of Maulvis and ...)

3. Mr. S.C. Mukherji, (Indian Christian Association).

4. Mr. J. M. Chipendale, (Anglo-Indian Association).

GOVERNMENT OF BENGAL

APPOINTMENT DEPARTMENT.

Appointment.

No. 6897 A.

FROM THE HON'BLE MR. J. H. KERR, C.S.I., C.I.E., I.C.S.,
Chief Secretary to the Government of Bengal,

TO THE SECRETARY TO THE REFORMS COMMITTEE (FRANCHISE).

Dated Calcutta, the 9th December 1918.

SIR,

WITH reference to your letter No. 52 Reforms, dated the 16th

(1) Rules 9 to 15 of the rules contained in schedule VI of the Regulations for the election of members to the Bengal Legislative Council, with copy of voting paper.

(2) Circular No. 4151 A., dated the 26th November 1912, to all Commissioners of Divisions, paragraph 4.

(3) Circular Nos. 1890-94 A., dated the 15th March 1916, to all Commissioners of Divisions.

(4) Notes on the system of election prevailing in (1) The Corporation of Calcutta, (2) Municipalities in Bengal other than the Corporation of Calcutta, (3) Union Committees, (4) Local Boards and (5) District Boards.

November 1918, in which you ask for certain information regarding elections in this Presidency, I am directed to forward herewith the marginally-noted papers and to observe as follows with regard to the polling of the Muhammadan com-

munity when electing candidates to the Bengal Legislative Council.

2. The enclosed circulars will indicate the particular points of practice which this Government has found it necessary to emphasize in the past two elections for that Council. The total Muhammadan electorate for the Presidency is 6,346 distributed among the five divisions as follows:—

Presidency Division	No.
Burdwan	1,021
Rajshahi	378
Dacca	2,295
Chittagong	1,435
	1,217

The electoral unit is the division, and each unit returns one member. No elector has more than one vote. If an elector's qualifications extend over more than one unit, he is entitled to choose the unit in which his franchise will be exercised and if he fails to choose, Government appoint the unit for him. It is the practice to make the Divisional Commissioner Returning Officer for the unit, and District Magistrates, the Chief Presidency Magistrate, Calcutta, Subdivisional Magistrates and Sub-Registrars under the Indian Registration Act, Attesting Officers with certain powers of delegation. An elector may record his vote before any Attesting Officer in the province, the Attesting Officer forwarding the paper to the appropriate Returning Officer. The polling period is generally from a week to a fortnight and is contemporaneous for the whole Presidency.

I have the honour to be,

SIR,

Your most obedient servant,

J. H. KERR,

Chief Secretary to the Government of Bengal.

Extract from schedule VI to the Regulations for the election and nomination of members to the Bengal Legislative Council.

Voting.

9. (1) If in any electoral area one duly nominated candidate only stands for election, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If more duly nominated candidates than one stand for election, the Returning Officer shall forthwith publish a list of the names of such candidates in such manner as the Local Government may prescribe.

(3) In the case referred to in sub-rule (2), the Returning Officer shall forthwith cause the names of the candidates to be entered in voting papers in Form III annexed to this schedule, and shall sign and send to each elector by registered post one such voting paper :

Provided that such a voting paper shall also be supplied to any elector on his applying to the Returning Officer for the same on or before the day appointed as the latest date for the attestation of voting papers, and that no election shall be invalidated by reason of the non-receipt by an elector of his voting paper.

10. (1) On or before such date as may be appointed by the Local Government in this behalf, but not later than 5 P.M. on that date, each elector desirous of recording his vote shall sign the declaration on the back of the voting paper in the presence of an Attesting Officer in accordance with the instructions on the face thereof, and the Attesting Officer shall attest his signature in the manner prescribed by the same instructions.

(2) The elector shall then proceed to a place screened from observation which shall be provided by the Attesting Officer, and there record his vote on the voting paper in accordance with the instructions on the face thereof, and, after placing the voting paper in an envelope and closing the same, shall deliver it to the Attesting Officer.

(3) Neglect on the part of the elector to comply with any of these instructions shall render the vote invalid.

(4) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Attesting Officer shall assist him in such manner as may be necessary to mark the voting paper and to sign the declaration on the back thereof.

(5) The Attesting Officer shall, at the close of the day appointed as the latest date for the attestation of voting papers, despatch all the envelopes so delivered to him under sub-rule (2) to the Returning Officer by registered post in a packet securely sealed with his official seal.

(6) On the day following, the Attesting Officer shall also despatch to the Returning Officer by registered post a list in Form IV annexed to this schedule of the electors whose voting papers he has attested.

Counting of votes and declaration of result.

11. (1) On receiving the voting papers, the Returning Officer shall examine them to see whether they have been correctly filled up.

(2) Where an elector records his votes on two or more voting papers, all such voting papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and if the Returning Officer is unable to determine which of such papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall endorse "rejected" with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules, and, save as provided in rule 12(4) or in Regulation XVI such rejection shall be final.

(4) The Returning Officer shall then fold the lower portion of every paper, whether valid or invalid, along the dotted line on the back, so as to conceal the names of the elector and the Attesting Officer, and shall seal down the portion thus folded with his official seal.

12. (1) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appointed by the Local Government in this behalf.

(2) Every candidate may be present in person, or may send a representative, duly authorized by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers sealed as provided by rule 11 to the candidates or their representatives.

(4) If an objection is made to any voting paper on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper, it shall be decided at once by the Returning Officer, whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

13. (1) When the counting of votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

14. Upon the completion of the counting and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

Publication of result.

15. The Returning Officer shall without delay report the result of the election to the Local Government, and the name of the candidate elected shall be published in the local official gazette.

Extract from a letter from the Hon'ble Mr. C. J. Stevenson-Moore, C.V.O., Chief Secretary to the Government of Bengal, to all Commissioners of Divisions, No. 4151A., dated Calcutta, the 26th November 1912.

4. As regards the subsequent stages, Attesting Officers have, as stated already, been supplied direct with copies of the gazettes publishing the regulations and the schedules. It will be their duty to study the regulations and the rules contained in those of the schedules in respect to which they have been appointed Attesting Officers. In particular, they should carefully study the rules which relate to the attestation of nomination and voting papers, as also the instructions on those papers. Their attention should be specially invited to the notifications of this Government, Nos. 3989 A. and 3990 A., dated the 23rd November 1912, fixing the times and dates of attestation in respect of the elections to the Provincial and the Imperial Legislative Councils, respectively. Before attesting-nomination or voting papers, the Attesting Officers must satisfy themselves, *first*, that each such paper has been presented within the time fixed for attestation, and, *secondly*, that the person or persons signing such paper have been duly included in the respective electoral rolls as finally published. Voting papers must be enclosed in an envelope before they are delivered to the Attesting Officers in cases in which instructions to that effect are given on those papers or in the rules in the respective schedules. Envelopes, which may be used for this purpose, will be supplied to all District Officers for their own use, as well as for distribution to other Attesting Officers in their respective districts according to the requirements of the latter. When forwarding voting papers to the Returning Officer, the Attesting Officer should send a duplicate advice list in Form IV, together with the voting papers. The forms for use in these elections will be forwarded at a very early date. In certain cases District Magistrates or Attesting Officers will have to supply nomination or voting papers to electors. Before doing so, they should see that the name of the person to whom such paper is supplied is duly entered in the electoral roll.

Nos 1890-94 A., dated Calcutta, the 15th March 1916.

From—THE HON'BLE MR. J. H. KERR, C.I.E., I.C.S., Officiating Chief Secretary to the Government of Bengal,

To—All Commissioners of Divisions.

A general election of members of the Bengal Legislative Council will shortly take place, and formal orders will issue calling upon the several electorates to elect members in accordance with the prescribed regulations. As at the last general election of 1912 you will act as Returning Officer in respect of the elections by the [Municipal Commissioners] District and Local Boards, landholders and the Muhammadan community [and the Tea Planting community], and the District Magistrates [the Chief Presidency Magistrate, Calcutta], Subdivisional Magistrates and Sub-Registrars will act as Attesting Officers.

2. Instances have occurred in which votes were recorded on behalf of a candidate by individuals who personated voters whose names were borne on the electoral roll, but who had died or were absent from India. These voting papers were in due course attested by the Attesting Officers. The Governor in Council desires to impress on all officers concerned in the elections the importance of preserving them from the taint of irregular practices. The forms of voting papers for the landholders and Muhammadan electorates require the Attesting Officer to certify that the elector is personally known to him or has been identified to his satisfaction. I am to request that the attention of all Attesting Officers in your division may be drawn to this, and that they may be directed to exercise great circumspection in accepting the identification of voters, who are not personally known to them and who come before them to record their votes.

No. 1895 A., dated Calcutta, the 15th March 1916.

Memo. by—A CASSELLS, ESQ., I.C.S., Under-Secretary to the Government of Bengal, Appointment Department.

Copy forwarded to the Chief Presidency Magistrate, Calcutta, for information.

1.—System of election in the Corporation of Calcutta.

For the purpose of election Calcutta is divided into 25 wards. Of the 50 Commissioners constituting the Corporation, 25 are elected, each ward electing one Commissioner. General elections are held triennially on such days in the month of March as are fixed by the Local Government.

2. The qualification for a voter is that he shall be enrolled in the election roll for the ward in which he proposes to vote, and only a person of the male sex, who has attained the age of 21 years, and resides or pays municipal rates or taxes under the Calcutta Municipal Act, and who fulfils one of the following conditions, is entitled to appear on the election roll:—

- (1) If he is registered in the assessment book—
 - (a) as the owner and occupier of some land or building in Calcutta valued for assessment purposes at not less than Rs. 150 a year; or
 - (b) as the owner or occupier of some land or building in Calcutta so valued at not less than Rs. 300 a year; or
- (2) If he has taken out a license under the Act costing not less than Rs. 25 for the year in which the election is held; or
- (3) If he has paid for the year immediately preceding the year of election not less than Rs. 24 in respect of rates or taxes or both under the Act.

A ward elector may also be a company, body corporate, firm, Hindu joint family or other association of individuals, which possesses any of the above qualifications.

The qualification of a candidate for election is that he shall be enrolled in the municipal election roll as a voter of some ward.

3. On or before the 1st day of December, immediately preceding each general election, the Chairman prepares from the registers in his office a list containing the names of persons appearing to be entitled to vote at ward elections, and the number of votes to which they are respectively entitled. The number of votes assigned to each is determined thus:—

A person qualified under sub-paragraph (a), or (3) of paragraph 2 above gives one vote in the ward in which he resides or pays the rate or taxes there-mentioned. If he is qualified under sub-paragraph (b), he is entitled to one vote in each ward in which the land or building owned or occupied by him is situated; but when the aggregate value of all the lands and buildings owned or occupied by him in the ward is not less than Rs. 600, he is allowed additional votes in proportion to the valuation of the property subject to a maximum of 10. A person living in his own house is entitled to the votes assigned to him as owner, as well as to those assigned to him as occupier. When qualified to vote under sub-paragraph (2) a person is allowed one vote if he holds a license costing Rs. 25; but if he holds a license costing Rs. 50, Rs. 100 or Rs. 200, he may give one, two or three votes, as the case may be, in addition to the vote which he might give if he held a license of Rs. 25. A person gives as many votes as he is entitled to under sub-paragraph (b) and (2) combined, up to a maximum of 10 additional votes in any one ward, subject to the condition that he cannot give more than 11 votes in any ward. A person may be qualified to vote in more than one ward.

The list thus prepared is published by the Chairman for public inspection. After hearing in open office applications for addition or omission of any name to or from the list and the claims for more votes than have been allotted, he revises the list which is called the Municipal election roll, and publishes the same at the Municipal office and at such other places as he thinks fit.

4. Not less than three weeks before the date of election notice of the election is given by the Chairman by advertisement and other means and at least 14 days before that day every candidate for election sends to the Chairman nomination paper giving, among other particulars, the signatures of two electors in the ward who propose and second his candidature, and of eighteen electors who approve his nomination. Not less than three days

before that day the Chairman publishes a list of all candidates for election. In the event of there being only one candidate in any ward, such candidate is deemed to be elected; but if there are more than one candidate, a poll is held.

5. The polling place is provided by the Chairman for each ward and he appoints the polling officer or officers and other persons to assist at the poll. The polling officer reads out the list of candidates and the names of voters; and the votes given by them are then recorded by him. Every person qualified to vote may give all his votes to one or more candidates in the ward. All votes are given in person, voting by proxy or in writing not being allowed. The candidate, who has the largest number of votes, is declared by the polling officer to be duly elected, but in the case of an equality of votes, the Chairman gives a casting vote and the candidate to whom such vote is given, is deemed to be elected.

6. Disputes about elections are settled by a Judge of the High Court on the Original Side.

II.—System of election in Municipalities other than the Corporation of Calcutta.

Two-thirds of the total number of Commissioners of a Municipality in which the elective system is in force, are elected by the rate-payers at a general election which is held triennially on a date fixed by the Commissioner of Division and conducted by the Chairman in accordance with rules made by Government. Elections are held by wards, each ward electing such proportion of the Commissioners to be elected as is fixed by Government.

2. Every male person of not less than 21 years of age, who has been duly registered, who has resided for at least 12 months in the municipality, and who—

(1) has, during that period, paid to the municipal fund as taxes or fees an aggregate amount of at least Re. 1-8 (Rs. 3 in Howrah and Cossipore-Chitpur); or

(2) has, during that period, paid or been assessed to the income-tax; or

(3) has, during that period, paid as rent for a holding or part of a holding within the municipality the sum of Rs. 20; or

(4) possesses certain University or medical or legal qualifications, provided he occupies a holding in respect of which the municipal taxes or fees referred to under (1) have been paid;

is entitled to vote.

Every person possessing these qualifications, and not disqualified under section 57 of the Bengal Municipal Act, is qualified to be a candidate for election.

3. In every such municipality a register is maintained of all persons qualified to vote, and at least two months before the date of general election it is published for the inspection of rate-payers. Applications by rate-payers to have any name added to or excluded from the register are considered by the Chairman (whose decision is subject to appeal to the District Magistrate) and the register is revised, if necessary, according to the decision of the Chairman or the Magistrate. The register thus prepared and amended is published, and deemed to be the final register of persons entitled to vote.

4. At least 21 days before the date of election, a candidate for election sends his name to the Chairman together with the names of 2 electors in the ward who propose and second his nomination, and of 8 electors who approve his nomination, and the Chairman publishes a list of all candidates not less than 15 days before that date. In the event of the number of candidates for election in a municipality or in any ward not being greater than the number of vacancies, such candidates are deemed to be elected. If the number of candidates exceeds the number to be elected a poll is held, and the place at which, and the time when the votes will be recorded, are notified by beat of drum.

5. The Chairman, or other person (not being himself a candidate) deputed by the Chairman for the purpose, presides at the election for each ward assisted by a committee of 3 to 5 rate-payers of the ward nominated by the Chairman. After this committee has been formed votes are given and recorded under the personal supervision of the presiding officer. All votes are given in person, voting by proxy or in writing not being allowed. Each voter votes only for the ward in which he ordinarily resides, and can give as many votes as there are vacancies for such ward. Candidates getting the largest number of votes are declared by the presiding officer to be duly elected. If there be an equality of votes for the same vacancy, and if the number of vacancies does not admit of all the candidates who have obtained an equality of votes being elected, the presiding officer gives a casting vote.

6. All disputes arising under the election rules are settled by the Magistrate whose decision is final.

III.—System of election in Union Committees.

The Magistrate of the District divides the union into electoral wards and decides how many members should be returned by each ward. A general election is held after two years from the date of the next preceding election in accordance with rules made by Government.

2. Every male person of the full age of 21 years, resident within the union, who has during the year preceding the election paid one rupee or more on account of road cess or chaukidari tax, or who is a member of a joint undivided family which has paid during that year such cess or tax, is entitled to vote at the election. Any person, who is qualified as a voter and who, in addition, can read and write, can stand for election as a member.

3. The Magistrate decides where and when the election will be held, and the dates fixed for election are duly notified in all the villages of the union. The Magistrate, or any other officer deputed by him for the purpose, presides at the election. The elections for the different wards are held in succession, the proceedings in every case being commenced by the presiding officer explaining to the assembled voters the nature and object of the election and the number of members to be returned. The voters are allowed to consult together and elect the necessary number of members in their own manner. If the elected members are duly qualified, and no objection is raised to the proceedings, the presiding officer declares them to be duly elected; but if the election is objected to, he proceeds to take a poll. Each voter votes only for the ward in which he ordinarily resides. He may vote for as many candidates as there are members to be returned for such ward, but cannot give more than one vote for any single candidate. Votes are given in person, voting by proxy or in writing not being allowed. The presiding officer records the votes given for each candidate in his own hand, and declares such duly qualified candidates as have a majority of votes to be duly elected. In case of an equality of votes received by two or more candidates all of whom cannot be returned, the selection is made by lot.

4. Objections regarding the qualifications of voters and candidates are decided by the presiding officer.

IV.—System of election in Local Boards.

Two-thirds of the members of each Local Board in which the elective system is in force, are elected under rules made by Government, and the Commissioner of the Division in consultation with the District Magistrate decides the number of members to be elected for each thana within the Local Board. General elections are held triennially on such days as may be fixed by the Magistrate.

2. Every male person of the full age of 21 years, resident within the area under the authority of the Local Board, is entitled to vote if he—

- (1) is a member of the Union Committee within the Local Board, or
- (2) has, during the year immediately preceding the election,
 - (a) paid not less than one rupee as road cess, or
 - (b) had an annual income of not less than Rs. 240, or
- (3) being a member of a joint undivided family, one of the members of which is qualified as an elector, possesses certain prescribed University and legal attainments.

The Magistrate maintains for each thana a register of persons qualified to vote. At least two months before the day of election a copy of the register showing the persons qualified to vote is published within the thana, and copies of all the thana registers are published at the subdivisional office for public inspection. All claims to vote and the objections thereto are decided by the Magistrate; and the thana list as amended after such decision, is the final list of persons entitled to vote.

3. Every male person of the full age of 21 years can stand for election as a member of a Local Board for any thana within such Local Board, if he is qualified in one of the following manners:—

- (1) Is qualified under paragraph 2 (1) above.
- (2) Being a resident of the subdivision—
 - (a) has paid not less than Rs. 5 as road cess, or
 - (b) is possessed of an annual income of Rs. 1,000.
- (3) Being a member of a joint undivided family, one of the members of which is qualified for election under sub-paragraph (1) or (2) (a) above, possesses certain University or legal qualifications.

At least six weeks before the day of thana elections the Magistrate issues notices calling for nominations of candidates which may be made by any elector within the thana. After ascertaining whether all the candidates are duly qualified and willing to take office, he publishes a list of qualified candidates not less than one week before the date fixed for the election.

4. The time and place of election for each thana is fixed by the Magistrate and publicly notified at least one month before the election, a notice in the vernacular being sent to every registered voter informing him of the time and place of election. The Magistrate of the District or any other gazetted officer deputed for the purpose presides at the thana election; he opens the proceedings by explaining the object of the meeting to the assembled voters and then reads out the list of candidates, and states the number of vacancies. Candidates are proposed and seconded by two qualified voters who, subject to the control of the presiding officer, are permitted to address the assembled voters on the subject of the candidature of their respective nominee. Candidates not proposed and seconded are excluded from the list. In the case of the number of the remaining candidates not being greater than the number of vacancies the presiding officer declares them to be elected; but if it exceeds the number of vacancies, he proceeds to take a poll. Objections to voters are summarily decided by the presiding officer. Votes are given personally, and votes by proxy or in writing are not allowed. An elector can give as many votes as there are vacancies, but cannot give more than one vote to a single candidate. The presiding officer records the votes with his own hand, and declares the candidates having a clear majority of votes to be duly elected. In the case of an equal number of votes being recorded in favour of two or more candidates, all of whom cannot be returned, selection is made by lot.

V.—Election of members for District Boards.

The elected members of a District Board are returned by the Local Boards in the district under rules made by Government, and the number of members to be elected by each Local Board is fixed by Government. A general election is held triennially after the names of elected and appointed members of the Local Board have been published in the *Calcutta Gazette*. Only persons qualified for election as members of a Local Board in the district are qualified for election as members of the District Board. The names of candidates are submitted at the meeting, and the election is made by the majority of votes of the members of the Local Board present at such meeting.

14 PROVINCIAL COUNCIL SCHEDULE VI (MUHAMMADANS).

FORM III.

ফারম নং ৩।

VOTING PAPER.

ভোট বা মত দিবার কাগজ।

(See Rule 9.)

(৯ নিয়ম দেখ।)

An Additional Member is to be elected to the Legislative Council of the Governor of Fort William in Bengal by the Muhammadan community in electoral area No. V.

The following () candidates have been duly nominated.—

বঙ্গদেশের কোর্ট উইলিয়মের গবর্নর বাহাদুরের ব্যবস্থাপক সভায় একজন অতিরিক্ত সদস্য নির্বাচনার্থ নিম্নলিখিত, ৯ নং নীয়ার অন্তর্ভুক্ত মুসলমান সম্প্রদায়কর্তৃক নির্বাচিত হইবেন।

নিম্নলিখিত () পদপ্রার্থীগণ যথারীতি মনোনীত হইয়াছেনঃ—

Serial No. ক্রমিক নং।	Names of Candidates. পদপ্রার্থীগণের নাম।	Vote. ভোট।

Returning Officer.

অধ্যক্ষতাকারী কর্মচারী।

Instructions.

উপদেশসমূহ।

1. Each elector has one vote.

১। প্রত্যেক নির্বাচককে একটা ভোট আছে।

2. He shall vote by placing, or causing to be placed, the mark X opposite the name of the candidate whom he prefers.

২। তিনি যিনি পদপ্রার্থীকে ভোট দিতে ইচ্ছা করেন, তাহার নামের পাশে X চিহ্ন দিয়া বা দেওয়াইয়া তাঁহাকে ভোট দিবেন।

3. The voting paper shall be invalid if the mark X is placed opposite the name of more than one candidate, or if it is so placed as to render it doubtful to which candidate such mark is intended to apply.

৩। যদি X চিহ্ন একাধিক পদপ্রার্থীর নামের পাশে অথবা একপাশে বসান হয় যে X চিহ্ন কাহার জন্য অভিপ্রেত তাহার বিষিতে সন্দেহ জন্মে তবে X চিহ্নের কাগজ বাতিল হইবে।

4. Before his vote is marked the elector shall sign the declaration on the back of the paper in the presence of an Attesting Officer, who shall attest his signature. Without such attestation the voting paper shall be invalid.

৪। ভোট বা মতের চিহ্ন দিবার পূর্বে এই কাগজের পৃষ্ঠলিখিত সত্যপাঠে সাক্ষ্য প্রদানকারী কর্মচারীর সম্মুখে নির্বাচক স্বাক্ষর করিবেন। এবং উক্ত কর্মচারী X স্বাক্ষরের সম্বন্ধে সাক্ষ্য প্রদান করিবেন। এইরূপ সাক্ষ্য ব্যতীত X ভোট দিবার কাগজ বাতিল হইবে।

5. Voting papers shall be presented for attestation and marked and delivered to the Attesting Officer, enclosed in the envelopes to be supplied to the electors for the purpose, on or before the 15th day of September 1917 and between the hours of 11 A.M. and 5 P.M.

৫। ভোট দিবার কাগজগুলি ১৯১৭ সালের সেপ্টেম্বর মাসের ১৫ই তারিখে বা তৎপূর্বে ১১ ঘটিকা হইতে ৫ ঘটিকার মধ্যে স্বাক্ষরের সাক্ষ্য জন্য অর্পিত হইবে। এবং চিহ্নিত করিয়া এই উদ্দেশ্যে নিরাক্ষর নিকট প্রেরিত খামে পাঠিয়া সাক্ষ্য প্রদানকারী কর্মচারীর

I hereby declare that I am the person whose name appears as [] No. on the Electoral Roll of Muhammadans for electoral area No.

আমি এতদ্বারা প্রকাশ করিতেছি যে নং নির্বাচনার্থ নির্দিষ্ট সীমার অন্তর্গত মুসলমান নির্বাচকগণের তালিকায় আমারই নাম নং এইভাবে লিখিত হইয়াছে।

C. N.,
Elector.

সি, এন,
নির্বাচক।

(Fold on this line.)

(এই লাইনে ভাঁজ কর।)

Signed in my presence by the elector, who is personally known to me (or who has been identified to my satisfaction).

নির্বাচককর্তৃক আমার সমক্ষে স্বাক্ষরিত। নির্বাচক আমার পরিচিত (অথবা আমার সন্তোষজনকরূপে তাঁহাকে সনাক্ত করা হইয়াছে)।

X. Y.,
Attesting Officer.
(Official designation.)

সাক্ষাৎকারকারী কর্মচারী।
পদমর্যাদা।

Dated the
তারিখ

**Memorandum for the Franchise and Electorates Committee of
the Reform Scheme from Dr. Pramatha Nath Banarji, M.A.,
D.Sc., on behalf of the Indian Association.**

1. In regard to the elections to the Provincial Legislative Council, two principles were urged in the scheme of reforms framed by the Indian National Congress and the All-India Moslem League, and they have been accepted by the authors of the Report on Indian Constitutional Reforms. These principles are, *firstly*, that the franchise should be as broad as possible, and *secondly*, that the method of election should be direct. We fully approve of these principles. Difficulties may, however, arise in some cases when trying to give effect to them, and modifications may be necessary on such occasions. On the question of the franchise it would be necessary to take into account the existing circumstances of the country. In the beginning franchise should be neither unduly restricted, nor too wide. We ought to start with a fairly broad franchise and advance by gradual steps towards the goal of universal suffrage.*

2. The Bengal Legislative Council should, in our opinion, consist of 150 members. The population of the province is over 45 millions, and adequate representation of the people and of the various interests is not likely to be secured in a Council of a smaller size.

3. The elected element should be at least four-fifths of the total strength of the Council; that is to say, the number of elected members should be not less than 120.

4. Of the elected members, 19 should represent special interests in manner following:—

Calcutta University	...	...	...	1
European commerce	...	...	...	8
Indian commerce	...	...	...	1

One of the representatives of the Calcutta University may be returned by the registered graduates, and the other by the members of the Senate and of the Councils of Post-graduate Teaching and the Professors of Colleges affiliated with the University. When the Dacca University comes into existence, one seat ought to be given to it, and this should be formed by reducing the nominated element in the Council. The eight members allotted to European commerce may be distributed as follows:—

European commercial community of Calcutta	...	...	...	3
Ditto ditto Chittagong	...	...	...	1
Calcutta Port Trust	...	...	...	1
Jute interest	...	...	...	1
Tea interest	...	...	...	1
European trade outside the towns	...	...	...	1

5. Of the 109 members who would represent the body of the people, 44 (that is to say, a little over 40 per cent.) should be returned by the Muhammadan community through separate electorates. The remaining 65 should represent the rest of the population on a territorial basis, Muhammadans being debarred from participating in these elections.

6. The territorial electorates may be divided into two parts, urban and rural (or better, municipal and non-municipal), 22 members being given to the former and 44 to the latter. Men who possess intelligence, culture, political capacity, and desire to serve the community, are mostly to be found in the towns. They should have constituencies of their own, while agriculturists, and others connected with the land should be represented through the rural constituencies. This should be in accordance with existing practice in this country, and also in conformity with the electoral system which prevails in the United Kingdom.

* Reference may in this connection be made to the history of Parliamentary representation in England. It was the Reform Act of 1832 which put an end to the smallness, the corruption, and the non-representative character of the constituencies in England, but this Act did not introduce a very wide franchise. The franchise has since been broadened by the Acts of 1867, 1885 and 1918. The proportion of the votes to the population has grown from one-twentyeth in 1832 to one-third in 1918. It is interesting to note that the system of Responsible Government had been fully established in England even before the Reform Act of 1832.

7. The total urban population in the British territory of Bengal is about 3 millions, of which the non-Muhammadan population is about 21 lakhs. Proper representation of the urban areas can be secured if 23 seats are set apart for them. A number of seats may be allotted to each division in the proportion, on an average, of one member for every lakh or less of the non-Moslem population.* According to this method, the urban seats would be distributed between the different divisions as follows:—

Chittagong ...	1	Presidency ...	6
Dacca ...	3	Burdwan ...	4
Rajshah* ...	2	Calcutta ...	7

8. The election of urban members as representatives of administrative divisions has this advantage, that in most of these divisions it is possible to introduce some method of proportional representations. But it has also a great drawback. It is no easy matter for the electors to intelligently vote for candidates from remote parts of the division. It would, therefore, be necessary to form smaller electoral areas, and district electorates would, on the whole, be the best for the purpose. On a district basis the distribution of urban seats would be as follows:—

Chittagong Division.		Presidency Division (outside Calcutta).	
Tipperra	} ... 1	24-Parganas ...	4
Noakhali		Nadia	} ... 1
Chittagong		Murshidabad	
Dacca Division.		Jessore	} ... 1
Dacca ...	1	Khulna	
Mymensingh	1	Calcutta ...	7
Faridpur	} ... 1		
Bakarganj			Burdwan.
Rajshahi Division.		Burdwan	} ... 1
Rajshahi	} ... 1	Birbhum	
Dinajpur		Bankura	
Jalpaiguri		Midnapore	1
Darjeeling		Hooghly	1
Rangpur	} ... 1	Howrah	1
Bogra			
Pabna			
Malda			

Calcutta should be treated as one constituency with a system of cumulative votes.

9. The total non-Muhammadan rural population of Bengal is about 22 millions. The representation would be fair if 42 members were given to them. The rural seats should be allotted to the different districts in the proportion, on an average, of one member for every five lakhs of the non-Muhammadan population. The distribution would be as follows:—

Chittagong Division.		Rajshahi Division.	
Tipperra ...	1	Rajshahi ...	1
Noakhali ...	1	Dinajpur ...	1
Chittagong (together with the Hill Tracts) ...	1	Jalpaiguri ...	1
	—	Darjeeling ...	1
	3	Rangpur ...	1
Dacca Division.		Bogra ...	1
Dacca ...	2	Pabna ...	1
Mymensingh ...	2	Malda ...	1
Faridpur ...	2	Rangpur and Dinajpur	alternately, additional 1
Bakarganj ...	2		
	8		9

* This is merely a rough attempt to secure some sort of equal representation. It is impossible to preserve this proportion in the representation of the different districts either for rural or urban constituencies. Four principles have been adopted in this connection: (1) No district goes unrepresented; (2) where the population of a district is small, it has become necessary to put it in a group with another district or other districts; (3) small fractions of the unit have been ignored; and (4) where an electoral area sends a large number of representatives, the proportion has been slightly reduced.

Presidency Division.		Burdwan Division.	
24-Parganas ...	3	Burdwan ...	2
Nadia ...	1	Birbhum ...	1
Murshidabad ...	1	Bankura ...	2
Jessore ...	1	Midnapore ...	5
Khulna ...	1	Hooghly ...	1
Nadia* and Murshidabad alternately, additional	1	Howrah ...	1
Jessore and Khulna alter- nately, additional	1	Hooghly and Howrah alternately, additional	1
	9		13

10. The Muhammadan electorates also may, if the community so desires it, be divided into two parts, namely, urban and rural. But as the urban Muhammadan population is small, 8 seats will suffice for their representation. Five of these seats may be given to the five divisions, and 3 to Calcutta. The remaining 36 seats may be distributed among the districts or groups of districts according to population.

11. The question of qualifications is one on which there is a great deal of divergence of opinion. In my opinion, for the urban electorates, every male person above the age of 21 who is (a) at present entitled to the municipal franchise, or (b) pays an income-tax or professional tax or (c) is a Matriculate of the University or (d) is a barrister, vakil, pleader, mukhtear, a licensed medical practitioner, kaviraj, hakim, or engineer, ought to be entitled to vote, provided that no person shall have more than one vote, although he may be qualified under more than one of these heads. The qualifications for voters in the city of Calcutta would be similar to those for voters in the other urban areas. In the rural areas, the following classes of persons being above the age of 21, should be entitled to vote: Any person who (a) pays a road cess of the sum of not less than Rs. 2 annually, (b) pays a license tax of a sum of Rs. 4 in respect of a trade or industry carried on within the district, or (c) pays a chaukidari tax of not less than Rs. 2 annually, or (d) is possessed of an annual income of Rs. 300, or (e) is a Matriculate of any University, or holds the certificate of a pleader or a mukhtear, or of a licensed medical practitioner, or a kaviraj or hakim, or of an Upper Subordinate of an Engineering School; provided that no elector should have more than one vote in the same constituency. In the case of joint family, if the family as a whole possesses the minimum qualifications, one member selected by the family should be allowed to vote. The qualifications of voters in Muhammadan constituencies should be similar to those mentioned above.

12. The qualifications of candidates ought to be the same as those of voters, but residence within the constituency should not be insisted upon.

13. I am opposed to the idea of special electorates for landholders as a matter of principle. Such electorates are also unnecessary, because it is more than likely that the landholders, who are men of position and influence, will manage to capture not a few of the rural seats.

14. I am also opposed to the idea of special representation for the non-official European community. The authors of the report also do not contemplate a system of special electorates for them.

15. The question of the representation of the backward classes should be sympathetically considered. The Namasudras are practically the only homogeneous community in Bengal which can claim representation in the Council. Two or three seats may be reserved to Namasudra candidates by rotation in the five plural constituencies of Faridpur, Bakarganj, Dacca, Khulna and Jessore, in which they form a considerable proportion of the population. There should, however, be no separate electorates for Namasudras, and voting should always be general.

16. The number of Indian Christians in Bengal is about 130,000, but as they are scattered all over the country, they are unable to secure any representation to themselves. The community contains within its fold many well-educated, intelligent and capable men, and it should be fit and proper to reserve one seat to an Indian Christian candidate in the plural constituency of Calcutta. The voting should be general, but Indian Christians of other parts of Bengal may be given the right to transfer their votes to Calcutta.

17. Of the nominated members of the Bengal Legislative Council, not more than 12 should be officials, representing the different departments of

provincial administration. Government should also nominate a member of non-official experts in public health, engineering, etc.

18. On the question of the representation of Bengal in the Indian Legislative Assembly; it is proposed in the report to allot 11 seats to the province. These seats may be distributed as follows :—

European commerce	...	...	...	1
Indian commerce	...	...	...	1
Muhammadans	...	...	...	3
Calcutta	...	...	...	1
Five administrative divisions, 1 each	...	...	...	5
				11
		Total	...	11

19. In principle, I am in favour of direct elections to the Indian Legislative Assembly. But as the number of seats is small compared to the population to be represented, a division as an electoral area for direct elections will be inconveniently large. It will also be difficult to form constituencies outside Calcutta, for direct elections, in which a considerable proportion of the people will be electors, and which will represent the general interests of the province. At the outset, therefore, the member for each division may be elected by an electoral college composed of the members of the Municipal Councils, of the District and Local Boards and of the Union Committees (or Village Unions), and the representatives on the Legislative Council of the division. The bulk of the people will thus participate, though indirectly, in the formation of the Indian Legislative Council Assembly. After a few years when the people will have become familiar with election methods by returning members to the Provincial Council, a system of direct election on a fairly broad franchise may be substituted. In the city of Calcutta, however, where the area is limited, the election should be direct. The member for Calcutta may be returned by an electoral college composed of (a) all graduates of the Calcutta University resident within the province, (b) persons who pay an income-tax, (c) persons who are either owners or occupiers of premises valued at Rs. 600 a year, and (d) barristers, vakils, pleaders, attorneys, engineers, licenciates in medicine and engineering.

20. It is proposed in the report that two members should be returned to the Council of State by the Bengal Legislative Council. If it be thought desirable to increase the elected element in the Council of State, I would suggest that three members be allotted to Bengal. In any case, the Bengal members should be elected by the elected members of the Provincial Council, and nominated members should not take any part in the elections.

Statement of evidence to be given by Khan Bahadur Mirza Shujat Ali Beg on behalf of the Central National Muhammadan Association before the Franchise Committee.

The views of the Central National Muhammadan Association, which I represent, on the Reform Scheme have been submitted in detail in their representation of the 12th September 1918, and I would confine my remarks in this statement only to the question of special and separate electorate and representation for Muhammadans.

The proposed constitutional reform has a double significance for the Indian minorities, and specially the Muhammadans—a common and a special interest. With the common aspect of the proposals they have nothing much to differ, but where their hitherto recognized interests have been assailed they with one voice raise a strong though respectful protest.

It has been admitted by successive Viceroys and Governors, whether liberal, unionist, or conservative, and Secretaries of State of different shades of opinion that to properly obtain the Muhammadan view in Indian politics they should themselves be given a chance to express them. The Muhammadans themselves were always keen on having a recognition of their separate existence, and the Hindus never denied them this recognition, or the force of this claim. Not only this, but Government has itself supported this view so often, and with so much emphasis, that there was no room for suspicion that this question shall ever be reopened. Even now, after the perusal of the Reform Report, where all the arguments for and against it have been marshalled, I find that there is a greater deal of well-considered and weighty opinion in its favour, and only the opinion of the present Secretary of State with some theories against it which has been to a great extent vitiated by his recognizing the needs of a separate representation for the Sikh Community. He himself does not seem to hold a decided opinion on the question of the representation of the minorities. If we take out this opinion, what we find is that all experienced Governors and great British statesmen are in favour of a separate representation for the Muhammadans.

It is a patent fact that when there are minorities either so small as not to assert themselves, or so scattered as not to form a compact body, they generally submerge and are not only dominated by the majority but perforce adopt their politics and try to accommodate themselves as best as they can; but when the minorities are not weak, or have been existing for long times as separate entities uniting with other communities for general well-being but preserving their special characteristics all the same, they struggle to presume their separate existence. Illustrations of this fact are numerous in the history of the world. Even in recent times some of the most advanced European countries have a separate arrangement for important minorities, as the authorities of the reports themselves admit. Ulster is another example, where the Protestant Orangemen are not willing to be dominated by another sect though of the same religion and nationality. The claims of different nationalities for a separate recognition have been advanced and supported by some of the great British statesmen in the case of the Near East—the Czecho-Slavs and the Jugo-Slavs are the most recent additions, and the Anglo-Indians themselves in India are clamouring for it, and enjoy it to a certain extent.

I think that as long as the form of Government remains what it is proposed to be, namely the class domination, so long the classes must also be represented, and represented in the true sense, which cannot be achieved by half-hearted measures; but when the time comes that everyone in India considers himself a citizen first and anything else afterwards, and the class differences should have vanished or rubbed off, then it will be time to abolish the special representation, or I may say the need itself would have disappeared. I am, therefore, strongly in favour of separate representation of Muhammadans and should like it to be embodied in the statute.

Franchise.

I beg to propose the following classes among the Muhammadans to be given franchise:—

- I. *Educational qualification*—
 - (a) Beginning from Middle Vernacular and Matriculation-passed Muhammadans upwards who have set up in life.
 - (b) Passed Maulvis of junior and senior Madrasahs and other recognized institutions.
 - (c) Professors and Teachers of Colleges, Schools and Madrasahs.
 - (d) Mujtaheds and Muslim preachers.
- II. *Professional classes*—
 - (a) Barristers, Vakils, Pleaders, Attorneys and Mukhtears and Marriage Registrars.
 - (b) Doctors, Medical Practitioners, Hakims and Kavirajes.
- III. *Title holders.*
- IV. *Pensioners*—

Political, Civil and Military pensioners.
- V. *Service*—
 - (a) Government servants.
 - (b) Others employed under local bodies or mercantile firms.
- VI. *Traders.*
- VII. *House-owners and occupiers.*
- VIII. *Landholders, Aimadars and Lakhirajdars.*
- IX. *Agriculturists.*
- X. *Miscellaneous*—

Honorary Magistrates, Municipal Commissioners, Members of District and Local Boards and Heads of the Panchayats.

Constitution.—The number of councillors should be 100, of which not less than 50 should be elected Muhammadans in Bengal.

The district should form the constituency, each returning one or more Muhammadan members according to size and population.

Calcutta, 2 members.—The Calcutta University should have three representatives, one should be a Muhammadan. The same should be the case with Dacca University which is expected to come into existence soon.

The system of indirect election should be done away with.

M. SHUJAT ALI.

Witness on behalf of the Central National Muhammadan Association before the Franchise Committee.

Statement of Babu Debi Prasad Khaitan, representative of the Marwari Association, to be placed before the Franchise Committee.

Instead of writing out my statement in a narrative form, I propose to state my points only in order to save the Committee unnecessary trouble.

Provincial Legislative Councils.

1. To make the Council representative, it is essential that all important interests should be represented. If in the operation of any scheme it be found that any important interest is not represented—

- (a) the Scheme falls short to that extent;
- (b) the point of view of that interest is not placed before and considered by the members of the Council notwithstanding their intense desire to protect all classes of people and interests, as a result of which—
 - (i) they may be prejudicially affected by their case not being considered at all and acts being done which may be of benefit to others, but of injury to them;
 - (ii) acts beneficial to them, and not affecting others, not being considered and done at all;
 - (iii) acts intended to benefit them may fall short of the desired end, or may be done in a manner different from what would be really beneficial to them;
- (c) acts affecting the general interests would certainly be better done if all points of view were taken into consideration;
- (d) such interests would be debarred from doing public service.

2. It is to a great extent correct that the people of India being divided by race, religion and caste, are at present not in a position to consider the interests of any but their own section. I do not agree that a system of communal and class representation is desirable because it works and applies the principle of democracy over the widest range over which it is actually alive at all, by appealing to the instincts which are strongest; and that we must hope to develop the finer, which are also at present the weaker, instincts by using the forces that really count.

On the other hand, I advocate special representation of interests for the following reasons:—

The people of India being divided by race, religion and caste, different communities are at present so separated from each other in mode of living, habits of thinking, traditions, customs and necessities, that in spite of their noblest intentions they have not been able to understand each other. Opinions of Indian non-official bodies have been treated with scant respect and consideration, and consequently, assuming that it would be within the range of practical politics, non-official bodies have not developed for continuous co-operative working when the leaders would become acquainted with the views and necessities of the other communities. I must say that the creation and development of such non-official bodies is not practical. This can only be done in official bodies invested with responsibility and power, where everybody would feel that the pure happiness and prosperity of all are in his hands, and he has to think, feel and act for the good of all concerned. Then he is anxious to study the needs of the people in general, and the presence of accredited representatives of all views and interests is a *sine qua non* for the proper discharge of his duties—

- (a) as their presence will not allow him to neglect their interests;
- (b) owing to their presence all views will be not only easily available to him, but will be kept up prominently before him.

Meeting and conferring on the same platform with the common object of the good of all in view, the representatives will feel a community of interests, and divergence will in the course of a few years disappear. It will surely lead to an effective sense of the common interests, a bond compounded of community of race, religion and language. I do not at all agree with the views expressed in paragraphs 229 and 230 of the Report. I strongly feel

that a system, which will jealously provide for the adequate representation of all interests in each province, far from being a hindrance to the development of the self-governing principle, is the first step that must be taken whenever it is intended that the seed of self-government is to be sown. Otherwise the unrepresented minorities will suffer from apathy and neglect, and probably even from a sense of superiority and desire to exercise undue ruling power in those representing the majorities with whom the power of decision will rest.

In the case of Indians, nomination cannot be sufficient. Apart from the fact that nominated members will have serious disqualifications as compared with elected members, instances will be repeated of such persons being nominated—

- (a) as would spend more time in seeking the favour of the officials in whose hands the power of nomination will lie, than in studying the questions and needs of the country, or of the interests whom they would be intended to represent;
- (b) as would be inclined to support the views of those officials rather than press the claims and needs of the people, and
- (c) as would not be recognized or felt by the people concerned as truly representing them and having their confidence.

I agree that a satisfactory way out of the difficulty is by reserving to particular communities (who should be specially represented) a certain number of seats in plural constituencies, but with a general electoral roll.

Apart from the consideration of special representation, the franchise should be made broad enough and territorial. I believe that if the franchise be made broad enough, many interests which are not in the minority, will get represented without special arrangements for them.

I have not got the necessary statistics for Bengal before me and, therefore, except with reference to the Marwari community, my observations can at best be based on rough and general impressions. I, therefore, think more useful purpose will be served by my drawing the attention of the Committee to the circumstances of the Marwari community. I shall place their claims for special representation later on. Here I shall very shortly review their position with the object of creating a franchise. The Marwaris, who may be entrusted with the duties of citizenship, may be classified into—

- (a) Business men including shop-keepers, shroffs, agents, banians, brokers, shippers, balers, importing firms, mill-owners, exporters, and those engaged in other trades;
- (b) Landholders;
- (c) Monibs and gomastahs, i.e. service-holders;
- (d) Professional men, e.g., Vaidyas, Pandits, lawyers, etc.

So far as education is concerned, though they are backward in English education, with very few exceptions they are all educated in the vernaculars, book-keeping, etc., and carry on their business in an educated, organized and systematic manner. If English education is made the criterion, with very few exceptions they will all be left away from the fold of voters. If income were to be made the qualification of voting, I may easily suggest that an annual income of at least Rs. 250 may be made the qualification. So far as the Marwari community is concerned, this would be the easiest and best way of creating a franchise.

But having regard to the wording of paragraph 226 of the Report, I am afraid, this recommendation will not be accepted, and as there are other ways which, though more intricate, might apply to the Marwari community in common with all the other communities in Bengal, I beg to suggest that the following qualifications might be adopted:—

- (a) Owner or lessee of property worth at least Rs. 500.
- (b) Men in service drawing a salary of at least Rs. 300 per annum.
- (c) *Bona fide* shop-keepers, brokers, traders, commission agents, merchants and men in the professions, e.g., lawyers, doctors, engineers, etc.
- (d) Persons who have passed the Matriculation Examination, or an examination equivalent thereto.
- (e) Persons residing in towns and cities and paying an annual rental of at least Rs. 100.

The disqualifications may be framed on lines almost similar to those prevailing in England.

Whatever qualifications may be adopted to entitle a person to vote, the size and composition of any Provincial Council should not be determined upon by first fixing the number of members and then allotting such numbers of seats to such constituencies as it may be found to be possible to allot to. Such a system necessarily results in leaving out important interests, and also in not giving adequate representation to such interests to whom it is found to be possible to allot some seats. If any instance of this defect is required, it may be sufficient to cite the case of the Marwari community in Bengal, which has been recognized to be important and deserving of seats in the Bengal Legislative Council, but which has not yet been allowed to be represented on the ground that the fixed number of members of the Legislative Council did not admit of their just claims being acceded to.

The proper method would be to first decide upon the sections, and the number of members necessary to suitably represent each section, and then to total up the numbers and arrive at the aggregate. Having regard to the extensive area and large population of Bengal, and the divergent interests involved in that province, it follows as a matter of course that to make the Council representative, the number of members should be large. But the irreducible minimum, which I can propose for the size and composition of the Bengal Legislative Council, is as follows:—

	Each District town, 1	...	...	...	28
	Subdivision, 2	...	...	...	170
	University	...	...	...	1
	Corporation of Calcutta	...	...	...	1
	Calcutta Port Trust	...	...	...	1
Special interests.	Muhammadans	...	...	...	15
	Europeans	...	...	...	10
	Marwaris	{ City of Calcutta, 2	}	...	5
		{ Other parts of Bengal, 3		...	
	Anglo-Indians	...	...	...	2
Indian Christians	...	...	...	2	
					<hr/> 235
	Nomination of non-officials	...	...	...	15
					<hr/> 250
	Officials	...	...	...	50
					<hr/> 300

I cannot but add that it would be desirable to allot more than two seats to each of the bigger subdivisions in order that the elected members may come in contact with the population and study their needs and wishes. In regard to the official members, the Governor should be given the power to nominate only such officials whose presence would be considered to be desirable to enlighten the Council about matters connected with the departments in their charge. No useful purpose will be served by nominating officials for the purpose of counting heads only, and for that purpose to keep them away unnecessarily from their respective duties.

The Indian Legislative Assembly.

The proposal, that it is in the provinces only that the first steps towards the progressive realisation of responsible government should be taken, leaving the central Government wholly irresponsible to the people as ever, is, I am afraid, not in keeping with the spirit of reform. The Government of India being responsible to Parliament for good government of the country, they should avail themselves of the co-operation of the people to the fullest extent, for without direct popular co-operation, good government becomes an exceptionally difficult task. It is not in my province to suggest to what extent the reforms should be introduced into the constitution of the supreme Government, but if the light of reform is to touch only the Legislative Council, I will say this, that it should be made representative of the entire interests of the population of India numbering over three hundred millions. My idea is that the Indian Legislative Assembly should be the microcosm of the Indian nation, otherwise its opportunities of influencing the Government will not be really increased.

I have no hesitation in saying that raising the total strength of the Assembly to 100 members, of whom two-thirds, or 66 or 67 only will be

ected representatives of the people, will be not even half enough to meet the requirements of the country. Even if one member is given to a million, the total strength of the council ought to exceed 300, and if the various interests are carefully studied with a view to the securing of adequate representation of each interest, I think more than 300 members will be needed. The principle under which England and Wales return nearly 500 members to Parliament, should be followed in this country also.

Electoral arrangements both in the Provincial Council and the Legislative Assembly of the Government of India should be as far as possible on the same lines, and members should be elected by direct election. To secure the representation of all the diverse interests, there must be some communal representation also. For reasons I have already stated, I would urge that provision should be made for the representation of the Marwari community on the Assembly also by giving them at least 3 members. I do not think that with our districts, subdivisions and thanas, it should be very difficult to determine the electorates. Difficulties will arise if only numbers are fixed first, and constituencies are determined afterwards. I am alive to the fact that in constituencies of a very large size, candidates for election must necessarily find it difficult to come into close touch with the electors, but this difficulty can be minimised by fixing higher qualifications for voters in elections to the Indian Council.

As regards the Council of State with an official majority, I am of opinion that as a counterpoise to the Legislative Assembly it is wholly undesirable to establish it and besides, it will serve no useful purpose. But if it is to be established, it should contain representative men of all interests, so that its resolution may not only carry due weight but be arrived at after consideration of all shades of opinion.

Special representation for Marwaris.

The utter neglect of the Marwari community in the past as regards representation on all bodies, and the unfulfilled promise of the heads of Government in that respect, compel me to deal specially with their case for representation. In the last war, Rajputana has supplied with a large number of recruits for the army; Imperial Service Transport Corps are maintained at their expense in every State in Rajputana, and they have contributed to no mean extent to the success of the War Loans and to the several funds started in connection with the war. Apart from the said facts, I beg to summarise their permanent condition as follows:—

1. By origin different from the inhabitants of every province.
2. Their business has made them scatter throughout India—to the remote villages even—and they are in the minority everywhere.
3. Their language different, manner of living and thinking different, no interdining nor intermarriage with the inhabitants of any province, their traditions and customs different.
4. They are merchants, distributive trade mostly in their hands;—in this they are different from the inhabitants of every province, who are mostly composed of agriculturists, whose educated classes are mostly either in the services, or in the learned professions.
5. The interests of the inhabitants may to some extent be looked after by those in the services, or by reason of the influence of those in the learned professions, but the nature of the Marwaris' work precludes them from this assistance also.
6. It is often said that the Marwaris are birds of passage. This is not so. They have settled in each province for a large number of years. Large numbers of families have not visited Rajputana for generations. Almost all have brought out their families to the places of their residence, and permanently reside there. They have purchased extensive lands. Businesses, big and small, have been in existence for generations. They have established mills and factories, possess mines and carry on vocations without the slightest intention of carrying away the profits to Rajputana. They have established schools, hospitals, dharmasalas, chattras, and other permanent institutions of charity and public utility. They have subscribed to all public objects whether started by Government or by private efforts. They have permanently made British India their home. They are of its flesh and blood now. Welfare of British India is their welfare, evil of British India is their evil.
7. Their interests and needs cannot be compared with those of the people of one province of British India settling in another. One essential difference may be perceived by an illustration. For example, though

Bhatiyas may be in a minority in Bengal, they are in the majority in Bombay; they will have their full scope in Bombay; their interests will be protected by the Councils of Bombay; they will have their representatives on the Government of India and the India Councils; their interests will be protected from there.

The case of Marwaris is different. Their original homes are under the feudatory Chiefs; consequently, they will neither have their connected Provincial Councils, nor will they have their representation on the India Councils from that source. It is admitted on all hands that the feudatory Chiefs will not be entitled to interfere with any matter concerning British India, and those connected with the administration of British India will not be at liberty to interfere with any matter concerning the Chiefs' territories.

8. What then is the result? The Marwaris are a class apart from the inhabitants of British India. Taking the whole of British India or any province together, they are numerically as well as in importance and interests strong, but being scattered are in the minority everywhere. They have permanent stakes in British India. Their interests in any province cannot be protected by their being in a majority in any other province. They have to be protected in each province. They cannot be neglected. They have been of great assistance in the past not only in the development of trade and exchange of money, but also in public objects. They have liberally opened their purse-strings for the benefit of people when their own interests have not in the least been affected.

9. No institution in any province can be said to be representative unless an important class like the Marwaris is represented upon it.

10. Marwaris have suffered for want of representation—

- (a) For facilities in their trade,—for the removal of inconveniences in the carrying on of their trade, they have not been able to make their voices heard. If this difficulty had not existed, not only the Marwaris, but the provinces generally would have benefited.
- (b) They have suffered in the spread of education. Although almost all the Marwaris in British India are literate, and although their business brings them in close contact with the inhabitants of each province, with the Europeans and all other communities settling in any province, and although a large number of them deal directly with merchants even outside India—and consequently knowledge of English would have been of untold practical benefit to them—still they are very backward in English education. The reason is not that they are not intelligent—for Marwaris are recognized to be intelligent and shrewd, and Marwari boys are well known to be intelligent and capable of understanding and learning things with great ease, and Marwari boys, considered to be of average intelligence in their own community, when they have taken to University education have been found not to lag behind the very meritorious students of the other communities. The reason is plainly this—the system of education established in each province is not suited to their needs; the established system hinders, rather than helps a training for commercial life. If Marwaris were represented on the Senate and the Legislative Councils, they could have explained their points of view, made their voices heard and got the requirements fulfilled.
- (c) They have suffered in civic matters. This can also be best explained by an example, *e.g.*, in Calcutta, though the Marwaris pay a large proportion of the rates and taxes of the city, no return has been made to that part of the city; the result of which has been great inconveniences felt in the matter of sanitation, traffic, physical exercise, and in every way.
- (d) They have been treated as backward, and have been neglected in many ways. The result has been that their progress has been checked, and they have not been able to do public service which they could otherwise do. Their grievances have not been heard and considered. Their interests have been treated slightly.

If the Marwari community be intended to progress as the other communities are doing, and if their claims are to be justly treated, it goes without saying that they should be allowed adequate representation on all the representative bodies.

Memorandum relating to the franchise and constitution of the Councils from Babu Amulyadhan Addy.

Bengal Provincial Legislative Council.

We are glad to find ourselves generally in agreement with the views expressed by His Excellency the Viceroy and the Right Honourable the Secretary of State regarding the constitution of the provincial legislature, namely, that—

- (1) it should have "a substantial elected majority,"
- (2) the election of members should be "by direct election on a broad franchise," and
- (3) that there should be "such communal and special representation as may be necessary."

The first step necessary for the transfer of the responsibility of Government is the formation of the Legislative Council on such a basis as would provide for an effective representation of the people at large, such representatives being in substantial majority in the Council. This is only possible if the Council be sufficiently enlarged to allow proper representation of the people, by direct election, on a broad franchise, and if the official element be in a small minority, their functions in the Council being confined mainly to supplying information and indicating the lines of action that might be followed economically, conveniently and expeditiously.

We have always expressed our disapproval of all measures proposed for the formation of electorates on the basis of race or religion. His Excellency the Viceroy and the Right Honourable the Secretary of State have justly observed, in paragraph 228 of the Reform Scheme Report, that "The crucial test to which, as we conceive, all proposals should be brought is whether they will or will not help to carry India towards responsible Government." We are strongly of opinion that electorates, if formed on the basis of race and religion, will act as a disturbing factor and hamper the crystallization of the people of various races and religions of India into a solidarity so necessary for the success of a responsible Government.

We are therefore of opinion that whether in the matter of franchise or the formation of constituencies, no regard should be paid to race or religion. A few seats should be reserved in the hands of Government. In case it would be found after an election that an important community could not secure proper representation, those reserved seats, or some of them might be allotted for the adequate representation of that community, secured either by nomination, or through election of members by the representative Association or Associations of that community.

Under the existing conditions of the country, it is necessary, as has been recognised in the report, to make adequate provisions for the representation of special and important interests as those of the land-holders, the commercial community, and education.

We also endorse the views expressed in the report against indirect election. It is absolutely necessary that the members of a Council should be elected by direct election, as otherwise the representatives cannot be made responsible to the people—a condition essential to the formation of responsible Government. These remarks, however, for reasons stated hereafter, cannot apply to the representation of commercial and industrial interests.

We propose that a province may be divided into suitable groups—each having the right to elect one representative to the provincial Council. Those persons who will have the requisite qualifications for a voter will form the electorate, and each of them will have one vote. Amongst the candidates for election from a group, one who might secure the highest number of votes of the group, should be returned as elected.

On account of the differences existing between the municipal and rural areas both with regard to education and material prosperity and also with regard to the special importance attaching to municipal areas, it will be necessary to have separate groups of municipal and rural areas formed in both the cases on the basis of population, but with different minima.

(a) **Municipal electorates.**—In the municipal areas, the basis of population for a group may, roughly speaking, be fixed at about 50 thousand.

A municipal area, which has a population largely in excess of 50,000 as Calcutta and Dacca, should be divided into a suitable number of groups on the abovementioned basis of population. Each of such groups should elect one member.

Where a municipality has a population less than 50,000, two or if necessary more municipal areas should be grouped together to return one member.

(b) **Electorates for rural areas.**—The rural areas should be divided into several suitable groups on the basis of a population of 5 lakhs for each group. The percentage of people qualified for the franchise in the rural areas is at present much lower than that in the municipal areas, which requires the formation of a rural group on a far larger basis of population than that of a municipal group.

The group of rural areas should be formed with contiguous thanas or police-stations with the view that the population of each group may approach 5 lakhs. Uniformity in the matter of population should not, at the outset, be secured at the sacrifice of convenient grouping and irrespective of other serious considerations as would arise with regard to election and polling. We do not propose to break up a thana area into two or more parts, as in that case difficulties will arise in the time of election and polling.

Special Electorates.

2. (a) **Land-holders' electorates.**—For the purpose of forming electorates to represent the interest of the land-holders, the whole province should be divided into 13 groups with the subdivisional areas on the basis of the Roads and Public Works cesses paid by the zamindars and the permanent tenure-holders. These 13 groups should each elect one representative to the Council.

(b) **Electorates for the interest of Commerce and Industry.**—It would not be practicable to form a general electorate of the commercial community, as such an electorate can properly be formed on commercial and industrial income alone; but neither the records of the income-tax nor the books of the individual merchants and industrial men can be revealed to the public without incurring the risk of serious injury to the parties concerned. Besides, it will be found hereafter that the commercial and industrial people are included in the general electorates proposed already. It is however essential that there should be commercial and industrial representatives in the Council so that the Government may have always the advantage of their experience for the proper administration of those branches in which, as recommended by the Indian Industrial Commission, the Government is expected to take vigorous action. To ensure this, the representative Chambers of Commerce, and Trades and Industrial Associations should be empowered to elect members to the various Councils. In view of the importance of foreign trade, both import and export, which is largely represented in the Bengal Chamber of Commerce, we propose that the Bengal Chamber of Commerce be allowed to return 6 members. The importance, volume and variety of the inland trade is by far greater than that of the foreign trade. The Bengal National Chamber of Commerce, which is the premier Indian Commercial Association in the province, represents, besides a considerable portion of the foreign trade, both import and export, the inland trade. All the principal trades of the province, rice, jute, coal, are fully represented in the Chamber, and most of the leading Indian merchants are its members. The Bengal National Chamber of Commerce should therefore be allowed to return at least 4 members. The Marwari Association and the Chittagong Indian Merchants' Association may each return one member. The principal Industrial Associations, such as the Indian Mining Association, the Indian Mining Federation, the Jute Industry, and the Tea Industry should each be allowed to return one member to the Council, and the Calcutta Trades Association should also have the same privilege.

(c) **Education.**—In consideration of the great importance of education as a factor in the advancement of the people, it is necessary and desirable to allot at least 10 seats for the representation of the interests of education.

In view of the greater advancement of the people living in municipal areas as contrasted with those in the rural in regard to education and material prosperity, the qualifications necessary for the exercise of the franchise should in the former be much higher than those in the latter.

Franchise.

(a) For municipal areas.—We propose that in the municipal areas, the qualifications for the exercise of the franchise should be made adult, literate, and (i) earning an annual income of Rs. 800 from any source, or (ii) being a house-holder or a lodger in a house of the annual value of Rs. 120, or (iii) being a license-holder paying a license fee to the amount of Rs. 25 or more.

(b) For rural areas.—The qualifications necessary for the exercise of the franchise in the rural areas should be resident of the locality, adult, male, and having an annual income of not less than Rs. 500 from land, agriculture, commerce, industry, profession, service, or any other source, or being a house-holder or a lodger in a house of annual value of Rs. 36.

Though it is a fact that the people in the different parts of the province are in different stages of advancement, it will be found that the qualifications of a voter proposed above will leave out those people only in all areas, who cannot, under the existing circumstances, be expected to exercise the franchise with due discretion; so, we do not consider it either necessary or expedient to lay different scales of qualifications of voters in different areas.

The qualification of a voter of the land-holders' electorate should be much below the present minimum. One paying annually the Roads and Public Works cesses to the amount of Rs. 500 for zamindari and permanent tenures should be entitled to the franchise.

The province should be divided into 10 groups with Calcutta as a group by itself, and the holders of I.A., L.Sc. or similar diplomas of the special branches of Education, Commercial, Industrial and Agricultural, of each group should be allowed to elect one representative to the Council.

3. **Nominated Members.**—The number of nominated members, official and non-official, should not exceed one-fourth the total number of members in the Council, of which at least one-third should be non-official, who should be nominated whenever necessary generally to secure proper representation of communal and other special interests.

The Imperial Legislative Assembly.

We are of opinion that the number of members proposed in the Report for the Imperial Legislative Assembly, and the provincial allotment made therein, is too inadequate to allow proper representation of the people of this vast country and of its different interests, and to make the Assembly "more truly representative of Indian opinion."

2. We propose that Bengal may be allowed to elect 20 members to the Imperial Legislative Assembly: 5 to represent the municipal areas, 5 the rural areas, 4 the land-holders, 4 the commercial and industrial interests, and 2 the interests of education.

3. All the major provinces should be allowed to elect members to the Imperial Legislative Assembly generally on the above scale, and the minor provinces on a lower scale.

4. For reasons stated in connection with the constitution of the Bengal Provincial Council, we are opposed to the formation of any electorate on the basis of race or religion. We would suggest for the Government to reserve to itself the right of nominating a few non-official members with a view to secure a proper representation of communal and other important interests. In case such representation be found practicable through the representative Associations of the interests concerned, it would be a better course for the Government to surrender its right of nomination to such Associations.

5. The number of nominated members should not exceed one-fourth the total number of members in the Imperial Assembly, of which at least one-third should be non-official members nominated to represent communal and other special interests.

6. For the purpose of forming electorates for the election of representatives of municipal and rural areas and the landed and educational interests, the electorates proposed for their representations in the provincial Council should be regrouped on the basis of population into as many

electorates of each kind as that kind in the province concerned may have seats in the Imperial Assembly, and each of these groups should be allowed to send one representative to the Assembly by the method of direct voting. The qualifications necessary for the exercise of the franchise in the case of the Imperial Assembly should be fixed on a higher scale than those proposed in the case of the provincial Council. The commercial representation should be secured through representative commercial Associations of the province concerned; for instance, in Bengal, the Bengal Chamber of Commerce and the Bengal National Chamber of Commerce should be allowed each to return two members. Where no such Association exists, the representation should be secured by nomination by Government.

The Council of State.

The Committee have their doubts as to the expediency of forming a

Constitution. Council of State on the ground of ensuring the passing of measures which the Government might think essential for the discharge of its responsibility, but which might not get the sanction of the legislative bodies. In such a contingency it would be preferable for the Government to reserve to itself the right of adopting such measures by rules and regulations and by the proposed certificate procedure to the establishment of a Council of State. If, however, the establishment of the Council of State be thought necessary for the purpose of exercising a sort of revisional jurisdiction, it should be so constituted as would ensure its commanding universal respect and confidence; provisions should be made with the view that only the highly qualified and experienced persons might be eligible to be members of the Council of State. Its constitution should be framed without any regard being had for securing an official majority.

2. In the Council of State, Bengal, Bombay, Madras, and the United Provinces should be allowed to send two representatives for the rural and municipal areas, two for commerce and industry, and two for the interests of the land-holders, and one for those of education.

3. Other provinces should be allowed to send one representatives each under each of the above heads.

4. The number of nominated members should not exceed that of the elected. Besides the official members, the Government may nominate a limited number of members for the representation of any communal or other important interests, and may make provisions for the representation of provincial Governments by taking one representative from each or any of them.

5. For the present, it would be expedient to confer the right of electing the representatives of the rural and municipal areas of a province upon the non-official members of the provincial Council. The

Electorate. representatives of the land-holders of a province should be elected by the land-holders' electorate of the province concerned, and the representative of the educational interests by the University of the province concerned; and those of commerce and industry by the representative commercial Associations of the province for instance in Bengal, the Bengal Chamber and the Bengal National Chamber of Commerce.

6. A representative of the rural and municipal areas should have at least three years' experience as a member of a Provincial or the Imperial Council or as a Municipal Commissioner or as a member of the

Members' qualification.

District Board.

7. In Bengal, a land-holder paying annually Roads and Public Works cesses to the amount of Rs. 3,000 or more should only be eligible to represent the land-holders' interest.

8. One paying an income-tax on a commercial or industrial profit of Rs. 50,000 or above should be eligible to represent the interest of commerce and industry in the Council of State.

9. The Indian Princes should not be members of the Council of State. A Council of Indian Princes may be formed, and the representatives of the Council of State and those of the Council of Indian Princes might occasionally meet to consider the questions of common interest.

A statement of the evidence of Mr. Prithwis Chāndra Ray (on behalf of the National Liberal League) before the Franchise Committee of Indian Constitutional Reforms.

THE character and constitution of the Bengal Legislative Council will continue to be hybrid for at least many years to come, as members will be elected as well as nominated. Of the elected members again, some will be returned by direct election on a broad franchise while not an inconsiderable number will be elected by special and communal electorates. I consider this hybrid constitution to be a great advantage in the transitional period and calculated to make for efficiency and good government.

In Bengal, though the bulk of the population is Muhammadan, yet for many years to come, they are not likely, owing to their lack of education and enterprise, to constitute a majority of its voters. So, according to the Report on Constitutional Reforms, communal representation is to be conceded to them even in Bengal (paragraph 231 of the Report).

As regards landlords, the Report says (paragraph 232 of the Report): "Where the great landowners form a distinct class in any province, we think that there will be a case for giving them an electorate of their own." This has been interpreted almost as a pledge for the continuance of special zamindari electorates in the Council of Bengal.

Having conceded communal electorates to Muhammadans and special electorates to zamindars, and also having accepted the principle of special representation for the planting and mining interests, for the chambers of commerce and the universities, I think it unfair to refuse it in the case of the vast population which are grouped in Bengal as the backward classes or to the Indian Christian community either. They have very little chance of being represented through the general electorates, for passion and prejudice will still act against them among the ordinary caste-voters and, in a reconstituted Council where social legislations are likely to be introduced more often than not, they will need to defend their interests with zealous care.

There appears to me to be another class of men who will require special representation. Owing to the whole of Bengal being parcelled out into permanently-settled estates, an extension of the franchise on a very wide and broad basis will create special opportunities for the larger landlords to capture and control the general electorates. With some special seats in the Council earmarked for the zamindars and with special opportunities for them to capture the bulk of the general seats, the Bengal Council may soon develop into a close corporation to protect the interests of the landowning classes. This has to be guarded against, and the only way it may be done is to create healthy set-offs against these influences. I am afraid the combined representation of trade, commerce and industry would be no sufficient counterbalance against them. I would, therefore, suggest that the educated community in the province, who, by virtue of their education and cultivation of citizen ideas, are most competent to take part in public affairs and who may be looked forward to defend the interests of the masses against landed influences, should have also some seats definitely marked out for them. Some of these seats should be reserved for educated men in the mufassal, district by district, and some should be reserved in the heart of the metropolis for special organisations which have established their claims to speak on behalf of the public. Paradoxical though it may look, the educated classes in Bengal stand more than any other section of the people in need of special electorates, both in their own interests and for the general welfare of the body-politic.

Taking into consideration all the various interests concerned and providing for necessary set-offs, it appears to me that the total strength of the Bengal Legislative Council should be raised to 100, out of whom at least 80, four-fifths, should be elected.

I would suggest that the Bengal Council, under the reform proposals, should be reconstituted as follows:—Calcutta, being the centre of all

intellectual and public activities and the heart of the politically-minded population, taking, like London, the lead in the electoral distributions:—

Elected	...	...	80	Calcutta (City of)—		
Officials and nominated	...	...	20	University (Fellows) ...	...	1
				Corporation (Members) ...	...	1
				Ratepayers of the four municipal districts ...	...	8
				Chamber of Commerce ...	...	2
				Trades Association ...	...	2
				Port Commissioners ...	...	1
				Marwari Chamber ...	...	1
				National Chamber of Commerce ...	...	1
				Mahajana Sabha ...	...	1
				Members, Bar Library ...	...	1
				" Vakeels' Library ...	...	1
				" Attorneys' Library ...	...	1
				British Indian Association* ...	...	1
				Indian Association* ...	...	1
				National Liberal League* ...	...	1
				Anglo-Indian Association* ...	...	1
				European citizens ...	...	2
						27
				Dacca (City of)—		
				University (Fellows) ...	...	1
				Corporation (Members) ...	...	1
				Ratepayers (Municipal) ...	...	1
						3
				Howrah (Town of) ...	...	3
				Chittagong (Port of) ...	...	1
				Naraingunge (Port of) ...	...	1
				Tea Interest ...	...	1
				Jute Interest ...	...	1
				Landholders of five divisions ...	...	5
				Mussulmans of five divisions ...	...	5
				Backward Community ...	...	3
				Indian Christian Community ...	...	2
				All literates who have either matriculated in any University or passed any equivalent examination in arts or any recognised medical, commercial, technical, sub-overseer or <i>tika</i> examination, and all persons who pay <i>chaukidari</i> tax to the extent of Rs. 4 a year† or any trade license of Rs. 24 a year or an income-tax of Rs. 50 a year, and all elected members of village unions, local (circle) and district boards who are not otherwise qualified—Every district one.		
				—28 Districts †	...	28
				— Total	...	80

* While I advocate special seats for the British Indian Association, the Indian Association, the Anglo-Indian Association and the National Liberal League among purely political organisations, I must not be misunderstood regarding my attitude towards the other well-known public bodies. On the one hand, I would refuse to give any special vote to such institutions as the Bengal Landholders' Association or the Central Mahummadan Association because the interests they represent will have already more than adequate special electorates provided for them through independent machinery. On the other, I don't think that public bodies like the Bengal Provincial Congress Committee or the Bengal Presidency Moslem League can claim any special seats in the local Council in view of the fact that they are not independent organisations and have no powers of initiative, either in policy or principle, being merely provincial branches of institutions having their headquarters far away removed from Bengal.

† In the case of a joint family, a representative or proxy should be appointed to vote for the family. Absentee tax-payers should be allowed to vote by post or proxy.

‡ Jessore and Khulna, in the Presidency Division, are too small to be treated separately for electoral purposes. So also Jalpaiguri and Darjeeling in the Rajshahi Division, and Chittagong and Chittagong Hill Tracts in Chittagong. These six districts at present should be treated as three electoral units. On this calculation, and leaving Calcutta out of it, we have now 24 districts in Bengal. To this must be added two more districts in Mysnensingh as have already been decided upon, one more in Dacca and one in Midnapore. Altogether, they will make 28 districts when the new scheme comes into operation.

Regarding the representation of Calcutta in the reconstituted Council, some words of explanation appear to be necessary. In the Report on Indian Constitutional Reforms, it is suggested that the representation of the non-official European community in the Council should be provided for by nomination. This has been resented to by the community itself, as not consistent with its self-respect. I think the European community is well entitled to an independent electorate, and, as the bulk of the European people live in the city of Calcutta, they should be allowed, at least such of them as pay an income-tax of over Rs. 100 a year, to send two representatives of their own to the local Council.

As for the ratepayers of the city of Calcutta, and for the matter of that of the city of Dacca also, all persons who have more than three votes in the municipal elections at the present moment should be entitled to a vote for the return of a member to the Council.

The votes of the other city constituencies being collective, no explanation is probably wanted regarding them.

I think the city of Dacca, as apart from the district of that name, should receive its due recognition as the second capital of Bengal, and three seats allotted to it in my scheme appear to me to be a fair distribution.

The town of Howrah, being the second most important centre of trade, commerce and industry in the province, has also a right to claim special representation, and the three seats I advocate for it may be divided between the three different interests specially mentioned above.

As regards the representation of the ports of Chittagong and Naraingunge and of the planing and jute industry, I will leave things as they stand and not disturb existing arrangements.

In the existing Council of 50 members, the landholders and Muhammadans have one member each to every division. In the reconstituted Council, their representation should *not* be increased as they are likely to influence to a very great extent the decisions of the general electorates as well under the new scheme. The qualifications of zamindar voters should be democratized a bit by reducing the general standard of revenue and cess to Rs. 1,000 in all divisions of Bengal.

In the matter of the backward classes and the Christian community, their votes should be indirect and *not* personal at the initial stage, and collected through the village panchayets and local congregations. These electorates should be formed by grouping divisions together, the backward classes having three in the five divisions and the Christian community only two.

I need hardly state that my scheme is designed solely for the transitional period or for such time only so long as the franchise may not be extended largely to an awakened and responsible people at large. Territorial patriotism and the general citizen spirit will yet take a long time in developing in Bengal, or for the matter of that in any other part of India, and till then special electorates and responsible public bodies will have to be retained as constituencies for the Council. With the growth and development of public opinion in the province, the franchise will have to be extended in all territorial electorates by and by, and, as these become more and more popular, the special electorates will have to be dropped and restricted from time to time.

I beg to avail myself of this opportunity of frankly stating my conviction, both as a man of affairs and as a student of constitutional history, that the basic principle of modern democracy, 'one man one vote', has been tried in the balance and found wanting in every part of the world, and that this idea must be revised if the government of any country has got to be made stable and steady. In India, the principle of 'one man one vote' will never do or make for the well-being of the body-politic, so long as at any rate as the caste-system continues to flourish among us and hold us in its relentless grip. I would, therefore, suggest that plural voting should be encouraged in every constituency, and that every man should have a graduated scale of votes according to his stake in the country, the land revenue or the income-tax he pays, or to the measure of his assessment or holding in any particular municipal area. By such an arrangement only can a sane and steady administration be maintained in a country like this and a revolution averted.

I have got only one other suggestion to make before I proceed to specify qualifications of members of the Bengal Legislative Council. Of the 20 official and nominated members I have suggested for this Council, I think no more than 10 should be officials and 2 experts. The remaining 8 should be recruited from among well-known public workers.

I will now lay down the qualifications of members for the Bengal Council. No one should be eligible for election who

- (a) is a lunatic,
- (b) is an insolvent,
- (c) has ever been convicted of any offence involving moral turpitude,
- (d) is below 30 years of age,*
- (e) has no income of over Rs. 3,000 a year or immovable property (in his individual share) of the value of Rs. 10,000,†
- (f) is not a native of the province or a domiciled resident.

No property qualification need be insisted for teachers and professors of recognised schools or colleges or for priests, missionaries and ministers of any organised church.

I will now address myself to the question of the election and nomination of the representatives of Bengal in the proposed Imperial Legislative Assembly and the Council of State. I have no quarrel with the number suggested in the Report, but I think the best way to fill in the 11 elected seats apportioned to Bengal in the Imperial Legislative Assembly would be the following :—

3	members to be returned by the Provincial Council.‡
2	" " " by the Zamindars of the Province on the present basis of property qualification.
2	" " " by the Muhammadans.
1	member " " by the Bengal Chamber of Commerce.
1	" " " by the Calcutta University (through registered graduates).
1	" " " by the Dacca University (through registered graduates).
1	" " " by the Calcutta Corporation (through rate-payers).

For qualifications of members of the Imperial Legislative Assembly, I would lay down, excepting in the case of zamindars, the same conditions as I have suggested above for members of the local Council.

The nominations of the Imperial Legislative Assembly should not be less than two at least from Bengal, and these two should be recruited from among the ranks of well-known public workers.

I approve of the idea of the two members from Bengal in the Council of State being elected by the Provincial Legislative Council, but I cannot think of any all-India constituencies for the return of two zamindars and two Muhammadans to this body nominated by the Viceroy than be selected or elected by constituencies which no candidate can meet, nurture, cultivate or be responsible to. It would not be either fair or just to throw any candidate on the mercies of an all-India constituency. But if the present idea is adhered to and the Governor-General in Council is able to devise any means of election for these four seats, I hope one seat at least should be allowed to be filled in by a representative of the Bengal aristocracy, as the permanent settlement of this province bulks rather largely in the public finances of the State.

* In Canada, Western and South Australia, no one who is not 30 years of age can be a member of the Senate.

† In the South African Union, ownership of immovable property of the value of not less than £500 (Rs. 7,500) is required as a qualification for elected senators.

‡ No more than one of whom must be a lawyer or a zamindar.

Statement of Sir Rajendra Nath Mukharji, Kt.

The most important and difficult issue in the whole question of the franchise, to my mind, is whether communal electorates should be maintained, and if so, whether it should be conceded only to Muhammadans, or extended to other communities as well in order to secure real representation of minorities. Considered logically, if a communal electorate be given to Muhammadans, whose number exceeds non-Muhammadans (grouping all other classes together) by three million in round figures, then in all equity and propriety the minorities also should have the option of communal electorates.

2. Personally, I am opposed to communal electorates on principle, as I believe that to attain real nationhood in India we must in time give up the idea of separate electorates. But having regard to the fact that the report suggests a separate communal electorate for Muhammadans, it will be most unfair to the small community of Europeans, whose stake in the country in commerce and industry greatly outweighs their number, if they are denied the privilege of communal electorates, specially as they are with one voice demanding it. In my opinion, no other community in Bengal should have communal electorates. There should be special nomination by Government to represent other important communities who will not be able to be represented in the Council through election owing to their minority or backward condition.

3. Having come to that conclusion, I now fix the number of representatives of different communities, and people according to their stake, interest, education and other considerations, basing my calculation on the assumption that Bengal should have one hundred Councillors, and I propose their respective number as below:—

There will be shortly 28 districts in Bengal, and I suggest that each district should send one member by general electorate ...	28
Calcutta	6
Howrah	2
Dacca	2
Muhammadan community by communal electorate	16
European community in Calcutta, its suburbs and Howrah by communal electorate	6
And from all districts by European electorate	2
Zamindars of Bengal by special electorate	6
Bengal Chamber of Commerce by special electorate by its members	2
Bengal National Chamber of Commerce by special electorate by its members	1
Trades Association by special electorate by its members	1
Tea Planters by all the members	1
Jute by the members of the Association	1
Mining by the members of the Association	1
University of Calcutta and Dacca by all the registered graduates	2
Indian Trade by all the shop-keepers of Calcutta and Howrah ...	1

Government nomination to represent minorities:—

Backward classes	2
Anglo-Indians	1
Native Christians	1
Government Officials	10
Government nomination for the purpose of supplementing representatives of such interests as will be found wanting after the result of the elections is known	8
	100

The qualification of the above representatives should be something on the line of what is given below:—

District representatives.—Men paying income-tax on an income of not less than Rs. 2,500, or an income from landed property of not less than Rs. 5,000.

Calcutta, Howrah and Dacca.—Men paying income-tax on an income of not less than Rs. 5,000.

Muhammadan community.—Men paying income-tax on an income of not less than Rs. 2,000.

Europeans.—An income of not less than Rs. 6,000 per annum.

Zamindars of Bengal.—An income of not less than Rs. 25,000.

Owing to the present unhealthy condition of almost all the districts of Bengal, well-to-do inhabitants to avoid malaria, fever, etc., come and live in or near Calcutta for the most part of the year, and if non-residents are not permitted to use the franchise the result will be that many capable men will be excluded. I would therefore propose during the first few years that there should not be any restriction on the ground of non-residence in the districts.

4. I shall now explain my reason for fixing the proportion.

Districts.—Although the different districts have enormous variations in population, education and wealth, every district should exercise its independent franchise to elect the member so as to gradually educate the people of the whole province to exercise properly their function of franchise. Calcutta, the second largest city in the Empire, being the capital of the province and a centre for education, trade and commerce, should have a special representation by six Councillors to be elected by the tax-paying citizens.

5. **Howrah.**—Is also an important city with many workshops and factories, and should have a special representation of two members elected by the tax-payers.

Dacca.—Is next in importance, and is the seat of the Government for nearly three months in the year. It is an important centre of trade being the capital of East Bengal, and should have two representatives elected by the people.

6. **Muhammadan community.**—After careful consideration I fix the number at 16. Although the Muhammadan population in Bengal is a little over half the total, yet from the statistics published by Government in the "*Gazette*" of the 4th December it appears that the number of those paying taxes in some shape or other gradually diminishes as the cess or tax increases in value. The ratio between the Muhammadans and non-Muhammadans paying cess over Re. 1 to 2 is approximately 4 to 6; over Rs. 2 is 4 to 8; and for chaukidari tax of Rs. 2 to Rs. 4 is 4 to 10, and over Rs. 4 is 4 to 15; the ratio of Muhammadans entitled to vote at Municipal election is 4 to 14. Thus it is abundantly clear that the education, standard of living, interest and stake in the province is proportionately much less in the case of Muhammadans than in the case of non-Muhammadans, and, therefore, the number of their representatives in the Council, viz., 16 out of a total of 44 elected by general electorates, and special election amongst non-Muhammadans is really more than can reasonably be expected or claimed by Muhammadans. Besides it is probable that there will be one or two Muhammadan zamindars elected by the land-owners, and also the Government judging from its past traditions is likely to nominate at least two Muhammadans from the aristocracy, making the total to about 20.

7. **Europeans.**—It is admitted in the report on the Constitutional Reforms that the Europeans in Bengal engaged in commerce and industry have interests out of all proportion to their numerical strength, and having regard to the general adverse feeling caused in this community by the publication of the report of the scheme, and the unsympathetic attitude this community has taken since the publication, I am strongly of opinion that this community should have a reasonable proportion in numbers of the total members of the Council, as for the smooth and successful working of the new scheme the whole-hearted co-operation of the Europeans is essential. There are many things that we Indians will learn from them in regard to responsibility in administration, and a mixed Council in the proportions I suggest, would in my opinion be conducive to good government. According to my proposal, the number of non-official Europeans in the new Council will be 14 elected and probably two nominated, and it is evident from the past records that the non-official Europeans generally agree with the officials; so that, taking the officials as Europeans, the total number of Europeans will be 23 out of a total strength of 100. I think this should be considered by all reasonable men as a fair proportion.

8. **Zamindars.**—I doubt whether the zamindars will be satisfied with only six members as special representatives, but it must be remembered that in the 28 district elections at least a quarter of the seats will be captured by zamindars as previous history will prove, and therefore the zamindars should have no grievance.

In regard to the special election by commerce, trades, planters and Mining Association I do not think any explanation is needed; the number is fixed on the prevailing custom, which seems to be satisfactory to all these vested interests.

9. **University.**—Hitherto there has been no direct election, and I think the fellows and registered graduates should have the privilege of sending one each from the Universities of Calcutta and Dacca, and two from Calcutta until such time as the Dacca University is established.

10. **Backward classes.**—It is not practicable or to their interest to give them separate or special electorates, and I am therefore of opinion that the best solution of the difficulty will be for Government to continue to take the same paternal care it has hitherto been taking and nominate one member to represent them. The same argument applies to Anglo-Indians and Native Christians.

11. **Nomination by Government.**—Is necessary as Government must have some of its officials to represent its side of the case as well as to explain other matters to the Council, and it should also have power to nominate such men as may not care to stand for election, and whose services Government may consider desirable in the interests of the province.

12. After the electorate rolls have been completed, it may be found necessary and expedient to group two districts with a comparatively small number of electorates into one for the purpose of electing one member jointly, and the districts, which will have a larger number of voters, may have the privilege to elect two representatives; but the total number of representatives will be 28, or an average of one in each district, for Non-Muhammadans exclusive of the special representatives as outlined above.

13. In regard to Muhammadans I propose 16 representatives in all, and this number should be distributed according to the number of electorates in the district. Some districts such as Birbhum, Bankura and Midnapore having a very small number of eligible voters, cannot claim equally with districts having a large number of voters the right to send one representative from each district. The details should be settled after the electorate rolls have been completed, but the total number should not exceed sixteen.

14. Having made my proposals in regard to the system of election, communal electorates and Government nomination for backward classes or minority communities, as well as general nomination for officials and non-officials, it now remains for me to give my views about the qualification of the voters.

15. Theoretically, to make the Government representative in the true sense of the word, the franchise should be placed on as broad a base as possible; but owing to the backwardness of the education of the masses, and the novelty of the privilege to more or less ignorant people, it is not desirable or expedient to create at the start a very large number of voters, particularly in the districts. In towns and cities such as Calcutta, Howrah and Dacca, municipal election rolls, which should be revised so as to include all men who live in a rented house irrespective as to whether rates and taxes are paid by the landlords or by the tenants, should be a guide for the purpose of the electorate rolls.

16. In the districts people paying cessor, chaukidari tax and, those who are at present entitled to vote for municipal elections, should be eligible, but to bring the number of voters in each district to a reasonable figure certain limitations should be determined, and in my opinion 20,000 should be the largest number in any big district to enable the supervising authorities to manage and scrutinize the elections properly and correctly. Government will have to prepare a list of those who pay cess or chaukidari tax, say Rs. 8 and upwards, and thus to find out what will be the number of thickly populated and wealthy districts. No one, who does not pay the required amount of taxes, or cess, or income tax, should be eligible either as a voter or a representative—mere literary qualifications should not alone entitle one to a vote. The standard of qualification in the case of Muhammadans may have to be lowered to get a reasonable number of voters.

17. **Zamindars.**—People having lauded property and paying a minimum revenue to Government of at least Rs. 1,000 per annum.

18. Europeans, who pay income-tax and have an annual income of at least Rs. 2,000, should be entitled to vote for the communal representatives of Europeans.

19. I agree with the principle of the resolution moved in the Council by my friend, the Hon'ble Mr. P. C. Mitter, that half the number of European representatives should be elected by the general public, but I am of opinion that two out of the six representatives is sufficient for the present. This proposal, if accepted by the European community, will tend to bring about a more harmonious relationship between the two races: similarly 6 out of 16 Muhammadan representatives, if acceptable by Muhammadans, should be elected by both Muhammadans and non-Muhammadan electorates. The object of this proposal is to create a communal feeling between all classes.

20. There is another point I should like to suggest although it does not come within the scope of my evidence, and that is to enable business and professional men to attend the Council meeting regularly, the Council should be held from 4 P.M., and a restaurant should be built alongside of the Council Chamber to enable members to have refreshments if the Council sits to a late hour.

Government of India.

The Indian Legislative Assembly.

I agree with the recommendation contained in the report that the number of members in this Assembly should be 100, and I agree to the proportion of the representatives of the provinces as proposed in the report. But, in my opinion, these representatives should be elected by direct election by different electorates such as Municipalities, District Boards, &c.

Referring to Bengal I would propose the following:—

- 2 Members by the Municipalities.
- 2 Members by all the District Boards.
- 1 By the Bengal Chamber of Commerce.
- 2 „ Muhammadan community.
- 2 „ Zamindars.
- 1 „ Bengal National Chamber of Commerce.
- 1 „ University.

Direct election by public bodies will create interest and enthusiasm in these bodies, and will be a stimulus for good and capable men to join these institutions.

In regard to the members of the Assembly, to ensure that these shall be men of substance, in my opinion their qualifications (as tax-payers) should be 5 per cent. more than what is decided as necessary for the Provincial Council.

Council of State.

I agree with the proposals made in the report.

Substance of the evidence to be given by Rai Jadu-nath Mazumdar Bahadur, a nominee of the Bengal Government.

Bengal Provincial Legislative Council.

30 Municipal seats.

I give 30 seats to the municipalities of Bengal in the following manner—

Municipal population.	Name of division.	Number.
About 1 lakh ...	Chittagong Division	... 1
" 2 lakhs ...	Rajshahi "	... 2
" 3½ " ...	Dacca "	... 4
" 6 " ...	Burdwan "	... 6
" 7½ " ...	Presidency "	... 8
" 9 " ...	Calcutta "	... 9
Total		... 30

I treat Calcutta Municipality as a separate division. The total municipal population being about 29 lakhs, one member will represent about a lakh of people. Where any district in a division has the chance of capturing all the seats, a separate electorate should be formed of that district with a certain number of seats in proportion to population. The district of 24-Parganas includes the suburban area of Calcutta, and has many populous municipalities, which should have a separate electorate of its own, and the rest of the division another electorate, in order to avoid unequal competition. I shall adopt the same principle in other divisions, wherever necessary.

26 District Board seats.

I shall give the non-official members of the District Boards and Local Boards of each district one seat, irrespective of population. Thus 26 districts of Bengal will have 26 seats. I shall do this in order to make the Local and District Board membership attractive. If they cease to have the privilege of electing members to the Provincial Council, it may interfere with the efficiency of the Boards. This like the former will be a general electorate for all classes of people.

142 Rural seats.

I shall give one representative to every 3 lakhs of people of the rural population in every district, and one representative for every two lakhs and upwards above any multiple of three lakhs. I shall have one electorate for all classes of people, but for the present allot certain seats in the proportion generally of 4 to 10 to Muhammadans for this electorate in the following manner—

Population.	District.	Total number of members.	Muhammadans.	Non-Muhammadans.
About 15 lakhs	Burdwan	5	2	3
" 9 "	Birbhum	3	1	2
" 11 "	Bankura	3	1	2
" 27½ "	Midnapore	10	4	6

NOTE.—Midnapore may be divided into two districts.

" 9½ "	Hooghly	3	1	2
" 7 "	Howrah	3	1	2
" 17½ "	24-Parganas	6	2	4
" 15 "	Nadia	5	2	3
" 13 "	Murshidabad	4	1	3
" 17½ "	Jessore	6	2	4
" 13½ "	Khulna	4	1	3
" 14½ "	Rajshahi	5	2	3
" 17 "	Dinajpur	5	2	3
" 9 "	Jalpaiguri	3	1	2
" 2½ "	Darjeeling	2	1	1

NOTE.—As the population is less than 8 lakhs, I give one to the general public and one to Muhammadans.

Population.	District.	Total number of members.	Muhammadans.	Non-Muhammadans.
About 24 lakhs	... Rangpur	... 8	3	5
" 10 "	... Bogra	... 3	1	2
" 14 "	... Pabna	... 4	1	3
" 10 "	... Malda	... 3	1	2
" 28 "	... Dacca	... 10	4	6
NOTE.—Dacca may be divided into two districts.				
" 44 "	... Mymensingh	... 15	6	9
NOTE.—Mymensingh may be divided into three districts.				
" 21 "	... Faridpur	... 7	2	5
" 24 "	... Barisal	... 8	3	5
" 24 "	... Tippera	... 8	3	5
" 13 "	... Noakhali	... 4	1	3
" 15 "	... Chittagong	... 5	2	3
	Total	... 142	51	91

Muhammadans and Non-Muhammadans will vote from the same electorate, but in every district, the electors will have to elect as many Muhammadans as are specified against its name.

5 Calcutta University seats, of which 1 to a Lady graduate.

I give 5 seats to the Calcutta University to be elected by registered graduates and members of the Senate. Of these five graduates, one shall be a lady.

2 Seats to Oriental learning.

I give one seat to the holders of Sanskrit titles conferred by Government to be elected only by the registered title-holders. Similarly I give one seat to holders of Persian or Arabic titles conferred by Government.

10 Seats to European Commerce and Industry.

I give 10 seats to European Commerce and Industry to be elected by registered European firms or companies having a nett minimum annual income of 12 thousand rupees.

5 Seats to Indian Commerce.

Similarly I give five seats to Indian firms or companies having a nett minimum annual income of 12 thousand rupees.

5 Seats to Land-holders.

I give five seats to land-holding classes having a minimum annual nett income of 12 thousand rupees.

25 Nominated seats.

I shall reserve 25 seats for nomination in the hands of Government for nominating officials and experts as well as for the representation of such classes or communities as Indian Christians, Buddhists, Parsis, Marwaris and backward Hindu caste whose importance and number in the opinion of Government require special representation.

The total number.

The total number thus arrived at by me is 250—the total population of Bengal being about 4½ crores, it will give one member for every one lakh 80 thousand people or roughly 2 lakhs of people.

Qualifications of voters and candidates.

Every male person of the age of 18 and qualified as municipal voter will be entitled to vote and stand as a candidate if not otherwise disqualified by any rules that may be framed on such grounds as conviction for heinous offences, etc.

No elector will have more than one vote within one constituency, but he will be allowed to be registered as an elector in more than one constituency if qualified.

As for rural areas any person of the age of 18 and residing within the district and otherwise qualified will be entitled to vote as well as stand for election if he pays revenue or rent of the sum of Rs. 50 or cess of the sum of Rs. 2 either to Government or to a landlord, pays chaukidari tax of not less than Rs. 4 or possessed of a clear annual income of not less than Rs. 250 or has passed the Matriculation or Entrance Examination of any University or is a Mukhtear, Pleader, Attorney, Barrister, Sub-Assistant Surgeon, Assistant Surgeon or holds a certificate or title in Sanskrit, Persian, Arabic from Government, etc. No elector shall have more than one vote, but shall be allowed to vote in any other constituency if qualified. The polling station in rural area may be held at the headquarters of thanas. For the present the entire district will be an unit for electorate for rural area and candidates should be the same as in Municipal constituencies.

Indian Legislative Assembly.

The Indian Legislative Council is to consist of not less than 250 members, of which one-fifth, i.e., 50 should be nominated by the Governor-General and four-fifths, i.e., 200 should be returned by election.

The total population of British India being about 25 crores, I give one seat to every 12½ lakhs of people more or less or 8 seats to crore of people, calculating on that basis I give—

Name of Provinces.	Population.	Number of seats.
Bengal	4½ crores	36
Bombay	2 "	16
Madras	4 "	32
United Provinces	4½ "	36
Punjab	2 "	16
Bihar and Orissa	3½ "	28
Burma	1 crore	8
Assam	67 lakhs	5
Central Provinces and Berar	1½ crores	12
North-West Frontier Province	22 lakhs	2
Baluchistan	4 "	1
Ajmere and Merwar	5 "	1
Delhi	2 "	1
Coorg	2 "	1
Total		195

N.B.—Provinces having a population of less than 12½ lakhs are also each given, except Andaman and Nicobar Islands, a seat on account of importance. The total number thus comes to 195, and the remaining five seats may be adjusted among the provinces by giving some of them more than the number here allotted, according to their importance.

The thirty-six seats given to Bengal are distributed as follows—

1. Calcutta University	2
2. Calcutta Municipality	2
3. Bengal Legislative Council	4
4. Land-holding classes	2
5. European Commerce	4
6. Indian Commerce	2
7. Municipalities, one from each division	5
8. Muhammadans one from each division	5
9. District Boards and Local Boards, two from each division	10
Total	36

1. University members will be elected by the members of the Senate and the registered graduates from among them.

2. Calcutta Municipality members will be elected by the non-official members of the municipality from among the non-official Commissioners and non-official rate-payers of the said municipality.

3. Bengal Legislative Council Members will be elected by the non-official members of the Council from among the non-official members.

4. Land-holding members will be elected by all land-holders having a minimum nett annual income of Rs. 12,000.

5. Members representing European firms and companies will be elected by the European companies or firms having a minimum nett annual income of Rs. 12,000.

6. Members representing Indian Commerce will be elected by the Indian firms or companies having the same status as stated above.

7. Municipal members, one for each division, will be elected by all the non-official Municipal Commissioners of the division from among themselves.

8. Muhammadan members, one from each division, will be elected by all the Muhammadan graduates and holders of titles for proficiencies in Persian and Arabic, all Muhammadan Barristers, Attorneys, Pleaders, Mukhtears and persons having an annual income of one thousand and above.

9. Members representing District Boards and Local Boards, two in each division, will be elected by the non-official members of the said Boards from among themselves.

Of the 50 nominated members, 9 seats should be reserved for Bengal to represent minorities and backward communities and important interests and the Local Government.

The seats reserved for Muhammadans in this scheme will be in addition to what they may secure in the general way.

JADUNATH MAZUMDAR.

Substance of the evidence to be given before the Franchise Committee as the representative of the East Bengal Landholders' Association.

I am in favour of broadening the general franchise. With regard to the percentage of the general electorate to the total population, I hope to be permitted to submit necessary facts and figures when I appear before the Committee. The general electorate, I may be permitted to add, should consist of the Urban and the Rural. I am in favour of direct election for both. I shall have my say about the proportion and qualifications of members when I shall be examined.

I am of opinion that at least one-third of the nominated members of Council should be non-officials.

I have every reason to support the demands for communal electorates. For the representations of the special interest or minorities there should be, in my opinion, the following constituencies:—Landholders, Muhammadans, Mining, Planting, Universities and Medical profession. I shall submit my arguments later on and state as to what should be the strength of each of the special electorates. For the present I may be permitted to observe that the present standard of Landholders' Franchise, in connection with the provincial Council, may be extended within proper limits in order to have a larger number of voters. Facts and figures will be submitted when I am called before the Committee. I am also strongly of opinion that there should be an increase in their strength of representation if they are to take their proper part in the political life of the country as is expected of them in paragraph 147 of the Reform Report. The outstanding fact that land revenue forms 23 per cent. of the total public revenue of British India, should not be overlooked and the landholders of each province should be given such representations as may be deemed adequate, being in proportion to the contribution which they annually make to the public exchequer.

ALIPORE,

The 30th November 1918.

M. N. RAY CHOWDHURY,

of Santosh.

EUROPEAN ASSOCIATION.

STATEMENT FOR ELECTORAL COMMITTEE.

THE question of electorates, as already pointed out by the Council of the European Association in criticisms of the Montagu-Chelmsford Scheme, is the crux of the whole matter.

It appears to the Council of the Association that the Committee appointed to work out this part of the reform scheme cannot do otherwise than base the new electorates on those that already exist for local and municipal bodies. For it cannot be argued that persons unfitted for the local or municipal franchise are qualified for the heavier responsibility of the vote whereby members of the Provincial Legislative Councils are to be elected. Nor can it be contended that, in India as a whole, persons who are competent to exercise the local and municipal franchise have been largely excluded therefrom by an unreasonably high standard of qualification.

The question arises whether an electorate based on the existing local and municipal electorates would be sufficiently large to speak for the people in general. The European Association has not the means of working out figures for all the provinces of India; but it has made enquiries into the conditions in one of the presidencies, and submits the results below.

In the province under notice, which is among the more advanced in general and political education, the proportion of taluq board electors to total population in the taluq board area varies from something below 1 per cent. to rather more than 3 per cent. All the taluqs in one district of the province show a proportion of less than $\frac{1}{2}$ per cent. and there is apparently no district of that province in which all the taluqs attain to a proportion of 2 per cent.

Turning to urban areas in the same province, the percentage of municipal electors to population of municipal areas is found to range from less than 2 to a little over 5.

With such figures before it, the Council of the European Association is unable to believe that even so democratic a measure as one giving the provincial franchise to all who enjoy the local and municipal franchise would produce an electorate duly representative of the general population. No doubt the electorate so formed would be an improvement, from the democratic point of view, and leaving intelligence out of the question, on that which exists. But the assumption underlying the Montagu-Chelmsford proposals is that the new electorate will be entitled, at any rate in most parts of the country, to express the will of the people. That 1, 2 or even here and there 5 per cent. of the population can accurately express the will of the whole is beyond the European Association's power of belief.

The numerical inadequacy of the electorate is not, indeed a sufficient reason for abandoning all projects of advance towards self-government; but it is a reason, and a very strong one, for great prudence in placing power in the hands of men elected by a small minority.

This question of numbers, of the proportion of electors to the whole population is, however, but one of the problems which the reformer has to solve. It is not merely through the inevitable exclusion of between 90 and 98 per cent. of the population from the franchise that self-government on an electoral basis becomes a sham. There are two other factors conducing to that result. One is the apparently unavoidable over-representation of the urban voters as compared with the rural, in a country which is mainly agricultural and in which the agricultural vote ought to have more weight. No doubt the electoral system might be so framed that the representation of rural constituencies corresponded rather to the rural population than to the fraction of it enjoying the vote. Still, the men chosen, the policies approved, would be chosen and approved by a minute body of voters; and though rural India would have less cause for complaint regarding the number of seats given it, it would still have no sort of guarantee that the men occupying them at any given time were such as the interests of the voteless majority required.

Then there is the denial of communal representation. The Council of the European Association has already declared itself strongly in favour of communal representation. In its second statement it said :—

“The one argument of any apparent cogency against communal representation is that it may hinder the development of Indian ‘nationhood’. To this it might be replied that in a continent where deep divisions have immemorially existed between the races inhabiting it, and where even identity of race is of less account than diversity of caste within the race, the postponement of ‘nationhood’ would scarcely be regarded as intolerable. But the Council of the Association would rather urge that the recognition of communal interests is the first step towards union. For the prime condition of united action by men of various communities is that each community should feel secure in its rights. The rights of which men think oftenest, and in the assertion of which they are most aggressive are those which are menaced. Let the menace be removed, and less thought of an undesirable kind will be bestowed on special communal interests, and more on the general interests of the country. But even were this otherwise, even were it true that the grant of communal representation to others besides Muhammadans and Sikhs would defer the attainment of ‘nationhood’ could it reasonably be argued a ‘nationhood’ in which communal self-respect had been destroyed would be worth having? Is it not reasonable to regard the establishment of an oligarchy as likely to create a political cleavage between the powerful and the powerless which, coinciding in many parts of the country with the social cleavage between the Brahmin and the non-Brahmin, would end all hope of union in a worthy ‘nationhood’?”

“If, as the European Association firmly believes, communal representation is absolutely necessary in the interests of the Indian masses, it is not less needed for the protection of legitimate European interests. The European non-official community in India is numerically so small that it would be swamped in open elections with a general electorate. But its economic interests are so immensely important, it plays so useful and peculiar a part in the commercial development of the country to the benefit of all classes, that such swamping of it would be most disastrous to India. Again, from the political point of view, it is essential to the welfare of India that European non-officials should have their proper share in the direction of affairs, for as the rôle of the European official is continuously restricted in accordance with the new policy, the European non-official will become increasingly responsible for the maintenance in Indian administration of those ideas which Great Britain introduced into the country and the preservation of which is imperative if the new system, also imported from Great Britain, is not to collapse.

“Yet, under the Montagu-Chelmsford scheme, the only representation allowed to Europeans is through certain specialised bodies, like Chambers of Commerce, and through nomination. That the community, alone of all in India, is fitted by heredity, and by the early environment of its members before they come to this country; to understand and work the franchise and representative institutions apparently counts for little or nothing with the authors of the reform scheme. That the membership of its one general organisation, the European Association, exceeds that of any constituency represented in the Imperial Legislative Council is ignored. Europeans—except in so far as, in very exceptional cases, Europeans may be returned by a general electorate of all races, in which case they would not be genuinely representative of European opinion—are condemned to representation merely through sectional bodies and through a problematic number of nominated members. Now the members returned by bodies like Chambers of Commerce are thoroughly entitled to their places in the Legislature, for the interests they represent are vast; but such members naturally cannot receive from their constituents any general political mandate. They are in the Legislature to guard economic interests, and can only rarely and tentatively deal with questions not directly affecting such interests. That alone is a strong reason for granting communal representation to European. There is a further reason in the fact that, without communal representation, Europeans following the legal, medical and other professions, or resident where Chambers of Commerce, Planters’ Associations and Trades Associations do not exist, will continue to be wholly unrepresented through a period when representation is being extended on all other sides.” (As an instance of the results of denying communal representation to Europeans, though the European Association is much the largest, and the only political, European body in India, neither its President nor its Secretary has a vote for the Provincial or Imperial Legislative Council.)

“Nomination cannot remedy the resultant injuries. Experience of nomination by the Government in their prime does not inspire that confidence which the community is invited to feel in nomination by the Government in the days of a decline preparatory to regeneration as a popularly controlled body. And even if assurances could be given that the Government would nominate their severer critics as readily as their mute supporters, the European Association would still feel obliged to contend for the right of Europeans to choose their own representatives, instead of having them chosen by the Government. Under the new conditions, Europeans must be free to seek out men of political talent regardless of those considerations which usually have weight with the Government in making nominations. Europeans must be enabled to place in the Legislative Councils men who can incontestably claim that they are there by the general wish of the community, and over whom the community can exercise the influence constituents have under all representative systems.

“It has been suggested that Europeans could be satisfactorily represented without the concession of a communal electorate. The idea is cherished, in quarters far from disinterested, that Europeans might be guaranteed a certain proportion of seats, to be filled,

however, by vote of a general electorate, in which Indians would, of course, preponderate. The Council of the European Association is disposed to attach somewhat more importance to the personality of the occupants than to the assurance of the seats. It does not expect any benefit from filling the places marked for European representatives with European renegades.

"The European Association asks, therefore, for communal representation of Europeans, on a scale commensurate with the importance of the community, without abolition of the modest amount of representation given through a few specialised bodies like Chambers of Commerce. It may be objected that Europeans are not entitled to have this specialised representation in addition to communal representation. The argument does not impress the Council of the Association. It is perfectly willing that the total amount of representation should not exceed that to which the community is fairly entitled, and will readily acquiesce in any reasonable distribution of seats between the representatives of the specialised and the communal electorates. If the total representation of Europeans is not excessive, what grievance can any one have over the fact that it is partly through representation of Chambers of Commerce, Planters' Association and Trades Associations and partly through representation of Europeans as such? Incidentally it may be pointed out that the specialised bodies are not wholly European in composition. Some Chambers of Commerce and Trades Association from time to time contain Indians, though only in minorities. It may also be said that the interests represented by them, though in a sense specially European, are nevertheless on a broad view those of producers or vendors, not of a community.

"The creation of a European communal electorate presents no serious difficulty. The Council of the Association would propose that it consist of all adult male British subjects of non-Asiatic origin liable to income-tax."

Some points in the latter part of the statement just quoted deserve further explanation.

It has already been shown that if the total European representation is not excessive, there can be no just cause for Indian complaint of the overlapping of the communal and the specialised electorates and how the European representation is divided is immaterial to other classes. It may, however, be urged by constitutional purists that, even though no injustice result to Indians, such overlapping is in itself objectionable. An examination of the matter, however, will make it clear that the overlapping will be less real than at first sight appears. The representatives of Chambers of Commerce and the like are elected by voters holding very various opinions on strictly political questions with the idea of safeguarding economic interests and little or nothing else. This has been emphasised in the past by such representatives in the Legislative Councils. It follows that if a European votes both as a communal elector and as a member of a Chamber of Commerce or other such specialised body, the two votes he casts are not cast for the one purpose. In the former case he is voting on what he regards as the merits of a host of questions which are not present to his mind when he votes for his Chamber or Planting or Trade representative. It will often happen that, on economic grounds, he will support a Chamber representative holding some opinions on non-economic questions which he does not share. It will equally often happen that as a communal voter he will favour a candidate holding some opinions in regard to commercial policy which are repugnant to him. In short, the double vote will not be used for the one purpose.

It is also to be observed that the vote given by a member of a Chamber or similar body is not, as a rule, an expression of wholly personal opinion even on economic subjects. It is not simply as a citizen, but rather as a partner or director or servant of a firm or company, that a member of these specialised bodies votes. If, therefore, he were deprived of a communal vote on the ground that he had a vote in the specialised electorate, he would, in fact, be robbed of part of his rights as a citizen, for in the first place the only vote left to him would be one the casting of which would not be wholly in his own volition, as the typical elector's is, but would be largely and very often decisively influenced by the wishes of his firm or company, and, in the second place, it would be a vote in favour of a representative with a less general and definitely political mandate than the communal representative receives.

In the statement from which I quoted passages above, an indication was given of the basis of the European communal electorate. Any difficulty there may be in drawing a line between the European and the Anglo-Indian could be overcome by introducing definite limitations, of which probably the most effective would be to limit the European vote to persons having a legal domicile in the United Kingdom and persons whose parents had that domicile.

In every Legislative Council, including the Imperial Legislative Council, a definite proportion of seats should be set aside for European representation.

This demand is justified by the need for the preservation of a strong British element in the legislative body, as in the administration; by the necessity of protecting European economic and communal interests; and by the superior education and political advancement of the members of the community compared with the average Indian on whom the franchise will be conferred. The amount of representation due to Europeans in a province cannot be mechanically estimated. It must be determined by regard to the necessity of making it effective, and not by rule of three. How the definite proportion is to be fixed will depend in each case largely on local conditions. The European Association cannot contemplate that in any province the proportion of seats given to Europeans should be lower than it is in the existing Legislative Council of the province. In some provinces there will be a strong case for raising the proportion very substantially; for while the special interests now represented will deserve and no doubt receive due representation, the claims of Europeans to communal representation, hitherto ignored, will make a demand on the total number of seats allotted according as the special electorates now represented do or do not comprise practically the entire European electorate. No figure fixed at the outset can be final, and if the adequate protection of their interests is, as it should be, the guiding principle in allotting a definite number of seats to the European community, time may show that voting strength has become so important a factor that the proportion must be increased.

The communal representation of Europeans in the Imperial Legislative Council could be best based on a system whereby each of the chief European centres, with part or whole of the province in which the centre is situated, would be made a constituency, *e.g.*, Madras might be the centre of a constituency including the whole Presidency, but the Bombay Presidency might be split between "Bombay" and "Karachi." It would not follow that Madras should have only one member while the Bombay Presidency had two. The idea would simply be to differentiate where possible, without prejudice to the number of seats, between a province in which European opinion has one source and a province in which it has two. If the total number of seats in the Imperial Legislative Council did not permit of so many European communal constituencies, then India might be divided into, say, four constituencies—Northern, Eastern, Western and Southern India, each electing one or more representatives. The European Association considers that the European communal electorate for the Imperial Legislative Council should not be required to satisfy any qualification test other than that imposed on the Provincial European communal electorate.

It is essential that the constituencies for the Imperial Legislative Council should together cover the whole of British India and that the constituencies for a province should together cover the whole province, and that no European qualified to vote should be deprived of representation merely because he resides in an area very thinly populated by Europeans.

Memorandum of the statement submitted by Professor S. C. Mukharji, M.A., B.L., a witness before the Franchise and Electorates Committees on behalf of the Indian Christian Association, Bengal.

The Indian Christian Association, Bengal, have prayed for communal representation for Indian Christians on the Legislative Council of Bengal, and also on the Indian Council. They feel under existing circumstances communal representation is the only just means of giving important minor communities a share in responsible Government as proposed in Montagu-Chelmsford Report. They fully appreciate the reasons set forth in the said report against grant of communal representation, but they are distinctly of opinion, that in the present circumstances they are theoretical rather than practical. They endorse the principle set forth in the memorandum submitted to the India Government by the Council of the All-India Conference of Indian Christians, viz.: "The attainment of single national solidarity in the whole country, irrespective of creed, race and caste, should be steadily kept in view by people, and Government at every stage of progress. Communal representation, we maintain, is clearly necessary at this stage; but we desire that, whatever the method of its application may be, it should be avowedly worked as a concession to the expediency of situations which are bound to be overcome. . . ."

The Indian Christians, who according to the census of 1911, number 83,260 out of a total population of 46,217,245 rest their claim for a special Indian Christian Electorate on the following grounds—

I. They have from the very beginning been regarded by the Government as a distinct community by passing separate legislation in their interests, e.g. —

- The Caste Disabilities Removal Act (XXI of 1850).
- The Native Converts' Marriage Dissolution Act (XXI of 1866).
- The Indian Succession Act (X of 1865).
- The Indian Christian Marriage Act (XV of 1872).
- The Indian Divorce Act (IV of 1869).
- The Marriage Validation Act (II of 1892).

II. Their percentage of literacy stands much higher than that of Hindus and Muhammadans, and in female education they hold the first place among the leading communities, and have contributed substantially to the spread of Western education among the women of other classes through the efforts of the Indian Christian women teachers and Assistant Inspectresses of Schools.

III. Their training in the principle of responsible government. No community is so compact as regards organization. During the course of a century the masses of village and town Christians have been trained in the methods of responsible government not only in Church affairs, but in all matters which relate to the welfare of a community.

They therefore pray for a *special electorate of their own*, and suggest that the franchise be granted to those who satisfy the following conditions:—

Voters, under the scheme, shall be not less than 21 years of age, and have one or both of the following qualifications:—

- (1) They shall have attained to the educational standard of the Matriculation or any higher examination.
(So far as this qualification is concerned, the Indian Christian community feel that no distinction should be made between male and female.)
- (2) They shall be householders paying either municipal or income-tax or land revenue to the zamindar or Government, and shall also be able to read and write.
(This is meant to include the average intelligent Indian Christian artisan or cultivator.)

SERAMPORE COLLEGE,
The 30th November 1918.

S. C. MUKHARJI,
Secretary, Indian Christian
Association, Bengal.

*Written statement submitted by Mr. A. D. Pickford, Chairman, Indian Tea Association,
Calcutta in connection with the evidence to be given by him before the
Franchise Committee.*

The following statistics are given :—

	ASSAM.	BENGAL.	ALL INDIA.
Total area of Tea plantations, acres ...	1,866,089	418,940(a)	2,020,075
„ area under tea, acres ...	398,690	167,791(b)	694,284
Persons employed ...	518,887	133,401(c)	752,533
Outturn of tea in lbs. ...	243,643,706	88,308,662(d)	359,431,378
Percentage of acreage represented in Indian Tea Association... ..	86%	74%(e)	

	DARJEELING.	DOOARS.
(a) 129,581 acres		262,792 acres.
(b) 54,646 „		107,920 „
(c) 43,283 persons		90,126 persons.
(d) 18,660,752 lbs.		67,659,149 lbs.
(e) 48%		80%

Capital of Joint Stock Companies engaged in production of tea in 1916 amounted to about £23,000,000 made up as follows :—

Companies registered in India	Rs. 4,82,31,720
„ „ „ United Kingdom £ 19,925,448	= Rs. 29,88,81,720
	Rs. 34,71,13,440

Figures relating to position as regards European Superintendents, Managers, Assistants, etc.

NOTE—These figures were tabulated from returns received from a large number of members of the Indian Tea Association.

	Area represented in the returns.	Normal European staff.	Total area under all gardens in same ratio.	European staff of all gardens in same ratio.
Assam	357,185 acres.	1,062	399,690 acres.	1,198
Darjeeling (including Terai)	39,676 „	115	54,646 „	158
Dooars	84,291 „	252	307,820 „	322

It is laid down in the report that the franchise should be as broad as possible. In the case of tea gardens, the coolie population consists of two kinds, those actually under agreement to gardens and those who are settled on grants outside the garden areas. None of these have a standard of education fitting them to exercise a vote but if property is to be a qualification the second class should be given voting power, even though their votes will be largely directed by the planters who employ them or who live near them.

Where the vote is exercised by persons largely uneducated it seems desirable as a general principle that the electorate should be as numerous as possible in order to minimise the chances of undue influence.

In a letter addressed to the Assam Branch of the Indian Tea Association by the Indian Tea Association, Calcutta, a copy of which is attached, the opinion is urged that the election of representatives of tea gardens should be direct, and not by nomination. The tea industry should have the absolute right to decide who shall represent it.

I am opposed to the suggestion contained in the last part of para 232. The general body of electors can be no adequate judges of the most suitable representatives of the planting community on the Legislative Councils. The risks alluded to in para 230 of the report are not applicable to the tea industry.

If it is true, as stated in the first part of para 232, that “any general extension of the communal system would be fatal to that development of representation upon the national basis on which alone a system of responsible Government can possibly be rooted,” I suggest it is also true that to leave the representation of interests of minorities such as the tea industry in the hands of any general electorate would tend to drive the community out of the political field altogether.

If Legislative Councils are to have control, their responsibility should be real, and there should be no chance of that responsibility being frittered away by subsequent action. Therefore, though there may be danger in the arrangement I do not think the number of nominated officials should be such as to risk the independence of the Council.

The Northern India tea industry is in a peculiar position in relation to these questions. The gardens are situated partly in Bengal and partly in Assam, mainly the latter. Representatives on the provincial councils are naturally and rightly drawn from residents in the tea districts, planters. But

they do not represent the tea industry as a whole. The majority of planters are managers of estates belonging to joint stock companies or private proprietors owned and controlled in Calcutta and London. Apart from the lack of independence which this involves, there are many operations connected with the industry with which practically only London and Calcutta are concerned, as for instance the marketing of the tea, shipping arrangements and all that occurs after tea is packed and despatched from the garden. Practically all large questions of policy are dealt with by London and Calcutta in consultation. The situation is further complicated by the fact that certain companies have gardens situated in both Assam and Bengal.

It is essential, therefore, if the industry is to be properly represented, that room should be found both on the Assam and Bengal Legislative Councils for members representing proprietary interests not located in the planting districts otherwise than through managers.

I am also of opinion that the Northern India tea industry as a whole should be represented on the Legislative Assembly.

The election of planting representatives of the tea industry might be in the hands of all managers and assistants drawing salaries of Rs. 300 and over, while, in the case of the proprietary interests, votes both for the Legislative Councils and the Legislative Assembly could be on a tea bearing acreage basis.

No. 1076-O. dated Calcutta, the 16th November 1918.

From—The SECRETARY, Indian Tea Association,

To—The SECRETARY, Assam Branch, Indian Tea Association.

Reform Scheme Report.

I am directed to acknowledge the receipt of your letter No. 224 of 25th October and its enclosure.

2. The Committee have carefully considered what their attitude should be in this difficult matter. As already indicated they do not feel called upon to offer general criticisms on the reform scheme as a whole, beyond associating themselves with the views expressed by the Bengal Chamber of Commerce.

3. So far as the particular interests represented by the Indian Tea Association are concerned they are in the difficulty—which your Branch probably feel also—that there is nothing to go on. Under the reform scheme as formulated by Lord Chelmsford and Mr. Montagu it is conceivable that it might be proposed to impose on Assam, instead of a Chief Commissioner, the cumbersome machinery of a Governor and Council. On this point the Committee feel that the province is not ripe for any such fundamental change in the form of Government. They consider that the Indian gentlemen in Assam, who are elected or nominated members of the Council, have not shown that they would be able to accept so great a responsibility.

4. At the other end of the scale it is conceivable that Assam might be excluded from the general scheme, and be regarded as a "backward" province. Without some knowledge of what this would entail, as for instance in the matter of representation on the Council, it is impossible to say whether this would be an advantage or a disadvantage.

5. The question of the due representation of tea interests is of course of the utmost importance, but here again a mere expression of opinion that the number of seats reserved to the tea industry should be so many is purposeless without information on the number of Councillors, the degree of representation granted to other interests, etc. On one point, however, the Committee are clear—namely, that if election is to be the basis of government in the future the representatives of tea interests should be sent to Council by election and not by nomination. The latter would mean, theoretically, if not practically, that the representatives of the tea industry would serve at the invitation of Government and not by the will of the industry. The Committee hold that under any new scheme their interests should be governed by law, and not by convention. As has already been pointed out, it seems absurd that those who are by nationality and racial tradition best fitted to exercise a vote should be prevented from doing so, while in the case of Indians an electoral system is to be artificially created.

6. With regard to the two Committees which, it is noted, will take evidence in Calcutta between 25th and 30th November the Committee of this Association feel it is very important that your Branch should nominate a witness to appear before them.

To
The Chief Secretary to the
Government of Bengal.

Sir,

I have the honour to request you the favour of submitting through their Excellencies the Governor and the Governor-General in Councils the following suggestions on franchise to the Franchise Committee, that have been recently appointed to frame electorates and constituencies to advance constitutional Reforms in British India.

"DILKUSHA"
Bhawanipat
Calcutta
October 22
1918.

I have the honour to be

Sir,

Your most obedient servant,

(Sd) Srinath Sengupta

Senior Gilchrist Scholar of the year 1871,

Recipient of Coronation Certificate of Honour for Loyalty.

First Manager of National Tea Company, Assam.

Late Honorary Magistrate and Municipal Commissioner in Burdwan (1897-1901).

Late Manager and Assistant Manager under Court of Wards for 27 years in Mourbhanje State, Burdwan, Ranchi, Hathua, Calcutta, (Gopal Seal's Estate) &c. &c.

Honorable
Mr. Srinivasa Sastri
member of Franchise Committee
for favor of perusal and
needful

Sengupta
22 10 18

A. VILLAGE COMMITTEES.

1. All tax-paying and cess-paying villagers should have the right of voting for members of the Village Committees from amongst themselves.

2. A village unit must consist of an area inhabited by 1,000 persons or 200 house-holds, more or less, and every such unit may elect two leading men (yeoman-farmers) to the Village Committees from amongst cess-paying and tax-paying fellow-villagers. The records of the Village Committees should be kept and proceedings and correspondence be maintained in the Vernacular.

3. Ten village-units or 10,000 people may be placed under a single Village Committee. There will be about 50 such Village Committees in a Sub-Division of about 500,000 people.

4. All present and past members of the Village Committees should be endowed with direct votes for electing members to the provincial Legislative Assembly.

B. PROVINCIAL LEGISLATIVE ASSEMBLY.

5. There should be 150 elected Members in the Assembly of the Bengal Presidency; two-thirds of them or 100 Members should be elected by 42½ millions of the rural population, and one-third or 50 Members by the 3 millions living in towns, including British Europeans and Eurasians.

C. RURAL AREAS.

6. Every Sub-Division should be considered an electoral unit, returning one Member to the Provincial Assembly.

7. The rural constituents should be,

(a) All members of the Village Committees and,

(b) All past members of the Village Committees, Circle Boards and District Boards, residing within the limits of the Sub-Division outside towns. The direct voters will thus increase automatically.

8. The number of constituents in no single constituency should exceed 1,000 during the first six years; 2,000 during the second 6 years; and 5,000 afterwards at the rate of two, four, and ten per thousand of population. Male literates are already over 110 per thousand in rural areas.

9. Two-fifths of the elected Members should be Mussalmans in rural areas in all Divisions and be elected by rural constituencies with general electoral roll under para 232 of the Montagu-Chelmsford Report, unless the Mussalmans give up at any time the proportion fixed for them by the Congress-League Scheme for Bengal.

10. If the Zemindars be granted special electorates, those electorates should include all persons whose names are found in Collectorate Register "A" for revenue paying Mahals. It will be open to a zemindar to decline a place in a special electorate.

11. Persons in special electorates of Zemindars, Mussalmans and Englishmen should have no place in the general electoral roll, and will be disqualified to be representatives of rural areas in the general interest.

12. The number of Zemindar representatives should not exceed 10; 1 for Chittagong Division, 3 for Presidency Division, 2 for each of the Burdwan, Bahahahi and Dacca Divisions.

id be by law required of every elected member to meet his constituents once every month, in a public meeting...

13. Of the 10 Zemindar representatives, 4 should be Muslims.

14. The electors should not be restricted in their choice of Members, except that during the first six years they should elect one residing in the sub-division; during the second six years one residing in the District, and afterwards in the Division.

15. The Zemindars and Europeans who elect special zemindar and European representatives will be disqualified to become Members of rural constituencies.

D. TOWN AREAS.

16. One-third of the elected members (50) should be allowed to towns and be distributed thus:—

17. I. (a) 15 members to represent British and Eurasian merchants, tradesmen, planters, miners, missionaries, mill-owners, and lawyers. Franchise is to be given to individuals and not to associations.
- (b) 5 members to be elected by working-men of mills, factories driven by steam power; and by labourers and coolies on tea gardens, sugar and indigo factories and mines, and by Khalasis on boards the steamers and railways.
- (c) Europeans will be disqualified to vote for non-European members or to represent non-European ratepayers of towns.

temporarily representatives community.
 N. B.—In case it is considered undesirable to enfranchise mill-hands and tea-garden coolies now, these members may be added to the Governor's nomination of non-officials (Vide paragraphs 20 and 21, ^{infra} *Supra*).

18. II. 20 Members are to be elected by rate-payers (and not by commissioners) of municipalities of towns in the following manner:—

- (i) 8 by Calcutta; 2 by each district.
- (ii) 1 by Howrah.
- (iii) 1 by Dacca-Narainganj.
- (iv) 3 by towns of the Presidency Division.
- (v) 2 by towns of the Burdwan Division.
- (vi) 2 by towns of the Dacca Division.
- (vii) 2 by towns of Rajshahye Division.
- (viii) 1 by towns of the Chittagong Division.

19. In no case should the individual constituents be ^{more} less than 2,000 or 3,000 persons ^{many} for each Municipal constituency during the first 12 years. The electorates for the Assembly shall be distinct from those for Municipalities. Marwari and Bengalee merchants should seek representation through urban electorates. Special electorates (which are necessary evils) should not be multiplied or made permanent.

III. Various interests (10 Members).

- (a) 4 by special Musalman interests or electorates, each of 5,000 voters (leading men, Mullahs, Ulemas &c).
- (b) 1 by the Senate of the Calcutta University.
- (c) 3 by the graduates of the University, 2 Hindu and 1 Mahomedan.
- (d) 2 by Professors and title-holders of Sanskrit Tols recognised by Government.

E. GOVERNMENT NOMINATION.

20. If the Governor should nominate 40 members,

13 should be non-officials and

13 should be officials, while,

14 members should be *ex-officio*.

Please see N. B. in paragraph 17, *ante*.

21. Any special representation for backward and special classes, and any expert Members, not provided for in the rural and urban electorates named above, should be arranged for from the Governor's reserve of 13 or 14 nominated non-officials, with full powers to vote in any way they please.

F. RESTRICTION ON CHOICE OF MEMBERS.

22. Electors of Calcutta should be at liberty to elect any resident of Bengal. Electors of Muffasil towns should be restricted in their choice of Members to the residents of the Division in which the town lies.

SAFEGUARD AGAINST BREAK DOWN.

23. The danger of an excessive number of direct voters leading to the breakdown of the electoral machinery should be guarded against, while indirect elections should be done away with as far as possible. As the members and chairmen of Village Committees are persons who live and reside and socially mix with other cess-paying villagers, the evil of indirect elections will be reduced to a minimum in their cases. As all rural cess-payers cannot be admitted now to the electoral roll of the Legislative Assembly, the direct voters should be men who live amongst them and belong to them and are trusted by them. The present and past members of the Village Committees would approach this ideal most.

G. THE INDIAN ASSEMBLY.

24. The Indian Assembly should consist of 120 members instead of 100, and 90 of them should be elected as follows by various provinces, instead of 67, as suggested in para 274 of the Report:—

Bengal Presidency	...	...	14	instead of	11.
Madras	..	...	14	"	11.
Bombay	..	...	14	"	11.
The United Provinces	...	...	14	"	11.
The Punjab	...	...	9	"	7.
Behar and Orissa	...	...	9	"	7.
The Central Provinces	...	...	6	"	5.
Burmah	...	...	6	"	3.
Assam	...	...	3	"	2. and
Delhi	...	...	1	"	<i>nil.</i>
		Total	90		67

25. The following constituencies may elect 14 Members proposed to be allotted to Bengal:—

(a) 4 members by the present and past *Chairmen* of Village Committees of 4 Divisions, Dacca and Chittagong being treated as one.

(b) 1 member by 5,000 leading rate-payers of Calcutta.

- (c) 1 member by the present and past Commissioners of other Municipalities.
- (d) 2 members (one Hindu and one Mahamedan) by the leading zemindars (land-revenue paid by a voter exceeding Rs. 500 a year).
- (e) 2 members by the leading Mahomedans, an electorate not to exceed 5,000 for each member, one for Burdwan and Presidency Divisions and another for Rajshahye, Dacca and Chittagong Divisions.
- (f) 2 ^{members by the} British (not European) and Eurasian merchants, planters lawyers, &c., paying income-tax on Rs. 2,000 and over. No Chamber or Association, but individuals with right of direct voting should have the franchise in these constituencies.
- (g) 1 member by Bengalee merchants and mill-owners, paying Income tax on Rs. 2,000 and over, in Calcutta, Howrah, Cossipur, Clitpur and Maniktallah.
- (h) 1 member by the Senate of the Calcutta University.

26. Four or five Members to represent the cultivating and pastoral classes should be elected by the chairmen of Village Committees, who will be always men of substance—yeoman-farmers, lakhirajdars (freeholders), ayamdars and jotadars. The Zemindars of the zemindary electorates should no more represent cultivators than the mill-owners should represent the mill-hands, or the planters should represent the tea-garden coolies.

27. Except for the British and Eurasians and the zemindars and the Musalmans, caste electorates are very difficult to organise in Bengal. Franchise should not be given to Chambers of Commerce, Trades Associations or Anglo-Indian Leagues, as that would emphasize and combine all the evils of plutocracy and oligarchy, but to individuals or individual firms, from whom income tax is collected. The determination of the English and Eurasian merchants and tradesmen to have their representatives elected by men of their own nationality is a great misfortune both for them and the Indian community, as it will not only perpetuate but widen the gulf that separates Englishmen in India from Indians in every respect. While Indians are reducing the number of castes in India, Englishmen will be adding to it.

H. THERE IS LITTLE OF CASTE UNTOUCHABLENESS IN BENGAL.

28. As to the Hindus of Bengal, owing to six hundred years of Muslim rule, preponderance of the Muslim population, 150 years of English domination and 60 years of University education which has extended more in this Presidency than in any other, caste rules are practically confined to marriage. So-called touchable and untouchable castes have worked and voted together in the British Indian Association of Zemindars and in the National Bengal Chamber of Commerce. The Brahmins and Sunris have jointly elected members of District Boards, Municipalities and Legislative Council these 30 years. Touchables and untouchables attend the same College to-day. There is hardly a caste which does not live by four or five callings, as subsidiary Table VIII of the Bengal Census Report testifies; there is hardly a family which has not a subsidiary calling as Table XV goes to prove; and there is no principal calling, which is not followed by a large section of all the large castes. For instance, the calling of cultivation or farming is followed by—

- 22.5 per cent of Baishnabs (nearly half a million).
- 22.4 per cent of Brahmins (priest) (over a million).
- 36.0 per cent of Dhoba (washermen) (one third of a million).
- 37.6 per cent of Goalas (milkmen) (half a million).
- 34.0 per cent of Jogi (weavers) (over one third million).
- 76.0 per cent of Kaibartya Chasi (over two millions).
- 74.2 per cent of Baruis (nearly a fifth of a million).
- 26.2 per cent of Jalia (fishermen) (a third of a million).
- 36.7 per cent of Kayasahas (writers) (over a million).
- 40.9 per cent of Namasudras (boatmen) (over million and a half).
- 80.0 per cent of Rajbansi (a million and a half).
- 52.1 per cent of Tili (oil pressers and sellers) (nearly half a million).
- 81.0 per cent of Sad-gops (half of a million).
- 15.2 per cent of Chamars and Muchis (cobblers) (one third of a million).
- 36.1 per cent of Bagdis (agricultural labourers) (over a million).
- 43.4 per cent of Indian Christians (about 83,000).

I. THE ELECTORAL UNITS FOR BENGAL.

29. So a class-electorate for the agricultural community practically means a general electoral roll for all the castes in rural areas. Of the Brahmins 22 per cent are cultivators; 20 per cent priests; 15 per cent landlords; 7 per cent tradesmen; 5 per cent professional; 4 per cent contractors; and 27 per cent domestic servants etc. Neither caste units nor class or calling units will do in Bengal. No other units than territorial units are therefore feasible or practicable for this Presidency, except for the Zemindari and English community.

30. There are 84 sub-divisions which are likely to be raised to 100 in accordance with the suggestion of the Bengal District Administration Committee Report; and there are 385 thanas or revenue units, which are likely to become head-quarters of Circle Boards under Village Self-government Act. As we cannot expect more than 150 elected members in the Legislative Assembly at the start, and more than 100 elected Members for the rural areas, a Sub-Division will necessarily be the smallest territorial unit for "single" constituencies for the present.

J. SPECIAL MUSALMAN ELECTORATES NOT INDISPENSABLE.

31. If 20 sub-divisions be retained as "single" constituencies, and 80 sub-divisions be turged into 40 double constituencies, of which one elected member must be a Musulman, the necessity of separate electorates for the Musalmans disappears. Similarly two-fifths of the zemindars representatives should be Musalmans. Of the three representatives proposed for graduates, one should be a Musalman. There is nothing easier in Bengal than to arrange proportionate representation of the Musalmans without separate electorates for the Provincial Assembly.

32. Proportional representation of the Musalmans is the substance and separate electorates are the mere shadow of the Musalman demand for adequate representation in the elected Legislative Councils. A general electoral roll will save the trouble of a separate set of polling booths, one at every Sub-Divisional town, if the proportionate number of Muslim members,

fixed by the Congress-League negotiation, be reserved in plural constituencies, as suggested at the end of Para. 232 of the Montagu-Chelmsford Report. This can be easily arranged for rural areas and for Musalman zemindars and graduates.

33. The zemindars that have special representatives in the India Assembly should be disqualified for membership on behalf of rural constituencies, Hindu and Muslim.

K. Intelligence and Literacy of rural classes.

*Actual works
literate in English
exceed 200,000 in
areas of Bengal.*

34. The rural voters cannot just now on account of their vast ^{num-} member exceed 1 to 3 per thousand of the people, and the male literates in the vernacular exceeded 110 per mille in 1911, and must be much larger to-day. There were found 8 years ago amongst the *cultivators*^{num-} alone 7,902, Hindu and 9,775 Musalmans, literate in English—a sufficient number to carry on the Magistrate's and Munsiff's work of the Village Committees. The rural people understand, and are sensible enough to mind, their own business, and cannot be misled more than the communities of small farmers and cottage artisans in any other country of the world, when choosing their representative for Legislative Assembly.

L. Minimum Representation of Villages.

35. I submit that the rural people keep up the Zemindars and their cousins in affluence, contribute most to the revenue of Government and maintain the vast export and import trade on which rests the prosperity of the European commercial and trading communities, by supplying raw-produce and consuming imported articles. They form the overwhelming majority of the total population. Two-thirds of the total elected Members of the Provincial Assembly must therefore appear to all reasonable and right-minded men as the *minimum* number of Members that should be allotted to the agricultural, pastoral, industrial and trading classes—18 millions of the Hindus and 24 millions of the Musalmans—that live in rural areas of Bengal.

M. The danger of under-representation.

*The Franchise
Committee*

36. Otherwise you will confirm and strengthen an obnoxious town oligarchy in the Assembly, which it will be difficult to mend or end, when it has once taken root. You may extend, and are bound to extend, rural franchise *gradually*, as education spreads, but you should ~~not deny~~ from the very start ^{give} the rural population—the yeoman-farmers and artisans—the right of electing the major share—two-thirds at any rate—of the total elected Members. No price that the Government may pay is too high to prevent the growing evil of the rural people looking up to towns—specially Calcutta—for political guidance. This evil will grow, unless the rural population be given the minimum share of representatives that I have ventured to suggest.

37. I may finally add that in pleading for a fair share of representatives for the rural and agricultural community, I plead for those to whom I belong by birth, *and have a right to be listened to by those, who, to* *not agriculturists, talk of the agricultural community, of India*
Srinath Dutt.

CONSTITUTIONAL REFORMS IN INDIA

ARE CASTE ELECTORATES PRACTICABLE IN BENGAL ?

TO THE EDITOR OF THE "ENGLISHMAN."

Sir,—In my letter to the *Englishman* on special representation of the Muhammadans Bengal I suggested that a Subdivision should be the minimum electoral unit just now in Bengal Presidency, when Government will not possibly sanction more than 100 or 110 elected members for the 42½ Millions of people that live in rural areas.

According to the latest Civil List of Bengal we have 28 districts, 84 sub-divisions and 1000 thanas or revenue units. In order to prevent false personation that is made easy by bringing voters a long way from home, the territorial unit of a thana would suit Bengal better; average area would be about 125 sq. miles with a population of 125,000 and a tax-paying electorate of 5,000 to 8,000 persons. They could come to the polling station and return home for breakfast or dinner.

But this is not feasible just now; we cannot expect 381 elected members for rural areas unless 500 members are allowed to be elected for the whole Presidency.

Lord Chelmsford and Mr. Montagu have laid down in para 228 of their joint Report:—

"We consider in the first place that the system of indirect election should be swept away. It is one main cause of the unreality that characterizes the existing councils, because it effectually prevents the representative feeling that he stands in any genuine relation to the voter."

We have now a quadruple system of election. The leading village people elect members of Local Boards, the members of Local Boards elect members of the District Boards, the members of District Boards elect delegates, the delegates elect members of the Provincial Councils; finally members of the Provincial Councils elect the members of the India Legislative Council. This is the essence of the Minto-Morley reforms. This travesty of election system is nature revolting to every Englishman, high and low.

But Lord Chelmsford and Mr. Montagu have "been warned against any such inordinant and sudden extension of the franchise, as might lead to a break down of the machinery through sheer weight of numbers."

My submission is that you cannot sweep away absolutely the system of indirect election at once—at the very start—but may reduce it from the fifth degree to the second degree by endowing with direct votes the members of village committees, elected by the cess-paying and tax-paying villagers from amongst themselves. These members or mandals always live amongst their constituents and have some knowledge of budget estimates, etc., when managing the affairs of the village committees. A constituency consisting of about 1,000 of the members—one for each sub-division—will be of manageable size. The cess-paying and tax-paying villagers will at the same time be secured control over the management of village committees, with which they are deeply and daily concerned, by being given the right of electing their members on them.

Against this system of territorial units in which the cess-paying persons of all castes and classes in the sub-division will join in voting with a general electoral roll, there is the counter proposal of caste-electoralates. At one time I was in favour of it; but a close examination of the way, in which even a small caste is scattered over a vast area and which makes it difficult to bring the voters together without conniving at false personation, has led me to abandon the idea.

Mr. O'Malley gives in para 519 of his Bengal Census Report of 1911, a list of 37 castes who suffer from what he calls "religious disabilities" and includes into this list respectable castes like the Subarnabauks of Calcutta and Shahas of Dacca. One "disability" is that a caste is served by a set of priests different from those that serve the Brahmins or Kayasths. In that case an Anglican Protestant is under a "religious disability" because he is not ministered to by a Roman Catholic priest. The Brahmin and the Subarna-bauk alike offer poojah

hat and burn their dead at Nimbolla Ghaut, but the Anglican and the Roman Catholic different burial places and distinct places for worship. I mention this to point out the unfairness of placing the Subarnabanik, the Shaha and other respectable castes in the list with the Doms, Haris etc., on the excuse of service by different priests or attending temples.

Mr. O'Malley, however, does not call them "depressed" or "oppressed" or "downtrodden".

If you or your readers will kindly refer to table XIII of Part I of the last Census Report will find how the Namasudras (2,000,000), Bagdia (1,015,000), Murchis and Chamars (300), etc., are to be found in almost every district of Bengal. So if you go for caste rate for every "disabled" caste mentioned by Mr. O'Malley, you must have 37 separate polling stations at almost every sub-divisional town.

You cannot possibly expect more than 130 or 150 elected members for 45 millions of the people. If you go by population only, you cannot have more than one entire member for one of a million people. So the castes that number less than 330,000 will have no place in electoral scheme. This means exclusion of the Bramhos, Baidyas, Subarna-banika and the Christians of Bengal (the four most literate castes in the Presidency both in the vernacular and English) from the proposed Reform Scheme. I am sure you do not mean to do this to them for their literacy. Kindly refer to Table XIII to find out how many of the castes suffer from Mr. O'Malley's *religious disabilities* and who supply labour to Tea Gardens, Factories, Railways, Jute and other Mills and steamers, managed with English capital, are excluded from the franchise, when you in India and the Indo-British in London are voting caste electorate for them with the earnestness of John Bright and Joseph Arch of our younger days.

I shall be told that when a caste claims a smaller population than what would entitle it to a full member, let us combine two or more castes whose members exceed the minimum to which one member will be allotted. I put it to you whether that would not defeat the very object of caste electorates? You urge that the interests of castes in the Legislative Council are hostile and therefore they should have separate caste electorates, and in the Council you add that they may be clubbed together, because any system of caste electorates is impracticable with the small number of elected members placed at your disposal by the Government and with the small size of over 75 per cent of the castes.

Caste electorates are therefore impracticable now, because the castes are so many, because of them is so widely scattered, and because the number of elected members is so small.

You must have gathered from the presidential speech of the Rajah of Mahmudabad at special Sessions of the Muslim League at Bombay that the Musalmans have likely demanded *special electorates* for their community and have gone only for *proportionate* communal representation as settled by the Congress League compact at Lucknow, very likely out of deference to the opinion of Lord Chelmsford and Mr. Montagu. This is very significant. Musalmans have then voluntarily relieved Lord Chelmsford and Mr. Montagu from a very awkward position, in which they had been left by the solemn pledges of their predecessors, Lord Minto and Morley. Here is a practical instance of a "deadlock" being quietly removable by the goodness of a great political party.

If you would excuse introduction of my personal experience, I may tell you that I was Manager of the National Tea Co., in Darrang from 1877 to 1883, and my coolies were in Bagdi, Bhumij, Santal, Muchi, Chamar etc., the castes and classes that the Europeans, the British, the Government of Calcutta have made up their mind to enfranchise along with the Europeans, the British, the Government of Calcutta, the Indian Christians. As a quondam tea-planter I venture to request you to let the Managers of tea estates and employers of labour in jute mills and cotton mills, hear this advocacy of enfranchisement of agricultural and mill labour has their support. More than half a century passed between Lord John Russell's First Reform Act and Sir George Selwyn's Agricultural Labourers' Enfranchisement Act. But you Englishmen in Bengal, do not introduce the Managers of tea gardens and their coolies to the Legislative Assembly until the very same date. Are you not in too great a hurry to enfranchise the agricultural labourers in Bengal, Bihar and Assam? Why not introduce artisans, tradesmen, occupancy cultivators first, and bring in agricultural labourers 12 years hence?

SRINATH DUTT,

First Manager of The National Tea Co., Assam.

YEOMAN TENANTRY OF BENGAL AND RURAL ELECTORATES.

TO THE EDITOR OF "CAPITAL."

SIR,—Would you allow me to invite the attention of your readers who have accepted heartily the announcement of the British Government on 20th August last, about gradual introduction of responsible Government in India, to the following passage in para. 136 of the Montagu-Chelmsford Report on Indian Constitutional Reforms:—

"On the other hand, is an enormous country population (42 millions out of 45 millions the Bengal Presidency) for the most part poor, ignorant, non-politically minded, and unused any system of elections—immersed indeed in the struggle for existence. The rural class have the greatest stake in the country, because they contribute most to its revenues; but they are poorly equipped for politics and do not at present wish to take part in them. Among them are a few great landlords and a larger number of Yeoman farmers. They are not ill-fitted to play a part in affairs, but with few exceptions they have not done so. No one who has observed Indian life during even the past five years can doubt that the growth of political life is rapid and is real."

The Yeoman tenantry of Bengal is not a mere figment of imagination on the part of Mr. Montagu and Lord Chelmsford. The zamindars and their gamastas call their *punyah-pats* or leading ryots of old repute, and offer them a pair of clothes and a head-dress once every year when they start rent collection anew, and are bound to give them the further honor of paying rents first. This class of Yeoman cultivators are not recognised by the Police Magistrates' Agents, who help in the formation of the village *panchayats* under Chowkidari Act or Village Union under Local Self-Government Act. Then there is a class of stout tenants who are called *Mandal* or *Modol*, because they are respected by their fellow villagers, (Gan name *Modol*.) They are generally hereditary and often selected by the people. For a small village there is one, and for a large village more, there being one for each *pada* or *te* (section of it). The Police and the Magistrates' Agents do try to put them in the Village Panchayat and Village Unions mentioned above.

So the village yeomanry is not dead or without influence even to-day. A village yeoman may be an owner of small zamindari, or free-hold (*lakhras*) lands or of rent-paying tenancy which he cultivates partly with hired labour and of which he lets out the rest. He may be any caste from the Brahmin to the Namasudra, so the *punyahpatras* (leading tenants of the zamindari) and the *Mandals* or leading men of villages do not represent any particular class community. All castes, classes and creeds of rural areas are represented through them. All them are not exclusively cultivators or exclusively handicraftsmen or professional or trading men. In villages all crafts and callings—cultivation, trading, handicrafts, etc., are often to be found in many families, and are certainly followed by most of the leading ryots and *Mandals*.

The system of election or selection of Panchayats and Village Unions during the last few years under the Chowkidari Act, and Local Self-Government Act, has made the rural yeomanry familiar with election system, as it is they who are mostly members of those institutions which impose Chowkidari cess and collect and spend it for improvement of villages which they represent.

If you will agree to start with these *Mandals* or leading ryots as your first electorates for village areas, you shall, I think, meet with fewer difficulties than otherwise.

I shall take a sub-division, of which there are about 84 now and will be 100 or 105 later on in the Bengal Presidency. The average population of a sub-division is about 500,000 divided into 100,000 families more or less; of this number, nearly a half or 50,000 families will be found paying cesses of some kind or other. Now if there be 500* village unions in a sub-division there will be formed out of them about 50 Village Committees under Sir S. P. Sinha's village Self-Government Bill, when it becomes Act with 3 Circle Boards. For every village union of 1,000 people, 200 families and 100 cess-payers, we may have 2 *mandals* or yeomen elected first to represent them on the Village Committee, the lowest rung in the ladder of Local Self-Government institutions. There will be 1,000 *mandals* or members in a sub-division—all substantial ryots, trusted and respected by their fellow villagers—gaining experience of public business in miniature from their village committees. Let these 1,000 men return a member to the Provincial Legislative Assembly. If you, Britons, will work in the spirit of sympathy, as our believe

* The average population of a Bengal Village is 352, so three average villages will form a village-unit with a population of about 1,000 people. A village with 2,000 people should elect 4 members of a Village Committee.

Emperor has enjoined, you may frame for every sub-division, a workable electorate that is trusted of the people and that will under proper assistance both from the Indian Civil Service and the educated classes improve every sixth year.

I say assistance of the Indian Civil Service, because no reform is possible in India without their hearty co-operation. The solemn pledges of Queen Victoria during the Sepoy mutiny failed, because they had not the support of the Indian Civil Service. Lord Ripon's solutions on Local Self-Government of urban and rural areas failed, because the Indian Civil Service had no heart in improvement of "Local Slough" institutions as they were called their representatives in the English Press in India. The support which the India Council and the Executive Council of the Viceroy have given to the proposals of Indian Constitutional reforms leaves one to hope that responsible government both in rural and urban areas as well in the Provinces, may not be a mere dream now. The rural yeomanry supply more than a half of the youngmen who pass through University tests every year in this Presidency. When you have embraced them in the rural electorates, you shall have secured the hearty support of the educated classes, a major section of whom hail from rural areas. If there be 120 elected members of the Provincial Assembly, at least 80 of them should be elected, one for each of 80 sub-divisions of the Presidency, by the leading ryots or mandals or yeomen who enjoy the confidence of villagers.

SRINATH DUTT.

1. The Joint Committee has recommended a readjustment of European representation in Bengal. This readjustment implies an increase of European representation, which is open to serious objection. The reasons are:

(a) European representation as recommended by the Southborough Committee is excessive. The Committee supports its recommendation on two grounds, viz; importance of European Commerce and the resolution of the Non-official members of the Bengal Legislative Council.

(b) European Commerce, no doubt, occupies a very important position in India. But is not its representation by twelve members quite out of proportion to this importance? Undoubtedly it is so.

(c) These twelve seats have been allotted to practically the same set of persons by a division of their functions. It is ridiculous that the Indian Tea Association should have one seat and the Tea Planters another, the jute interests two and the Calcutta Trades Association two while over their all is the Bengal Chamber of Commerce to have four seats. One fails to see what divergence of interests exists amongst these different groups of European electorates.

(d) European commerce and industry will be further guarded by the twenty officials who will be nominated by the Governor and who are likely to be mostly Europeans.

Therefore, the necessity of this excessive representation does not exist.

(e) The British people have large commercial interests in the Dominions. They have no representation in the Dominion Parliament as of right.

(f) Besides these commerce and industry ^{Commercial} seats, commercial electorates has been provided for Europeans, which gives them two more seats.

(g) The Europeans number about twenty-four thousands (males and females included) in Bengal. $\frac{1}{3}$ of them are engaged in commercial pursuits, $\frac{1}{4}$ belong to public force, $\frac{2}{25}$ to industries $\frac{3}{5}$ to public administration and the remainder who are less than $\frac{1}{2}$ to other professions.

The interests of European which require representation are the

commercial interests. This has been provided for. The interests of
proposals belonging to public services will be safeguarded by the
European official members. This ^{the} commercial representation of Europeans
herefore, is for the remaining $\frac{1}{2}$ — a proposal which is absurd on the
face. Separate representation can not be claimed for every profession
held.

The interests of professions, are alike, irrespective of creed
and colour.

(h) Besides, some non-official Europeans may also be nominated
by the Governor.

(i) This over-representation of foreigners is out of place
in a Scheme of Self-Government. It will lead to the failure of the
reforms and a perpetuation of alien rule.

(j) The European members in Council will thus be able
to ^{control} the situation in a great measure. ^a Circumstances which can
not be conducive to Government by the people of the land.

II. The Joint Committee has also recommended a further increase
in the special representation of the landholders.

This proposal is open to objection, so far as Bengal is concerned
In Bengal any body who is some body is a landholder. Almost
all members of the middle class are landholders. The total number
of estates paying land revenue direct to Government are about a
lakh. Besides, there are numberless subordinate estates paying rent
to superior landlords. It will not ^{be} possible to conceive for some time
an Indian member of the Bengal Legislative Council who is not a
landholder. Therefore the interests of the landholding class if any
are absolutely safe in Bengal.

Separate representation of the landholding interest is, there-
fore, not necessary in Bengal.

The position of the Ryots and agriculturist is very different ^{icult}
in Bengal. For the educated classes are mostly landlords at present.

It is, however, said that the great landholders form a distinct
class in Bengal.

The big Zaminders of Bengal are mostly the products of British
rule. They are mostly descended from tax collectors in Early British
rule. These tax collectors were created zaminders under the

the Permanent Settlement.

There are no territorial chiefs in Bengal who are nor Zemindars. In Bengal the only safe investment had ^{hitherto} been in land. So many members of the professional classes have purchased big Zemindaries and have become big Zemindars. Some of the money-lenders are now Zemindars. Those who took the loan could not repay and their property had gone into the hands of the money-lenders. This process is going on every day.

Under these circumstances they can not claim any special representation on account of ancient, aristocratic position.

The Zemindars, according to the report of the Southborough Committee, will be able to contest the seats in the general constituencies. Owing to the low franchise (one rupee-cess and two rupee-Chowkidari tax) an exceedingly large number of the ryots and dependents of the zemindars will become voters. This will enable the big zemindars to be returned to the Councils in large numbers from the general electorates. It is expected that nearly 40% of the urban and rural seats will be captured by the big Zemindars for whom special representation has been provided.

It is an open secret that the zemindars have combined to contest every such seat.

When a second chamber comes into existence in the provinces the zemindars will get into it in large numbers. They should not be permitted to occupy this position of vantage in both these Chambers.

It is, therefore, reasonable to urge that the question of their special representation should not be reconsidered.

Should, however, this be extended the zemindars who are qualified for special representation should be debarred from contesting the seats in the general constituencies. The prohibition applying in case ^{of} Commercial electorates should also apply to them.

Nor should any option be given to any landholder to belong either to a special or general ~~constituent~~ electorate. Such a power of election will lead to abuse. Suppose there are two brothers in a Zemindar family. By mutual arrangement one of them may stand from the general and the other from the special constituencies. In this way, if the zemindars of the province combine, they will

they will form the majority of members in the Councils.

III. The Indian Christians and the Depressed Classes should be given reserved seats in plural constituencies. The principle of nomination is bad. It strikes at the root of responsible Government. The Scheme of Reforms has greatly improved over the Montagu-Chelmsford Report. So the recommendation of the latter or of the Southborough Committee on this point is quite out of date. The Joint Committee have recommended that the depressed classes may be represented by officials. This is highly objectionable as it will go to increase the number of official members.

Indian Christians and the Depressed classes in Bengal will be quite content with the arrangement suggested above.

IV. The Report of the Southborough Committee is not quite clear whether a Mahomedan or a European can not forego his communal electorate and join a general electorate. The rule laid down is that a person shall not ~~must~~ belong to both a general and communal electorate. It evidently leaves the option to a person to select which constituency he will belong to. This is evidently, however, not the intention of the Committee.

It would lead to great abuse if such a choice were given. Besides, the rule goes against the Lucknow Compact so far as the Mahomedans are concerned.

An electorate of 2000 persons for the Council state is too small. It will make the voters a close body. The electorate should not be less than 20000 persons with voting qualifications ^{as far as} for election in the Provincial Council at a higher proportion.

It is better if the elections to the Council of state were made by the provincial L. Council (as in the united States)

The Govt of India have given better provision when Muslims within provinces for the Legislative Assembly. The Council state in violation of the Lucknow Compact. This should not be done.

Government of India Memorandum for the Subjects Committee.

This memorandum is an attempt to state the views of the Government of India upon the general principles involved in the questions which the Subjects Committee will have to consider. On the basis of these views the Government of India are now dealing separately with cases of the different departments, supplementary memoranda upon which will be transmitted to the Committee. The Government of India hope to discuss further with the Committee the views now put forward after the opinions of the provinces have been received. In this connection the Government of India would find it of great assistance to them if they could receive from the Committee statements showing the substance of the material on which the Committee propose to base their own conclusions.

2. The first basic fact with which the Government of India start is that both the Government of India and the provincial governments in India are subordinate governments, and the Indian and provincial legislatures are subordinate legislatures. The Imperial* Government and Parliament are alone supreme. A practice of non-intervention may gradually grow up, as it did in the case of the Dominions; but this is not the position at present; and the governments and legislatures in India do not possess uncontrolled power in any respect whatever.

3. The second basic fact is that legislative and executive authority cannot in the last analysis be divorced. If a Government, central or provincial, has power to legislate on any matter, it must have a corresponding power to carry out its laws. Wherever there is an overriding power of legislation, there must be a corresponding overriding executive power, with unquestioned capacity to make the overriding legislative effective.

4. The third basic fact is that the Government of India are responsible to the Imperial Government and Parliament for the administration of India. They cannot be divested of that responsibility except by an order of the Imperial Government and Parliament: and so long as that responsibility attaches to them, they must have the power to enforce it; and such power must be both legislative and executive.

5. Assuming these axioms, the problem before us is to divide the whole field of Indian administration into two classes, central and provincial, in such a way that the Government of India will be directly responsible for the administration of the first, while in regard to the second they will retain only a general responsibility to be exercised under conditions to be further determined.

6. The Government are not at present concerned with the farther question whether any provincial subject is to be administered by the Governor in Council or by Ministers. That is a matter to be considered in the provinces first and by the Government of India only when they have received the views of the provinces. Conditions will vary between provinces, and for this reason alone apart from other considerations it is not practical for the Government of India, at this stage to deal with the division of provincial subjects into the categories of reserved and transferred. Their immediate object is merely to arrive at the principles which should regulate the classification of functions into central and provincial.

7. There are certain subjects which are at present under the direct administration of the Government of India. The Government of India maintain separate staffs for their administration and the provincial governments have no share in it. The category is easily recognizable, and for the most part there will not be much room for doubt as to the subjects to be included in it. At the other end of the line are matters of predominantly local interest which, however much conditions may vary between provinces, will, generally speaking, be recognized as proper subjects for provincialisation.

8. Between these extreme categories however lies a large indeterminate field which requires further examination before the principles determining its

* Note:—The Government of India suggest that the term "Imperial" should be reserved in this discussion for His Majesty's Government and Parliament.

classification can be settled. It comprises all the matters in which the Government of India at present retain ultimate control, legislative and administrative, but in practice share the actual administration in varying degrees with the provincial governments. In many cases the extent of delegation practised is already very wide. The criterion which the Government of India apply to these is whether in any given case the provincial governments are to be strictly the agents of the Government of India, or are to have (subject to what is said before as to the reservation of powers of intervention) inherent authority of their own. In applying this criterion the main determining factor will be not the degree of delegation already practised, which may depend on mere convenience, but the consideration whether the interests of India as a whole (or at all events interests larger than those of one province) or on the other hand the interests of the province essentially preponderate. The point is that delegation to an agent may be already extensive, but that circumstance should not obscure the fact of agency or lead to the agent being regarded as having inherent powers of his own.

9. Applying this principle the Government of India hold that where the interests of India as a whole predominate the subject should be treated as central. This category as already noted also includes matters which the central government administer directly by means of their own staff. But confining themselves in this paragraph to cases in which central subjects are partly administered by provincial governments acting as agents for the central government, the Government of India wish to emphasize two points. They propose to examine existing conditions with a view to relaxing as far as possible the central control over the agency and to getting rid of any unnecessary limitations on the agent's discretion. They distinguish this process as one of decentralization, not to be confused with the larger purpose of devolution. At the same time the Government of India think it should be recognized that it is within the principal's power to restrict the agency or even to withdraw it altogether, substituting for it direct administration by the central government and that if and when it is proposed to transfer the functions of the provincial agency to the hands of ministers this particular question will need careful reconsideration.

10. On the other hand, all subjects in which the interests of the provinces essentially predominate should be provincial: and in respect of these the provincial governments will be regarded as having inherent authority of their own. At the same time as is recognised in the Report the Government of India's responsibilities to Parliament necessitate the retention of some powers of intervention in provincial subjects. The Government of India propose to state their views upon the question of the grounds on which and methods by which such powers should be secured and exercised, in the hope that they may be of assistance to the Committee.

11. Among provincial subjects some will be transferred. Taking the case of these first, the Government of India think that the exercise of the central government's power to intervene either legislatively or administratively with the action of provincial governments, should be restricted to safeguarding what may be called "central interests": by which they mean the grounds indicated in clauses (i) to (vi) of paragraph 13 below. But they do not contemplate that the central government should be left with their present wide powers of intervention merely in the interests of good administration. The proposal in this paragraph is of course without prejudice to the Government of India's power of re-transfer under paragraph 260 or to the powers of the periodic commission.

12. A word may be added as to the methods by which the central government should intervene when necessary in the case of transferred subjects. A suggestion which seems well worth consideration has been made that in such cases control by the central government may be better exercised by the Governor acting under the central government's orders, and enforced in the last resort by resumption of the transferred subject, than by the direct interference of the central government in the form of orders addressed to the provincial government as would be the appropriate course in the case of reserved subjects.

13. The question of the grounds justifying intervention in the case of reserved subjects is more difficult. It is referred to in paragraphs 213 and 292 of the report, and the considerations therein set forth are present to the minds of the Government of India. Their aim is even in reserved subjects to give the provincial governments the greatest amount of administrative freedom consistent with their own responsibilities in relation to those subjects. They will not attempt at present to define the exact grounds on which the central government should exercise control in future over the administration of reserved subjects because this matter can only be fully considered when the views of the provinces are known. Nor do they for the present consider the question whether any attempt should be made by hard and fast statutory rules or orders to fetter the discretion of the central government in future. At the same time they are anxious to formulate as far as they can at present for the assistance of the Committee their conception of the extent to which the central government will in future exercise control in such matters. Such control will, they think, be conditioned first by the general principle referred to above of giving the provincial governments the greatest measure of independence consistent with their own responsibilities in relation to reserved subjects. It will further, they think, be profoundly affected by certain new factors in the situation, *viz.*, the fact that local Governments will henceforth command independent financial resources, will comprise a larger Indian element, and may be expected to be more exposed than hitherto to Indian criticism. As generally indicative of the grounds on which it seems to the Government of India likely that the control of the central government will in future be ordinarily exercised in reserved subjects they mention the following purposes:—

- (i) to safeguard the administration of Government of India subjects.
- (ii) to enforce any standing or special orders of His Majesty's Government conveyed by the Secretary of State.
- (iii) to secure uniformity of legislation where such legislation is considered desirable in the interest of India or more than one province.
- (iv) to safeguard all India services.
- (v) to decide questions which affect more than one province.
- (vi) to control the administration of matters wholly financed by the Government of India.
- (vii) to correct misuse of power, grave dereliction of duty, or miscarriage of justice.

The Government of India feel the difficulty of framing an exhaustive list, and as they have said they express no opinion whether the control of the central government in reserved subjects should be specifically limited or not.

14. A minor point worth mention is that the Government of India contemplate that the central government should have an unquestioned power to call for any information, statistical or otherwise, and in any form they desire, from provincial governments whether such information relates to transferred or to a reserved subject, and that section 45 of the Act should, if necessary, be amended so as to place their powers in this respect beyond question. It may be covered by their proposals in paragraph 13 (2) above read with paragraph 291 of the Report

NOTE.—It is recognised that misuse of power may occur in connection not with reserved subjects but with the powers of the Governor in Council under paragraph 240 of the Report in relation to transferred subjects; and that in such case also a power of intervention should be provided.

No. 2355-F.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

ACCOUNTS AND FINANCE.
Provincial Finance.

FROM

THE HON'BLE MR. H. F. HOWARD, C.I.E., I.C.S.,

Secretary to the Government of India.

TO

ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS

(OTHER THAN BURMA).

Simla, the 21st August 1918.

SIR,

I am directed to refer to my letter No. 396-F., dated the 15th February 1918, [*and your reply thereto] dealing with the arrangements to be adopted in order to effect the greater separation of Imperial and Provincial finance which the general scheme of Constitutional Reforms in India will require. That scheme has now been published, and ^{His Excellency the Governor in Council} His Honour the Lieutenant Governor (in Council) will observe that in

* [Omit
case of Bomb

respect of the financial arrangements between the Government of India and the provinces the proposals embodied in Chapter VIII of the Report on Indian Constitutional Reforms are based on those put forward in the memorandum accompanying my letter of the 15th February. The Report at the same time recognises (*vide* paragraph 207 thereof) that when details come to be worked out it may be found convenient to taken as the basis of the settlement some later figures than those embodied in the Report, and that the replies of Local Governments will also necessitate some revision.

2. I am to request that the Government of India may now be furnished with any [further] remarks which the Local Government may desire to offer on the terms of the settlement proposed. In asking for their views the Government of India do not wish the Local Governments to enter at the present stage upon any detailed examination of the estimates adopted to illustrate the general principles underlying the new arrangements proposed, or to suggest any particular year or period on the figures for which the new settlements should eventually be based. The latter question will require further consideration when the details of the settlements come finally to be worked out. The present object of the Government of India is rather to ascertain whether, on the assumption that the general principles of the distribution of the larger heads of revenue and expenditure between the Provincial and Imperial Governments will be accepted, the Local Governments have any further suggestions to make either with reference to the treatment of their province individually, or with regard to matters of principle such as that discussed below which, though of some importance in themselves, do not affect the main principles underlying the scheme as a whole.

[Omit
case of Bomb

2. In this connection I am to refer to a proposal received from the Government of Madras in their letter No. 2956-A-1, dated the 30th March 1918 (of which a copy is enclosed) to the effect that loans of the descriptions at present appearing in the Provincial Loan and Advance Account should from the current year onwards be financed from the Provincial balances. Though the Government of India are not prepared to introduce a change of system on the lines proposed in advance of the general changes in their financial arrangements with the Provinces

[Omit
Madras.

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mily.

which the Reforms Scheme will bring about, or to make a change in one Province only [* they have examined the possibility of transferring the Loan Account] [† they have re-examined the proposals submitted by the Punjab Government in Mr. Mant's letter No. 2112-S.-Financial, dated the 21st August 1912, and have considered whether it would be possible, now that the basis of the Provincial settlements is shortly to undergo a radical alteration, to transfer the Loan Account], with the liability of financing all future loans of this description, to the provinces generally as part of the new scheme. This is a matter which was not specifically considered by the Committee appointed to deal with the separation of Imperial and Provincial finance referred to in my letter of 15th February, No. 396-F., nor touched on in the Reforms Report and I am to invite

the observations of His Excellency the Governor in Council

His Honour the Lieutenant-Governor (in Council)

your observations

with regard to it.

3. Without desiring in any way to prejudice the question, the Government of India are provisionally inclined to think that substantial advantages will be gained by transferring the Loan Account with its future liabilities to the Provinces on the introduction of the new financial arrangements.

- (1) Under those arrangements, the Provinces will alone be concerned with the administration of the land revenue and with the needs of local bodies. The transfer of the Account, of which loans to cultivators and local bodies form the major part, is, therefore, a natural corollary of the proposed financial arrangements.
- (2). The transfer will also remove a point of contact and, it may be, of friction between the Imperial and the Provincial Governments. The possibility of friction in a similar matter was recognised in paragraph 25 of the Memorandum of the Committee on the separation of Imperial and Provincial finance.
- (3) Almost without exception the loans appearing on the Account are given for purposes which the Government in India do not finance from capital fund and in a great majority of cases they are given for purposes which are from the financial standpoint 'unremunerative.' It is therefore legitimate that they should be made from accumulated revenue savings, and it is at the same time desirable that Provincial balances should for the most part be devoted to charges of a non-recurring and *quasi*-capital nature.
- (4). The ultimate financial position of many, and, perhaps of all, Provincial Governments is likely to be improved by the possession of a larger margin of recurring revenue, even at the expense of a surrender of some part of the large balances which owing to the war they at present possess, since the possession of such wider margin will help them to defer the necessity for increased Provincial taxation.

On the other hand it may be mentioned that scarcity is usually accompanied by a large increase in the applications from cultivators for advances, and that there may be some risk in adding substantially to the demands on Provincial resources at a time of famine.

4. The transfer, if it is effected, would be an integral part of the revised financial settlements and its exact terms must necessarily depend on the details of those settlements when they come to be worked out in the negotiations between the Imperial and Provincial Governments. But the transfer would in any event involve the surrender by each Provincial Government of a portion of its balance equivalent to the outstanding balance of the account on the date fixed for the introduction of the new system, with a consequent cessation from the same date of the liability to pay interest on that balance to the Imperial Government; and

His Excellency the Governor in Council
His Honour the Lieutenant-Governor (in Council)

in order to enable you to judge approximately the effect of the transfer, the following figures (which do not lay claim to complete accuracy) have been collated.

Estimated figures on the 1st of April 1919.

[In thousands of rupees.]

Province.	Free Provincial balance after deducting sums earmarked for specific outlay under arrangements between the Government of India and the local Governments.	Balance of Loan and Advance Account.	Resulting free Provincial balance.	Present interest payment to Imperial revenues.
Madras ...	1,87,14	99,00	+ 88,14	3,86
Bombay ...	3,50,32	1,25,64	+ 2,24,58	4,99
Bengal ...	1,80,26	1,23,09	+ 57,17	4,53
United Provinces ...	2,14,50	2,59,81	— 44,71	10,15
Punjab ...	1,76,43	51,81	+ 1,24,62	2,04
Burma ...	97,22	41,38	+ 55,84	1,57
Bihar and Orissa ...	84,68	33,50	+ 51,18	1,16
Central Provinces ...	1,23,06	44,81	+ 78,25	1,48
Assam ...	16,69	30,20	— 13,51	1,45

Should the balances of a Province, after allowing for the retention of a suitable margin, prove insufficient to cover the outstanding loan balances, it would be necessary for it to take a loan from the Government of India to meet the deficit, and any loan so taken would generally and preferably be extinguished by instalments within a fixed period.

I have the honour to be,

Sir,

Your most obedient servant,

H. F. HOWARD,

Secretary to the Government of India.

No. 2956-A-1, dated Fort St. George, the 30th March 1918.

From—The Honble Mr. L. DAVIDSON, C.S.I., I.C.S., Acting Chief Secretary to the Government of Madras,

To—The Secretary to the Government of India, Finance Department.

I am directed to address the Government of India on the subject of the financing of loans granted in this Presidency.

2. Local Governments are at present authorized to sanction the first four classes of loans mentioned in article 117 of the Civil Account Code, from allotments placed at their disposal by the Government of India. These allotments are brought on to an advance and loan account which is opened with each Local Government. Interest is charged to Local Governments on the mean between the outstanding balance at the commencement and the outstanding balance at the close of each year, while Local Governments are empowered to levy interest from those to whom loans are granted at a rate slightly higher than that charged by the Government of India.

3. In view of the large balance now standing to the credit of this Government, His Excellency the Governor-in-Council desires, with effect from the commencement of the year 1918-19, to finance these loans from the provincial balance and thus relieve Provincial revenues of the interest charges which they are called upon to meet under existing arrangements. So far as he is aware, an arrangement of this nature would not materially affect the ways and means of the Government of India. It is true, that if this Government is permitted to sanction loans from its own balance, the balances with the Government of India will be correspondingly reduced, but, on the other hand, the Government of India's liability on the loan and advance account will be reduced *pro tanto*, the actual balances with the Government of India will thus remain unaffected. The interest which at present accrues to Imperial funds from the sums lent to the Provincial Government will no doubt cease to be received. But as the balances of Local Governments are left freely at the disposal of the Government of India without any claim to payment of interest, His Excellency the Governor-in-Council feels confident that the Government of India will not object to forego the sum which is at present charged as interest on the much smaller amounts which are annually lent to the Local Government through the medium of the Advance and Loan Account.

4. In order to guard against any undue reduction of the balances of the Local Government, which forms part of the Government of India's ways and means, the maximum sum that may be drawn from the Provincial balance for the purposes of the Provincial Loan account should be fixed in advance, and in order to prevent any possibility of the interest receipts of Local Governments being unduly lowered, the rates of interest on loans granted by the Local Government would continue to be subject to the control of the Government of India.

5. I am directed to enquire whether the Government of India will object to this Government's financing the loans to be granted by it during 1918-19 from its balances on the above terms. If this arrangement is approved, I am to ask that this Government may be granted permission to spend from its balance during 1918-19 up to the amount provided in the Budget Estimate under Loans and to surrender the provision that has been made in the Advance and Loan Account for loans of the classes in question:

PART I.—The Provincialization of Departments and the Control of the Government of India.

This note will deal firstly with the changes in the relations between the central and local governments which are required by the realization of independent provincial government in the place of the present system of centralized government through controlled provincial administrations. The existing conditions are described in Chapter V of the Reforms Report. It is shown that the present position of the provincial governments is that of agents of the Government of India, and that their administration is limited and circumscribed by restrictions of all kinds in the sphere of legislation, administration and finance. This meticulous control by the supreme government is not so much inherent in the constitutional system itself as a result of the manner in which that system has been worked in practice, especially in respect of financial regulations. The subject of control will be dealt with in further detail in subsequent paragraphs; but it is important to emphasize the fact that the creation of provincial autonomy is not necessarily dependent on the introduction of constitutional changes, but on a complete alteration of the attitude of the central authority towards the actions of the provincial governments within their own sphere and a recognition of the responsibility of the provincial governments for their own administration subject only to control of a general nature. Irrespective of any question of constitutional reform, a generous measure of decentralization has long been a pressing need of Indian administration, and by no one has this fact been more readily recognized, by no one would such a measure have been more heartily welcomed, than by those Indians on whose advice and co-operation the local government has relied in the past and must continue to rely in the future. The idea that Indians distrust the provincial administrations and look to the central government to safeguard them against their bureaucratic vagaries cannot be substantiated; its unreality is well known to all who have actual acquaintance with the facts.

2. The authority of the Government of India to supervise and control the acts of the provincial administrations is secured to it by the Government of India Act, 1915. There is nothing in Section 45 of that Act or elsewhere which binds the Secretary of State or the Government of India to the present rigorous system of control, which has been secured by a mass of regulations, chiefly financial, based apparently on the principle that the Government of India and the Secretary of State are responsible to Parliament not merely for the general good government of the country but for every detailed action of a provincial government. The provincial settlements, which are based on principles of provincial independence, have been hampered by a network of financial restrictions which surround all administrative operations; and these financial restrictions have been used not, as is their legitimate purpose, to determine whether the object of the expenditure is in accordance with the accepted guiding principles, but as a means of securing a rigorous scrutiny of the details of each scheme by the financial and administrative departments of the Government of India. The result is that the local administrative machinery has often been clogged by unnecessary delay and uninformed criticism. The delays entailed by the necessity imposed by the present system of submitting important schemes of purely provincial interest for the sanction of the Government of India and Secretary of State are prejudicial to the efficiency of administration without any compensating advantages or safeguards. The scheme for the re-organization of the Provincial Excise Department was held up for years on this account, with the consequence that it was out of date by the time that it could be put into effect. Important proposals for the revision of the pay of the subordinate services of the Forest and Police Departments recently put up were similarly delayed for more than a year each, though in each case the financial interests involved were comparatively small and the schemes were most urgently needed to allay discontent and secure efficiency in administration. The system was examined in paragraphs 42 *et seq.* of their Report by the Decentralization Commission, whose operations,

Necessity of
genuine de-
centralization.

Criticism of
present control
exercised by
Government of
India.

however, were restricted by the consideration that it was bound by the existing principles of the relations between the central and provincial governments; in any case no action of any far-reaching importance has been taken on its recommendations. Resolutions have been issued in various departments commending the principle of decentralization as a general policy and advocating the substitution of general control from without for detailed control from within; but in actual practice these resolutions have led to very little, and there can be no doubt that the practice of the central government has not been closely assimilated to its preaching. For example, the so-called scheme of financial devolution [communicated in Government of India's Resolution (Finance Department), No. 361-E-A, dated the 24th of July 1916] may be illustrated by an instance which recently came under the notice of the Administration. Although heads of departments have long had the power to sanction works up to Rs. 5,000, it has been held by the Accounts Department that under this Resolution the powers of a Director of Public Instruction in respect of grants-in-aid are limited to a maximum of Rs. 1,000 and that the Local Administration has no powers to delegate higher powers to him.

3. The truth is that the present system rests on a failure to appreciate the distinction between actual administration and control. Whether this defect is due to a desire on the part of the central government to retain all power in its own hands, or to a distrust of the provincial governments, or to any other cause, it is not the purpose of the present note to discuss. That purpose is to discover how reasonable, and at the same time effective, control can be substituted for detailed interference. The supreme government has no lack of means of keeping itself in touch with the actions of the provincial governments. Every month printed volumes of the transactions of the provincial administration are submitted to it. It sees all the important orders and resolutions issued by the provincial administrations, and it also sees the general administration reports and the reports of all the various departments. The reports of the proceedings in the provincial legislative councils are submitted to it. Every province has an official representative in the Imperial legislative council, who can, if so desired, act as a liaison officer between the local and central government. Co-ordination of policy and administration is secured by the various advisory officers and bureaux of the government and by resolutions of the central government containing expressions of policy.

4. With all these means of keeping in touch with the local governments and with such opportunities open to it of controlling their operations, it is surprising that it should have been considered necessary for the central government to retain up to the present time practically the same powers of detailed administrative interference as were considered necessary when Indian administration was a much smaller and less complicated business than it is now. It is urged that the system is rendered necessary by the responsibility of the Government of India to the Secretary of State and to Parliament, and that relaxation of control is impossible so long as the provincial governments are so entirely bureaucratic in character and so free from popular control. But this argument, which is based on the idea alluded to in paragraph 1 of this note that the central government is less bureaucratic and more amenable to the popular will than the provincial administrations, loses sight of the fact that the alleged freedom of the provincial administrations from popular control is much less than is generally supposed. The creation of legislative councils in every province and the freedom of discussion and criticism permitted to these councils has entailed a much greater subservience to popular opinion in the provincial administration than the merely advisory character of those councils would at first sight seem to justify, even in those provinces where one-man rule still persists; in provinces where council government has been introduced, the popular influence is proportionately stronger. Due weight must also be attached to the ever-growing influence of the Press and of the various public bodies and associations which are being founded all over India. These considerations deprive the argument alluded to above of all its force, and show that the present system is due chiefly to the conservative spirit which retains the forms long after the conditions which called them into being have ceased to exist.

3

5. In the Government of India's letter No. 248-Q, dated the 11th of December 1917, a scheme of financial devolution was put forward. Divided heads were abolished and the budget heads were to be definitely classed as either Imperial or Provincial; this scheme was accepted by the Chief Commissioner in this Administration's letter No. 313-A-X, dated the 6th March 1918, and in subsequent correspondence.

Financial
devolution.

6. The Report proposes (paragraph 212) to reserve to the Government of India a general over-riding power of legislation for the discharge of all functions which it may have to perform. It should be able to intervene where imperial interests are affected, to legislate on provincial subjects where uniformity is necessary, and to pass general legislation which can be adopted (with and without modifications) by provincial governments. Subject to these reservations, which the Chief Commissioner accepts generally as sound within the field that may be demarcated for provincial control, the sole legislative power will rest with the provincial legislature. The legislative power of the Government of India in any spheres of provincial business is not, however, to be barred, but it is proposed that as a matter of constitutional practice the Government of India shall not interfere in legislation on provincial subjects unless its own interests are affected, though suitable provision must be made for securing to the central government the power of scrutinizing proposals for legislation before they are actually introduced into the provincial legislatures. It is apparent that the legislative powers of the provincial governments must be defined by statute, and various methods have been proposed to secure such a statutory definition which shall be sufficiently elastic. The principles, however, are clear and their application is shown in the Appendix to this note.

Legislative
devolution.

7. The authors of the Report recognize the extreme rigidity of the present system, and in paragraph 213 of the Report they tentatively put forward certain principles for administrative devolution, but their suggestions appear halting and obscure. The paragraph seems to indicate (1) that the authors would differentiate between reserved and transferred functions in respect of the degree of control that the Government of India should exercise over them, and (2) that they cannot contemplate in respect of reserved subjects anything further than such relaxation of rules as will get rid of interference in minor matters, because—

Administrative
devolution,
Section 213 of
Reforms Rep

- (a) the provincial government will (in respect of reserved subjects) still be partly bureaucratic, and
- (b) Indian opinion will not approve of any relaxation of the Government of India's control in reserved subjects.

Each of these propositions can be directly challenged. In the first place, it seems clear that for the purposes of the control of the Government of India all the acts of the provincial government are on the same footing, whether they be functions discharged by that government through its minister or through its executive council. In every case, according to the essential principles of the Reforms Scheme itself, the measure is that of a single united government. Moreover, it may be remembered that the Reforms Scheme postulates that not every provincial government shall have the same list of reserved and transferred subjects. If the lists differ from province to province it is hard to see how the central government could adapt its organization to the different degrees of control of different departments in the different provinces. The second argument that the partially bureaucratic nature of the provincial executive precludes any substantial devolution of control in reserved subjects seems to ignore the increased influence of the legislature over the actions of the Governor in Council, and can in any case be neutralized by the introduction of the popular element into the government which will be responsible for the reserved subjects in the form of a non-official member, chosen from the elected members of the legislature. In fact, as has already been pointed out, there are unanswerable arguments for such devolution even if no such constitutional change were proposed. The further proposition that a general relaxation of control by the Government of India over the provincial executive councils will not be consonant with Indian opinion is by no means axiomatic; indeed, as already shown, it is opposed to actual reality; but even if it be admitted, it represents an attitude which is the last that should

be adopted as a guiding principle in the scheme put forward in the Report. If by the retention of restrictions Indian opinion is to be encouraged to go behind the Governor in Council and continually appeal to the supreme government on details of administration, any scheme of devolution which depends for its success on loyalty and co-operation must inevitably fail.

8. It appears therefore to the Chief Commissioner that the views set forth in paragraph 213 of the Report require very considerable modification in the practical application of the scheme for the control of provincial governments by the central government, whatever form the provincial governments may assume. With the introduction of a further element of popular control and influence over the acts of the provincial executive, such as is contemplated in the scheme submitted by this Administration, there should be no further necessity for control over purely provincial expenditure even in those matters in regard to which vigilance has been most rigorously exercised. While the Imperial services, as regards general conditions of service and recruitment, will remain under the control of the supreme government, it should be unnecessary for that government to interfere with the discretion of provincial governments in regard to the conditions of appointment of any purely provincial service, or in the development of their various schemes of administration and expansion. The proposals which follow for the provincialization of branches of administration are made subject to the foregoing general remarks.

Classification of
Departments as Im-
perial and Provincial

9. Administrative devolution must obviously proceed along the same lines of division as financial devolution, and the various branches of government can for this purpose be divided into three classes:—

- (1) Purely Imperial departments, *e.g.*, posts and telegraphs, military, customs, &c.
- (2) Departments which are partly Imperial and partly Provincial—
 - (a) Branches like income-tax, general stamps, which are properly Imperial but which the provincial government must administer as an agent of the Imperial government.
 - (b) Branches such as factories, mines, electricity, joint stock companies, &c., which must be administratively and financially provincial, but in which, for reasons of uniformity and owing to the wide extent of the interests involved, the central government must control by legislation and by the framing of general regulations.
- (3) Purely provincial departments, such as land revenue, education, police, medical, local self-government, &c.

Imperial Depart-
ments.

10. With the purely Imperial departments [Class (1)] this note has nothing to do. Where the provincial government performs any functions in respect of these branches, it will do so as agent of and under the immediate direction and control of the central government and will be bound by specific orders from that government. Similarly in departments falling under Class 2 (a) the provincial government will act as an agent of, and, except in comparatively minor matters of administration, will follow the rules and regulations laid down by, the central government.

Departments
connected with
Industry, trade
business, &c.

11. Class 2 (b) contains branches which are chiefly connected with industrial and commercial development and organization, and affect the interests of the industrial, business and trading classes not only within the province but throughout the country. It is obvious that in such departments a considerable degree of uniformity for the whole of India is necessary. Legislation for the regulation of companies, factories, mines, electricity, and so forth, should rest with the Government of India, who would also issue the general regulations under the Acts. At the same time industrial and commercial progress depends largely on the vigour and efficiency of the local administrative authority, and within the scope of the general regulations the provincial governments must be invested with full executive and financial powers and must be left to work out their own schemes of development and expansion.

12. There remains the large class of functions which are essentially provincial. In some of them certain legislative powers must for the sake of uniformity remain with the Government of India, *e.g.*, the Criminal Codes, Evidence Act, &c.; but otherwise in these branches of administration the provincial government should have complete authority, legislative, financial and administrative, subject only to a general control by the Government of India. Such authority would be limited only by—

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Depa

- (a) the restrictions imposed in regard to the introduction of fiscal or other legislation;
- (b) such regulations as may be necessary to secure some measure of uniformity in regard to subjects like pensions, leave, conduct of public servants, and so forth;
- (c) the regulations controlling the Imperial services.

The list of provincialized subjects given in Appendix II (List I) of the Reforms Report gives some indication of the reservations under various heads. In the Appendix to this note are given specific recommendations under each provincial head in accordance with the principles laid down in this note.

APPENDIX.—Scheme of Provincial Subjects.

The appendix is based on the schedule prepared by the United Provinces Committee, which follows the arrangement of subjects given in List 1 of Appendix II of the Reforms Report. In a number of cases the entries have been reproduced verbatim from the United Provinces Schedule.

2. In a good many cases administration impinges on military interests and Cantonment management, *e. g.*, the Hackney Carriages Act, the Vaccination Act, &c. In all such cases reference is required to the Government of India (Military Department), and such references often cause delay. No specific recommendations have been given in such cases, but it is presumed that devolution in the Army Department will result in some of the less important references being disposed of by the Divisional Commanders and a reference in each case to Army Head-Quarters will not be necessary.

Subject.	Existing condition.	Recommendation.
1. Taxation for Provincial purposes.*	Entirely controlled by the Government of India apart from the local taxes imposed by local bodies.	The provincial legislature should have power to impose such taxes as may be scheduled by statute.
2. Borrowing on sole credit of Provincial revenues.*	Not permissible	... Should be permitted within certain restrictions and under the control of the Government of India.
3. Financial work on behalf of the Government of India e.g., Collection of income-tax, etc.	Controlled by the Government of India.	Subject to any restrictions or orders of the Government of India.
4. Imperial Services...	Appointments to a service are made by the Secretary of State, and no officer can be dismissed except by the Secretary of State. The qualifications for appointment, conditions of service, pay, pension, classes of appointments within a service and the strength of the service, etc., are regulated by the Secretary of State. Within the province appointments are made by the Local Government except those of (1) Inspector-General of Civil Hospitals, (2) Chief Conservator and Conservators of Forests and (3) Chief Engineers. The appointment of Commissioner of Berar is subject to the control of the Government of India. Under Section 100 of the Government of India Act, 1915, the appointment of a person not being a member of the Indian Civil Service to any office reserved for members of that Service require the approval of the Secretary of State.	... It should rest with the Local Government to determine the number of officers of each class in each service required for the purposes of provincial administration, except in the case of the Indian Medical Service. The Government of India's control over the appointment of the Commissioner of Berar should be relaxed.
4-A. The appointment, conditions of service and control of all provincial (including subordinate) services.	Appointments are made by the Local Government, which can also dismiss any officer, subject to an appeal to the Government of India; but no large addition can be made to any service, nor, in the case of services the pay of which exceeds Rs. 800 per mensem, can the average pay be raised without the sanction of the Government of India and the Secretary of State. The conditions of service (pay, grading, classes of appointments, &c.) are	The conditions of service, qualifications for appointment, pay, class of appointment and pension should be entirely within the power of the Local Government, all present restrictions being removed. As regards appeals against orders of punishment, see under Memorials and Appeals [No. 30 (b).]

*See the separate note at the end of the Appendix.

Subject,	Existing condition.	Recommendation.
4-A. The appointment, conditions of service, &c., of provincial services.—(Concl'd).	<p>accordingly regulated by the Government of India. Pensions are regulated under the Civil Service Regulations.</p> <p>There are certain restrictions on appointments;</p> <p>(i) The appointment of an Extra-Assistant Commissioner to officiate as Deputy Commissioner in a post reserved for a member of the Commission, when the appointment lasts for over six months.</p> <p>(ii) The appointment of an officer of the Provincial Judicial Service to officiate as District and Sessions Judge when the appointment lasts for over six months.</p> <p>(iii) The interchange of an officer between a listed post and another post which, though included in the same class as a listed post for the purpose of regulating salary, is of a different character and not really listed (<i>vide</i> paragraph 3 of the Government of India, Home Department, letter No. 1134, dated the 13th November 1916).</p> <p>(iv) Appointments of uncovenanted medical officers to the post of Superintendents of Central Jails reserved for commissioned medical officers (paragraph 87 on page 37 of the Manual of Appointments and Allowances).</p> <p>(v) Appointments of Provincial Educational Service or other officers to temporary or officiating appointments in the Indian Educational Service (paragraph 138 on page 55 of the Manual of Appointments and Allowances).</p>	
5. Maintenance of law and order. (1) Administration of Criminal Justice. (a) Constitution of Courts.	<p>The constitution of the court of the Judicial Commissioner is regulated by the Central Provinces Courts Act, 1917, which has been applied to Berar. The Judicial Commissioner is appointed by the Governor-General in Council, and the Additional Judicial Commissioners are appointed by the Local Government with the sanction of the Government of India.</p> <p>The constitution and powers of the Subordinate Criminal Courts are regulated by the Criminal Procedure Code. Under Section 7 the sanction of the Governor-General in Council is required to any alteration in the limits of Sessions Divisions of districts comprising divisions. Further restrictions are contained in Section 14 (delegation of power to appoint special magistrates), Section 269 (power to order trial before Court of Sessions to be by jury); Section 1495 (rank of police officer who may conduct prosecution); Section 544 (rules regarding the expenses of witnesses); Section 565 (rules regarding the notification of residence of previously convicted persons).</p>	<p>Legislation should continue to be provincial. The Local Government should have power to appoint Additional Judicial Commissioners for periods not exceeding two years.</p> <p>Uniformity in the law of Criminal Procedure is desirable. Legislation should therefore be Imperial. The restrictions imposed by Sections 14, 269, 495, 544 and 565, however, are unnecessary and should be removed.</p>

Subject.	Existing condition.	Recommendation.
<p>5. Maintenance of law and orders.— (1) Administration of Criminal Justice. (a) Constitution of Courts.—(Contd.)</p>	<p>The Criminal Law Amendment Act, 1908, prescribes a special procedure for the trial of certain offences in Bengal and Assam. The extension of this Act to any province requires the sanction of the Government of India, and under Section 2 in provinces to which the Act is extended the Local Government cannot take action without the sanction of the Government of India.</p>	<p>If circumstances in any province require the prescription of a special procedure for the trial of certain offences, it should be within the power of the local legislature to pass the necessary legislation. Such legislation is of an emergency character designed to meet conditions special to particular areas, and the Local Government and the local legislature are in the best position to decide as to the need for such legislation and as to the form it should assume. The strictions imposed by Sections 1 and 2 of the Criminal Law Amendment Act, 1908, should be removed.</p>
(b) Village courts ...	<p>There are at present no village courts exercising criminal powers.</p>	<p>Legislation establishing village courts and regulating their constitution, powers and procedure, should be reserved to the provincial legislature. A Bill for the establishment of Village Panchayats in these Provinces has been framed and sent to the Government of India. Administration should also be Provincial.</p>
(c) Administration ...	<p>The judges of the Judicial Commissioner's Court hold their offices during the pleasure of the Governor-General in Council. All judges subordinate to the Judicial Commissioner's Court and all magistrates are appointed or removed by the Local Government. Administration is thus provincial.</p>	<p>No change.</p>
(2) Police. ...	<p>Legislation. Police administration is regulated by Act V of 1861. Under Section 2 the Local Government's power to fix the numbers, pay and constitution of the police is subject to the control of the Government of India. Under Section 3 the superintendence exercised by the Local Government is subject to the control of the Government of India. Administration. Apart from financial restrictions the Government of India exercise control by means of resolutions or orders on points of detail issued from time to time.</p>	<p>Legislation amending or adding to the Police Law should be within the power of the local legislature except as regards railways, legislation in regard to which should require the previous sanction of the Government of India. Subject to conditions imposed by the law of Criminal Procedure the discretion of the Local Government should not be fettered in respect of this subject. The Department of Criminal Intelligence must remain under the Government of India, but it exercises no executive functions in respect of these provinces.</p>
(3) Criminal tribes ...	<p>The law on the subject is embodied in Act III of 1911. Under Sections 11 and 12 the sanction of the Government of India is required for the restriction of the movements of tribes. Under Section 16 the Government of India has concurrent power to establish settlements. Under Section 19 the Government of India transfer prisoners to settlements in other provinces. Administration is provincial.</p>	<p>Legislation should ordinarily be within the power of the local legislature. The problems involved are not identical in all provinces and uniform legislation is not essential. The restrictions in Sections 11 and 12 are unnecessary and should be removed.</p>

Subject.	Existing condition.	Recommendation.
5. Maintenance of law and order.—(Concl'd.) (4) Prisons ...	Legislation is embodied in Act IX of 1894 and Act III of 1900. The latter Act is largely adjectival to the Criminal Procedure Code. Administration is provincial.	Uniformity of legislation is desirable. Legislation should therefore be Imperial, or if undertaken by the local legislature should require the previous sanction of the Government of India.
(5) Particular Acts:— (a) Seditious Meetings Act.	This Act applies only to such provinces as the Government of India may direct, and the Local Government's power to proclaim any area is subject to the sanction of the Government of India.	Legislation should be Imperial. The application of the Act should however, rest with the Local Government.
(b) Infanticide Act, VIII of 1870.	Under Section 1 the Government of India's sanction is required to the issue of notifications regarding female infanticide and under Section 3 rules under the Act require its confirmation.	Legislation should be Imperial. The restrictions imposed by Sections 1 and 3 should be removed.
(c) Press and Registration Act of 1867 and the Press Act of 1910.	The administration of these Acts rests with the Local Government.	Legislation should be Imperial.
(d) European Vagrancy Act, IX of 1874.	Under Section 14 rules for the management of workhouses require the sanction of the Government of India. Under Section 26 fines are credited to the Government of India or as it may direct. Administration is provincial.	Legislation should remain Imperial but the restrictions in Sections 14 and 26 are unnecessary.
e) Arms Act ...	The present Act will probably be revised. Administration is at present provincial.	Legislation should remain Imperial. Administration should be provincial as at present.
(f) Cattle Tresspass Act, I of 1871.	Administration of this Act is provincial.	Legislation should be within the power of the local legislature.
(g) Poisons ...	Sale and possession are regulated by Act I of 1904.	The control of the Government of India under this Act is unnecessary. Legislation as regards sale and possession within the province should be reserved for the local legislature.
(h) Gambling ...	The law on the subject is contained in Act III of 1867.	Uniformity is not necessary. Legislation should therefore be reserved for the local legislature.
(i) Dramatic performances.	Dramatic performances are regulated by Act XIX of 1876. This gives Local Governments a free hand in the matter of administration.	Any further legislation required should be within the power of provincial legislatures.
(j) Cinematographs ...	Cinematographs are regulated by the recent Act passed in March 1918. It is contemplated under this Act that certifying authorities should be set up at the ports, which, after examination, will certify that films are suitable for public exhibition, but the District Magistrate and Local Government have power to prohibit the exhibition of any particular film. Licences can be granted, subject to rules which may either be made by the Governor-General or by the Local Government if power is delegated to it.	Should further legislation be required it should be within the power of the provincial legislature.

Subject.	Existing condition.	Recommendation.
<p>6. Land Revenue Administration.</p> <p>(a) Assessment of revenue, collection of revenue, and revenue-free rants.</p>	<p>(A) The existing law is contained in the following local Acts:—</p> <p>(1) The Central Provinces Land Revenue Act of 1918 which contains the following restrictions on the powers of the Local Government. Section 4 ordains that the Chief Commissioner shall, in all revenue matters, be subject to the control of the Governor-General in Council. Under Section 5 (2) the previous sanction of the Governor-General in Council is required for the assignment of Chief Commissioner's powers to the Financial Commissioner. Under Section 6 (1) sanction is required for the creation of new or abolition of existing divisions. Under Section 8 sanction is required for the appointment of additional Commissioners.</p> <p>(2) The Berar Land Revenue Code, 1896. This Code contains the following restrictions:—</p> <p>(1) Section 6 directs that the Chief Commissioner shall in all revenue matters be subject to the control of the Governor-General in Council.</p> <p>(2) Section 8 makes the appointment of the Commissioner by the Chief Commissioner subject to the control of the Governor-General in Council.</p> <p>(3) Under Section 55 the previous sanction of the Governor-General in Council is required to authorise a Deputy Commissioner or any other officer recommended by the Chief Commissioner to fix water-rates.</p> <p>(4) Section 83 requires the previous sanction of the Governor-General in Council for the introduction of a new revenue survey and settlement.</p> <p>(5) Section 90 orders that the new assessment shall not be levied without the sanction of the Chief Commissioner or such other officer as the Governor-General in Council may direct, and the previous sanction of the Governor-General in Council is needed for a declaration of the new assessment for a specified term of years.</p> <p>(6) Under Section 93, the fixing of the assessment shall not bar the levy of any cess which the Governor-General in Council may impose under the law or any other law for purposes of local improvement.</p> <p>(7) Section 94 requires the previous sanction of the Governor-General in Council for a fresh revenue survey or revision of assessment subsidiary thereto.</p> <p>(8) Under Section 159 the previous sanction of the Governor-General in Council is required for the alteration of the rates of cesses levied under the preamble to the Berar Rural Boards Law, clauses (a), (c) and (d).</p>	<p>(A) All further legislation should be provincial. The general control of the Governor-General in Council would be better asserted in a general Imperial Act like the Government of India Act and is unnecessary in individual Acts. The restrictions in the Central Provinces and Berar Land Revenue Acts are unnecessary and should be withdrawn.</p>

Subject:	Existing condition:	Recommendation:
6. Land Revenue Administration.—(Contd.) (b) Assessment of venue, &c.—(Concl'd.)	<p>(B) The administrative powers of the Local Government are subject to the following restrictions:—</p> <p>(1) General principles of assessment are subject to the approval of the Government of India.</p> <p>(2) No re-settlement can be undertaken without the previous sanction of the Government of India, if the final revenue under the re-settlement is expected to differ by more than 33 per cent from the existing revenue.</p> <p>(3) Any extension of the period of settlement has to be reported to the Government of India.</p> <p>(4) The assignment by the Chief Commissioner of powers to the Financial Commissioner, under Section 3 of the Central Provinces Financial Commissioner's Act, XIII of 1908.</p> <p>(5) The salary of settlement officers is restricted to Rs 2,000.</p> <p>(6) Settlement calendars have to be submitted to the Government of India for information.</p>	<p>(B) Restrictions 1, 2, 3, 4 & 5 should be abolished. As regards restriction (5) the post of settlement officers should continue to be included in the Indian Civil Service cadre; but the Local Government should be entitled to give whatever allowance it considers proper. Administration should thus be entirely provincial.</p>
) Relations of landlords and tenants and collection of rent.	<p>This is regulated for the Central Provinces by the Central Provinces Tenancy Act, XVI of 1898, passed before the establishment of a Central Provinces Legislative Council.</p>	<p>Further legislation should be provincial and administration should remain provincial.</p>
) Courts of Wards ...	<p>The existing legislation is contained in the Central Provinces Courts of Wards Act, XXIV of 1899, passed before the establishment of a provincial legislative council. The power of the Local Government to declare any person to be a class of landholder for purposes of the Act is subject, by Section 2 (e) of the Act, to the previous sanction of the Governor-General in Council.</p>	<p>Legislation and administration should be provincial. The restriction in Section 2 (e) is unnecessary.</p>
) Special Laws regarding land tenure, &c.	<p>(1) The Central Provinces Land Alienation Act, VI of 1916, a local Act. Administration is provincial.</p> <p>(2) The Berar Inam Rules. Paragraph 3 of Rule XXI apparently prescribes a report to the Government of India regarding inams held by village officers.</p> <p>(3) Berar Patels and Patwaris Law, 1900. Administration is provincial.</p>	<p>All future legislation and administration should be provincial. The report prescribed in (2) is unnecessary and should be abolished.</p>
) Famine ...	<p>The sanction of the Government of India is required to any changes in the Provincial Famine Code, and the Government of India requires constant information regarding the progress and conduct of famine operations. Otherwise the control of the Government of India is mainly financial.</p>	<p>With the separation of Provincial and Imperial finances, famine will be come a provincial head and all expenditure thereon will be borne by provincial revenues. Famine administration should therefore be entirely in the hands of the Local Government.</p>
(f) Land improvement and agricultural loans.	<p>These are governed by Act XIX of 1883 and Act XII of 1884—both Imperial Acts. Under Section 4 (1) of Act XII of 1884 and under Section 10 of Act XIX of 1883, the rule-making power of the Local Government is subject to the control of the Government of India. Administration under these Acts is provincial.</p>	<p>Any legislation required in future should be within the competence of the local legislature. The restrictions imposed by Section 4 (1) of Act XII of 1884 and Section 10 of Act XIX of 1883 should be removed. Administration should continue to be provincial.</p>

Subject.	Existing condition.	Recommendation.
(6) Land Revenue Administration.—(Conclud.) (g) Diluvion and Alluvion.	The existing law is contained in Bengal Regulation XI of 1825, and in the rulings of the law courts. Administration is provincial.	Legislation as regards intra-provincial territory should be within the powers of the local legislature.
(h) Alienation and grants of State land and assignment of land revenue.	(i) Alienations are at present strictly regulated by the orders contained in Government of India Resolution No. 1-147, dated the 6th February 1872, as amended by Resolution No. 1-127-4, dated the 28th February 1892, and the Finance Department Resolution of 1916 which limits the powers of the Local Government. (ii) The power of the Local Government to renew muafi grants are restricted in cases specified in the Government of India Resolution No. 5, dated the 26th October 1905, reproduced in Revenue Book Circular 1-2.	All restrictions at present imposed on the powers of the Local Government should be removed.
7. Agriculture.	Legislation is at present Imperial and is confined to plant and animal diseases (Destructive Insects and Pests Acts, II of 1914; the Glanders and Farcy Act, CIII of 1899; the Livestock Importation Act, IX of 1898). Administration is provincial, the control of the Government of India being exercised, apart from financial restrictions and establishments, through resolutions and occasional specific orders on points of detail.	Legislation on the subject of plant and animal diseases should in general be Imperial, but local legislation may for some purposes be required, for example for the eradication of local pests, as should be within the powers of the local legislature. Administration should be entirely provincial.
8. Forests and forest products.	Legislation is contained in Act VII of 1878, an Imperial Act. Under Sections 1, 26 and 31 of this Act the Government of India exercises certain powers of control over (1) the extension of the Act, (2) declaration of forests as no longer reserved, and (3) rule-making power of the Local Government. Administration is regulated as regards technical matters by the Forest Code and also by resolutions of the Government of India, but is otherwise provincial.	Legislation should be Imperial, or undertaken by the provincial legislature should be subject to the previous sanction of the Government of India. The powers of control of the Government of India under Sections 1, 26 and 31 should be removed. The administration of forests should in future be entirely provincial, and the detailed administrative control of the Government of India should be removed. The Local Government should have unfettered power in the matter of the establishment of research institutes both in the case of agriculture and forests.
9. Fisheries and connected industries and river conservancy.	There are at present no industries connected with fisheries in these provinces.	The entire administration of these subjects should remain provincial. Legislation, if necessary, should be within the power of the local legislature.
10. Public Works— (a) Roads and Buildings.	The power of the Local Government to give administrative and final sanction is limited to projects the cost of which does not exceed 16 lakhs. There are also a number of detailed restrictions embodied in the code in regard to the building or leasing of official residences, <i>vide</i> Chapter X of the Public Works Department Code.	The Local Government should have power to sanction administratively finally all projects the expenditure of which has to be met from provincial revenues. These restrictions should be removed in respect of residences to be occupied by provincial officers. Any further legislation required for provincial purposes should be within the power of the local legislature.

Subject.	Existing condition.	Recommendation.
<p>10. Public Works— (Concl'd.) (b) Irrigation (major and minor) including draining and embankments.</p> <p>(c) Tramways ...</p> <p>(d) Light and feeder railways.</p>	<p>The law on the subject of irrigation works is contained in the Northern India Canal and Drainage Act, 1873.</p> <p>There are two classes of major irrigation works—(1) Protective and (2) Productive. The former is financed by the Government of India out of the Famine Insurance Fund; for the latter the Government of India provide the capital expenditure out of loan funds and all receipts go to Imperial Funds. Both classes of works are Imperial and are administratively and finally sanctioned by the Government of India or Secretary of State.</p> <p>Minor (Provincial) works can be administratively and finally sanctioned by the Local Government up to 16 lakhs.</p> <p>The construction and working of tramways is regulated by the Indian Tramways Act of 1886. Under this Act the sanction of the Governor-General in Council is required for the construction of a tramway any part of which traverses land which is not included within the limits of a municipality or cantonment.</p> <p>Construction and working are entirely controlled, both as regards legislation and administration, by the Government of India.</p>	<p>The present law is completely out of date. Future legislation should be provincial.</p> <p>As provinces are to become entirely responsible for the funds both for protective and for productive works the Local Government should have power to sanction all projects administratively and technically.</p> <p>Legislation should be Imperial. The construction of tramways traversing land not included within the limits of a municipality or cantonment may be necessary in connection with schemes of municipal extension. The sanction of the Government of India should not be required provided such tramways are not linked up with the general system of communications.</p> <p>Legislation must remain Imperial. In regard to administration the powers of the Local Government must be limited to those delegated to it by the Government of India.</p>
<p>I. Education.</p> <p>(a) University.</p> <p>(b) Secondary Education.</p> <p>(c) Primary Education.</p> <p>(d) Technical Education.</p> <p>(e) Reformatories.</p>	<p>Proposals for the establishment of a university for the Central Provinces and Berar are under consideration. At present the Central Provinces and Berar are included in the territorial limits of the Allahabad University.</p> <p>There is no legislation at present on this subject. Apart from financial restrictions, which are specially rigorous in connection with the expenditure of Government grants, the Government of India exercises control mainly through resolutions. Subject to this control administration is provincial.</p> <p>The administrative control of the Government of India is exercised through resolutions.</p> <p>As under Secondary</p> <p>Reformatory schools are regulated by Act VIII of 1897. The previous sanction of the Governor-General is required to the establishment and maintenance of schools. Subject to the conditions imposed by the Act administration is provincial.</p>	<p>Legislation for a Central Provinces University should be provincial and the local legislature should have the power to establish new teaching universities and modify the constitution of existing universities.</p> <p>Administration should be entirely provincial.</p> <p>Legislation and administration should be entirely provincial.</p> <p>As under Secondary.</p> <p>Legislation should be within the power of the local legislature. The restrictions in Section 5 are unnecessary. Administration should be entirely provincial.</p>

Subject.	Existing condition.	Recommendation.
<p>12. Medical and Sanitary.</p> <p>(a) & (b) Public health, hospitals, dispensaries, leper asylums, Pasteur Institutes, Sanatoria, matters relating to medical institutions.</p> <p>(c) Lunacy</p> <p>(d) Pilgrimages</p>	<p>(a) Legislation is contained in—</p> <p>(1) The Epidemic Diseases Act, III of 1897. Power under this may be delegated to the Provincial Government.</p> <p>(2) The Vaccination Act, XIII of 1880. This gives the Local Government full powers of administration.</p> <p>(3) The Lepers Act, III of 1898. Under this the Local Government has full powers except as regards cantonments.</p> <p>(4) The Central Provinces Village Sanitation Act, XI of 1902. The Local Government has full powers. The Act has been extended to Berar.</p> <p>(b) Administration is provincial. Control of the Government of India, except as regards establishments, is exercised through resolutions.</p> <p>The treatment of lunatics is regulated by the Lunacy Act of 1912. Under this Act the Local Government's power of making rules is subject to the control of the Government of India (Section 91). Administration of asylums is provincial.</p> <p>Pilgrimages are not at present regulated by any legislation. Administration is provincial.</p>	<p>(a) Legislation should be within the powers of the local legislature.</p> <p>(b) Administration should be entirely provincial.</p> <p>Legislation should remain Imperial. Control by the Government of India of the rule-making power of the Local Government is unnecessary.</p> <p>Legislation, e. g., for the purpose of enabling a Local Government to prohibit a pilgrimage, should be within the powers of the local legislature. The regulation of railway arrangement in connection with pilgrimages must be reserved to the Imperial legislature and the Government of India.</p>
<p>13. Local Self-Government.</p> <p>(1) Rural.</p>	<p>(1) The present law is contained in the Central Provinces Local Self-Government Act, 1883. A new Central Provinces Local Self-Government Bill has been framed and sent to the Government of India and will be introduced in the local Legislative Council.</p> <p>The sanction of the Government of India is required in two cases in that Bill—</p> <p>(i) Section 34, to the imposition of any tax, toll or rate other than those specified in previous sections.</p> <p>(ii) Section 37 (3), the investment of balances of local bodies in securities other than those of the Government of India.</p> <p>The special Acts applying to Berar are—</p> <p>(1) the Berar Rural Boards Law, 1885.</p> <p>(2) The Berar Cotton and Grain Markets Law, 1897.</p> <p>Neither of these contains provisions reserving control to the Government of India.</p>	<p>The sanction of the Government of India should be unnecessary, provided that the proposed impost falls within the schedule of provincial taxation.</p> <p>Government of India's sanction is unnecessary. Such invested balances are not likely to be large enough to affect ways and means.</p> <p>Legislation and administration should be provincial.</p>

Subject.	Existing condition.	Recommendation.
3. Local Self-Government.—(Contd) a) Urban—Municipalities.	<p>The present law for the Central Provinces is contained in the Municipal Act XVI of 1903. The Act contains the following restrictions:—</p> <p>(1) Section 3 requires the consent of the Government of India to the inclusion of any part of a military cantonment in a municipality.</p> <p>(2) Section 35 provides for the imposition of taxes subject to any general or special rules or special orders of the Government of India.</p> <p>(3) Sections 35 (b), 39 (b) and (8); the imposition of any other tax not mentioned in Section 35 (a) requires the previous sanction of the Government of India.</p>	<p>Legislation and administration should be provincial. A new Central Provinces Municipal Act is now being drafted and will be brought into the Central Provinces Legislative Council.</p> <p>Of the restrictions in the present Act, No. (1) can be retained and Nos. (2) and (3) are unnecessary. The Provincial Government should have power of sanction of taxes within the provincial schedule.</p>
	<p>The legislation in Berar is contained in the Berar Municipal Law, 1886. The following restrictions occur:—</p> <p>(1) Section 3 (2) proviso and Section 154 proviso require the consent of the Governor-General in Council to the inclusion of any part of a cantonment in a municipality.</p> <p>(2) Powers of taxation are restricted by any general or special rules the Government of India may issue [Section 41 (1)].</p> <p>(3) The imposition of any tax other than those scheduled in the Act is subject to the sanction of the Government of India [Section 41 (1) (B)].</p> <p>(4) The investment of funds in securities other than Government securities requires the sanction of the Government of India [Section 71 (1)].</p> <p>(5) The prescription of certain duties to be performed by municipal watchmen requires the sanction of the Government of India (Section 75).</p> <p>(6) Section 162 (1) requires the sanction of the Government of India in regard to the exception of municipalities from certain provisions regarding election.</p> <p>(7) Section 163 (1) requires the Government of India's sanction to the withdrawal of a municipality from the provisions of the Act.</p>	<p>Legislation and administration should be entirely provincial. The restrictions in Sections 41 (1), 41 (1)(B), 71 (1), 75, 162 (1) and 163 (1) should be withdrawn. The restrictions in Section 3 (2) and Section 154 must be retained.</p>
3) Local Authorities Loans Act (IX of 1914).	<p>This Act regulates the grant of loans to all local authorities. Under Section 4 the Government of India have power to make rules but may delegate this power to the Local Government. Under Section 6 certain local authorities, such as the larger corporations and other authorities to which the Government of India may extend this power, may with the previous sanction of the Governor-General in Council, borrow money from the public.</p>	<p>Legislation should be Imperial. The Government of India have, however so far not delegated any of the powers under this Act. Powers should be delegated to the Local Government under Section 4 (2), i. e., the Local Government should have power to make its own rules under the Act as the Local Government is entirely responsible for its loans.</p>

Subject.	Existing condition.	Recommendations.
13. Local Self-Government—(Concl'd.) (4) Hackney Carriages Act, XIV of 1879.	This is an Imperial Act. Under Section 5 of the power the Local Government to extend hackney carriage rules to a railway station six miles from a cantonment and to extend the operation of rules made for municipalities to any cantonment not more than six miles away is subject to the control of the Government of India.	Legislation should be reserved to the provincial legislature. The restriction in Section 5 should be removed.
(5) Government Buildings Act, IV of 1899.	This Act prevents by-laws regulating the erection or re-erection of buildings, &c. On certain objections the Local Government may pass such orders as it pleases, but under Section 4 (3) of the Act every such order passed by the Local Government is subject to revision by the Governor-General in Council.	Legislation should remain Imperial but the control of the Government of India under Section 4 (3) is unnecessary and should be removed.
(6) The Northern India Ferries Act, XVII of 1878.	The powers of the Local Government to declare, establish, define and discontinue public ferries are exercised by the Government of India in respect of ferries situated on rivers lying between two provinces.	The Local Governments should be entitled to settle these matters themselves, a reference to the Government of India being made only where the provinces are unable to come to an agreement.
14. Franchise, Electoral Law, Organization of Constituencies.	.....	These matters will presumably be governed by regulations made under an Act of Parliament but should eventually be transferred to the provincial legislature.
15. Civil Justice— (a) Constitution of Courts	<p>(i) The constitution and powers of Courts are regulated by the Central Provinces Courts Act (in force in Berar), which gives full powers to the Local Government over the creation and control of Courts.</p> <p>Section 4 (1), (2) and (3) gives the Government of India control over—</p> <p>(1) any addition to the four Judges of the Judicial Commissioner's Court;</p> <p>(2) the appointment of the Judicial Commissioner;</p> <p>(3) the appointment of the Additional Judicial Commissioners.</p> <p>(ii) Small Cause Courts.—The constitution and powers of Small Cause Courts, and the appointment of Judges of such Courts are regulated by Act IX of 1887 for the Central Provinces and by the Berar Small Cause Courts Law, 1905, for Berar. Under the latter Act the establishment of such Courts require the previous sanction of the Government of India.</p> <p>(iii) Village Courts.—None at present exist.</p>	<p>Legislation should be provincial (see under V (1)).</p> <p>Legislation amending or adding to these Acts should be within the powers of the local legislature. The restrictions in the existing Berar Act on the powers of the Local Government are unnecessary.</p> <p>Legislation should be within the powers of the local legislature. See under 5 (1) (b) <i>supra</i>.</p>

Subject.	Existing condition.	Recommendation.
Civil Justice.—(Contd.)		
) Procedure	This is regulated by the Civil Procedure Code. The Valuation of Suits Act, VII of 1887, is an ancillary Act.	Legislation should remain Imperial except as regards the valuation of suits. The sanction of the Government of India required by the following sections of the Civil Procedure Code seems unnecessary:—Section 61, exemption of agricultural produce from sale; Section 67, rules for the sale of land; Section 68 rules for transferring to collectors execution of certain decrees.
) Local Acts	There are no special Acts other than those quoted.	Legislation amending or adding to the present legislation should be within the powers of the local legislature.
) Ancillary legislation.. (1) Legal Practitioners Act. (2) Indian Law Reports. (3) General Clauses Act, 1897.	These Acts are all-India Acts passed by the Imperial legislature. The interpretation of local Acts is governed by a local Act (Central Provinces General Clauses Act I of 1914).	Legislation should be reserved to the Imperial legislature, except as regards interpretation of local Acts.
) Court-fees Act (VII of 1870).	Fees are fixed by schedules which are a part of the Act and the amendment of which requires action by the Imperial legislature. They may be reduced or remitted by the Government of India by notification, but not enhanced.	On the assumption that fees are to be a provincial receipt, legislation modifying this Act in any way should be within the powers of the provincial legislature; the restrictions on process fees and establishment in Sections 20 and 22 are unnecessary and should be relaxed.
) Administration	The Local Government appoints and removes all judges subordinate to the Judicial Commissioner's Court, except Munsiffs, who are appointed and removed by the Judicial Commissioner. Administration is thus provincial.	Administration should remain provincial.
) Administrator-General and Official Trustees Acts, 1902.	The Official Trustees Act provides for the management by the official trustee of properties of which he has been appointed trustee by a court or by the owners or trustees of property. The Administrator-General's Act provides for the administration of property of deceased persons in respect of which probate or letters of administration have not been granted to any other person. The Official Trustee and the Administrator-General for the province are appointed by the Local Government.	Legislation should be reserved to the Imperial legislature. Administration should continue as at present to be provincial.
(h) Registration of deeds and documents	This is regulated by Act XVI of 1908, an Imperial Act.	Legislation should be reserved to the Imperial legislature, but the restrictions imposed on the remuneration of registering officers (Section 14) should be removed; also that on the fixing of fees which are a provincial receipt (Section 78). Administration should remain provincial. The existing Act gives the Local Government a sufficiently wide discretion in the matter of establishments.

Subject.	Existing condition.	Recommendation.
16. Excise	<p>This is regulated by (1) the Central Provinces Excise Act, II of 1915; (2) the Poppy Cultivation Act, XIII of 1857, an Imperial Act, and (3) the Opium Act, I of 1878, an Imperial Act. In the Central Provinces Excise Act Section 4 (definition of country and foreign liquor), Section 8 (Import and export of excisable articles) and Section 25 (3) (ii) (imposition of duty on denatured spirit and beer below or above the tariff duty) are subject to the Government of India's control. Under Section 7 of the Opium Act the establishment of warehouses requires the authorisation of the Government of India. Under Section 8 rules regarding warehoused opium require the previous sanction of the Government of India, and under Section 13 rules regarding the disposal of things confiscated and rewards also require the sanction of the Government of India. Administration as regards the cultivation of poppy and the manufacture of opium is Imperial, the Local Government acting as the agent for the Imperial Government. Administration under the Excise Act is provincial.</p>	<p>The few restrictions in the Central Provinces Excise Act can be retained. Legislation on the subject of the cultivation of poppy and the manufacture of opium should continue to be Imperial but the powers retained by the Government of India under Sections 7, 8, & 1 of the Opium Act are unnecessary and should be removed. Legislation amending or adding to the Excise Act should be reserved for the local legislature. Administration under this Act should be entirely provincial. Any disputes between provinces should be amicably settled, a reference to the Government of India being necessary only when agreement cannot be reached. Administration under the Opium Act and the Poppy Cultivation Act must continue to be controlled by the Government of India.</p>
17. Scheduled Districts.	<p>These are regulated by Act XIV of 1874, an Imperial Act. Under Section 3 the sanction of the Governor-General in Council is required to declare the enactments in force in Scheduled Districts; under Section 5 the sanction of the Governor-General in Council is required to extend enactments to Scheduled Districts; under Section 5 (a) sanction of the Governor-General in Council is required to modify the enactments in their application to Scheduled Districts; under Section 8 the Governor-General in Council appoints an officer to settle a boundary dispute when it is between a Scheduled District and other territory and both are not subject to the same Local Government; under Section 9 rules in regard to places of imprisonment or transportation require the sanction of the Government of India.</p>	<p>Except in regard to Section 8 and Section 9 (so far as it applies to places of transportation) the Government of India's powers should be transferred to the Local Government.</p>
Intra-provincial territorial arrangements.	<p>The sanction of the Government of India is at present required to any alterations of the existing territorial divisions.</p>	<p>Alterations should be within the powers of the Local Government.</p>
18. Land Acquisition (Act I of 1894).	<p>This is an Imperial Act which regulates the acquisition of land in all provinces. Under Sections 38 (1) and 41 the Government of India makes rules regulating the manner in which the Local Government may authorize any officer of a company to enter upon land, dig, mark, &c., and regulating the acquisition of land for companies, and under Section 55 the Local Government's rule-making power is subject to the sanction of the Government of India.</p>	<p>The provincial legislature should be entitled to legislate for the provinces. The powers retained by the Government of India under Sections 38, 41 and 55 are unnecessary and should be removed.</p>

Subject.	Existing condition.	Recommendation.
<p>19 & 21. Industrial matters and business concerns.</p>	<p>Existing legislation is mostly Imperial and is embodied in a number of Acts, of which the following are the principal:—</p> <p>The Indian Life Assurance Companies Act, VI of 1912.—The administration lies with the Government of India who, however, are empowered to delegate to the Local Government any portion of the administration other than the power to make rules.</p> <p>The Indian Companies Act, VII of 1913.—The administration lies partly with the Government of India and partly with the Local Government. Both make rules; the High Court also is empowered to make rules concerning the mode of proceedings to be taken for winding up a company.</p> <p>The Explosive Substances Act, VI of 1908.—The administration lies almost wholly with the Government of India. The Local Government has power only to order the trial of any person for an offence under the Act.</p> <p>The Provident Insurance Societies Act, V of 1912.—The administration lies partly with the Government of India and partly with the Local Government. The latter has power to make rules.</p> <p>The Indian Weights and Measures of Capacity Act, XXXI of 1871.—The administration lies partly with the Government of India and partly with the Local Government, but the Government of India alone make rules.</p> <p>The Measures of Length Act, II of 1889. The administration lies partly with the Government of India and partly with the Local Government. The Act does not provide for power to make rules.</p> <p>The Indian Merchandise Marks Act, IV of 1889. The administration lies with the Government of India, who alone make rules.</p> <p>The Indian Petroleum Act, VIII of 1899. The administration lies partly with the Government of India and partly with the Local Government; both may make rules, but in the latter case the previous sanction of the Government of India has to be obtained.</p> <p>The Indian Explosives Act, IV of 1884. The administration lies partly with the Government of India and partly with the Local Government; both may make rules, but in the latter case the previous sanction of the Government of India has to be obtained.</p> <p>The Indian Patents and Designs Act, II of 1911. The administration lies wholly with the Government of India, who alone make rules.</p> <p>The Indian Factories Act, XII of 1911. The administration lies partly with the Government of India and partly with the</p>	<p>Legislation would continue to be mostly Imperial, so as to secure uniformity, but local legislation will occasionally be necessary. No changes are proposed in the present system of administration of the laws in force. Matters connected with the development of arts and crafts and provincial industries should be dealt with by the Local Government, which should have freedom with regard to the pioneering of industries.</p> <p>The Local Government should have unfettered power with regard to the organisation of research, independently of any organisation that may be set up by the Imperial Government as recommended in the case of agriculture and forests.</p>

Subject.	Existing condition.	Recommendation.
19 & 21. Industrial matters and business concerns.—(Concl'd.)	<p>Local Government. The power of the latter to make rules is subject to the "control" of the Government of India, and does not require their previous approval.</p> <p>The Central Provinces Boilers Inspection Act, II of 1907. The administration lies wholly with the Local Government.</p> <p>The Central Provinces Slaughter of Animals Act, IV of 1915. The Act gives full power to the Local Government, to regulate commercial slaughter-houses and the trades connected therewith.</p>	
Electricity.	<p>Legislation is contained in Act IX of 1910, an Imperial Act. Under this Act the Government of India prescribe technical rules. The power to sanction electrical schemes within the province is subject to the usual limit of 16 lakhs. The Local Government has power to grant such concessions as may be considered desirable.</p>	<p>Legislation should continue to be Imperial. The Local Government should have power to sanction administratively and finally all provincial schemes. The grant of concessions within the province should rest entirely with the Local Government.</p>
Mines.	<p>Legislation is contained in Act VIII of 1901, an Imperial Act. The grant of prospecting and working licenses is regulated by rules laid down by the Government of India.</p>	<p>Legislation and general control should be Imperial. Administration and the grant of licenses should be provincial.</p>
20. Co-operative Credit.	<p>Legislation is embodied in Act II of 1912. Administration is provincial. Power to exempt from income-tax, stamp duties and registration fees rests with the Government of India.</p>	<p>Legislation should be Imperial, but amendments in the Act should be permissible to the provinces. Power as regards registration fees should rest with the Local Government.</p>
22. Government Press Stationery, Printing and Supplies.	<p>There is no legislation. The administration is provincial, subject to rules and restrictions (particularly with regard to the purchase of supplies) imposed by the Government of India, and quoted in Chief Commissioner's Book Circular III-4.</p>	<p>These orders must be completely revised. The administrative control of the Government of India should be removed and the Local Government should have unfettered discretion with regard to the purchase of supplies.</p>
23. Statistics—Registration of births, marriages and deaths.	<p>(a) This is regulated, so far as persons to whom the Indian Succession Act of 1865 applies, by Act VI of 1886. The sanction of the Governor-General in Council is required under Section 11 for the extension of the Act to persons not ordinarily affected. Administration of the Act is entirely provincial.</p> <p>(b) The registration of births and deaths in local areas, rural and urban, is regulated by rules made by the Chief Commissioner, and administration is entirely local.</p>	<p>(a) Legislation should remain Imperial. The restriction contained in Section 11 should be removed.</p> <p>(b) Legislation as regards births, marriages and deaths within local areas should be within the powers of the local legislature, as also legislation for the registration generally of births, marriages and deaths of persons other than those to whom Act VI of 1886 applies.</p>

Provincial Taxation and Provincial Borrowing.

This matter has been the subject of correspondence between the Government of India and Local Governments. The proposals are:—

- (i) That the provinces should have powers of taxation in respect of provincial heads, together with further taxation of a local nature. Provincial taxation is to be demarcated and the residuary powers to be retained by the Government of India (paragraph 210 of the Reforms Report).
- (ii) Taxation within the Provincial Schedule will not require the Government of India's sanction, but proposals will be submitted for scrutiny. Proposals for new taxation not within the Provincial Schedule will be sent up for the executive sanction of the Government of India, who may refuse sanction because (a) they involve encroachment on the Imperial heads, (b) the object is inadmissible, and (c) they involve dangerous political consequences.
- (iii) Private Money Bills will in all cases require the sanction of the Government of India.

The Schedule of Provincial Taxes might be as follows (as proposed by the Bombay Government).

The provincial government should have power—

- (i) To raise or lower the scale of taxation or levies or departmental charges in respect of heads of revenue which they control,
- (ii) To levy "centimes additionels" on income-tax, subject to a fixed maximum;
- (iii) To impose taxation of the following nature—
 - (1) cess on cotton bales pressed—to be collected at the press,
 - (2) tax or additional tax on advertisements,
 - (3) tax or additional tax on patent medicines,
 - (4) tax on entrance money at theatres, cinemas, music halls, and the like public entertainments,
 - (5) death duties,
 - (6) tax on race horses,
 - (7) tax on totalizators,
 - (8) tax on entrance fees at race-courses;
- (iv) To sanction—
 - (a) the imposition of all local taxation by Municipalities, District Council Boards and other local Bodies, the power to sanction which has already been conferred by any Act,
 - (b) the imposition by a local body of any of the taxes described in paragraph (iii),
 - (c) a terminal tax on imports and exports by rail in any Municipality or Notified Area.

The subject has been dealt with in correspondence with the Government of India.

Provincial loans will be made through the Imperial Funds. If the Government of India cannot give the full amount asked for, the provinces may go direct to the money market with the previous approval of the Government of India, who may object—

- (a) to the method proposed and the interest imposed, and
- (b) to the time proposed for floating the loan.

The provincial governments will take over the Agricultural and Land Improvement Loans Accounts and will raise the money for such loans themselves in future.

Subject.	Existing condition.	Recommendation.
24. Inter-provincial emigration and immigration.	Legislation is at present Imperial and is contained in the Assam Labour and Emigration Act, VI of 1901. Administration is provincial, but is subject to fairly detailed control by the Government of India.	No change proposed.
25. Protection of wild birds and animals.	The protection of wild birds is regulated by Act VIII. of 1912. This gives full powers to Local Governments.	Any further legislation necessary should be within the power of the local legislature.
26. Cruelty to animals.	This is regulated by Act XI of 1890, which can be extended by the Local Government to any area.	Any further legislation necessary should be within the power of the local legislature.
27. Escheats and unclaimed property.	These are governed by Regulation V of 1799 and Regulation V of 1827, in the Central Provinces. These Regulations are not in force in Berar and personal property is dealt with in both territories under rules made by the Local Government regarding unclaimed property based on the Code of Civil Procedure and the Police Act. Administration is provincial.	Legislation should be reserved to the Imperial legislature.
28. Religious and charitable endowments or trusts.	The Charitable Endowments Act, VI of 1890, provides for the management of endowments the administrators of which wish to place them on a safe footing; it excludes endowments which relate exclusively to religious teaching or worship. Under Section 92, Civil Procedure Code, the Legal Remembrancer or persons interested therein may move the courts to replace incompetent or dishonest managers of any trust. Section 15 of the Religious Endowments Act, XX of 1863, also gives certain similar, but more restricted, facilities for the same purpose.	Legislation amending the Charitable Endowments Act, VI of 1890, should be reserved to the Imperial legislature.
29. Motor vehicles.	The existing law on the subject is contained in Act VIII of 1914, an Imperial Act. The rules under this Act are made by the Local Government, and administration is provincial.	Any further legislation required for provincial purposes should be within the power of the local legislature.
30. Memorials and appeals. (a) From members of the public.	These are at present regulated by orders reproduced in the Chief Commissioner's Book Circular II-17.	The existing rules, with the modifications suggested by the Decentralization Commission, <i>vis.</i> , that no appeal should lie to the Government of India against an order passed on an appeal from subordinate authority, are suitable.
(b) From members of the Services.	As above	No appeal should lie from members of the provincial and subordinate services. Otherwise the existing rules are suitable.

PART II.—The Scheme of Transferred Functions.

1. Under the scheme framed by the Chief Commissioner for the preparatory stage of reform (training period) it is not proposed to transfer any functions to a Minister in the manner contemplated by the Report. The scheme for the Central Provinces and Berar includes the constitution of an Executive Council containing an Indian Member—but not of a Minister of the kind suggested in the Reforms Report. The Indian Member will be selected from among the non-official members of the Legislative Council, and under this scheme there will be, if not fuller, at any rate as full control over branches falling within the sphere of local self-government as is contemplated in the Reforms Report scheme.

No functions
be transferred
Ministers.

2. In the Central Provinces Local Self-Government (Amending) Bill, which was sent for the information of the Government of India (Legislative Department) with Mr. Munje's letter No. 153/XIX, dated the 5th October 1918, provision is made (section 49) for the constitution of a Local Government Board consisting of an official, who for the present will be the Financial Commissioner, as President, and two members to be appointed by the Chief Commissioner from among the non-official elected members of the Central Provinces Legislative Council. This Board will be an executive body and its decision will be final in all matters not reserved by the provisions of the Bill to the authority of the Chief Commissioner. A copy of the Bill is attached to this note. The functions reserved to the Chief Commissioner are those connected with the constitution of District Councils and Local Boards, the approval of taxation and the framing of rules for the election of members and the composition of offences. In all other matters of administrative and executive control the functions at present invested in the Chief Commissioner will, under the provisions of this Bill, be in future discharged by the Local Government Board. It is proposed in revising the Central Provinces and Berar Municipal Acts to give to the Local Government Board powers in relation to the Municipal administration similar to those which they will exercise under the Local Self-Government Bill in regard to District Councils and Local Boards. It is intended that as soon as the Executive Council has been created the Indian Member shall have the portfolio of Local Self-Government and shall replace the Financial Commissioner as President of the Board; the Board will then be able to exercise the powers vested in the Chief Commissioner by the Bill, all three members of the Board will be non-official elected members of the Legislative Council and popular control over the administration of local self-government will practically be complete.

The propo
Local Govt
ment Board.

3. The subjects included under head 2 of List II, Appendix II, of the Reforms Report will be administered by the Local Government Board. The Board will also control the actions of the District Councils, Local Boards and Municipalities in connection with the discharge of certain executive functions under other heads such as Education,—Primary and Anglo-Vernacular Middle School education for boys—, Veterinary, Medical and Sanitary, *e. g.*, working of hospitals and dispensaries, the provision of water-supply, etc. The scheme framed by the Public Works Committee will also when worked out place a large field of administration in connection with civil works, roads, building, drainage and water-works schemes, etc., under the control of the Local Government Board. Finally, it is intended that, with the development of local self-government, the sphere of its administrative control should be gradually enlarged. The subjects which, to start with, will come under the control of the Local Government Board are shown in the annexed appendix.

Subjects as
the Local Govt
ment Board.

APPENDIX.

(*VIDE LIST II OF APPENDIX II OF THE REFORMS REPORT.*)

1.—*Taxation for local purposes.*—District Councils will have power, with the previous sanction of the Chief Commissioner, to impose certain cesses under Sections 31, 32 and 33 of the Local Self-Government Bill, *viz.* :—

- (i) an additional school and road cess levied on Land Revenue, and
- (ii) a special school rate on persons occupying houses or land.

2.—*Local Self-Government, rural and urban.*—Administrative control is to be transferred to a Local Government Board in the manner indicated in the note, paragraphs 2 and 3. Some remarks are necessary on certain subjects :—

(i) *Roads.*—In the existing system District roads, other than important through routes, are under the administration of District Councils, funds for their construction and upkeep being either included in the ordinary budget of the Local Body under Civil Works or specially transferred from the budget of the Provincial Civil Works Department to District Councils for the upkeep of special roads. The District Councils maintain their own subordinate engineering staff and contribute to the upkeep of a Divisional Local Funds Engineer who has certain powers (varying in different divisions) of inspection and control over the District Council Engineering staff. The scheme now proposed by the Public Works Committee will, if put in force, have the effect of placing all roads under the District Councils and replacing the present Provincial Public Works staff by District Engineers appointed and employed by the District Councils.

(ii) *Buildings.*—Buildings such as Board Schools, Pounds and Serais are at present financed and constructed by Local Bodies, who also construct and maintain certain Government local buildings for Government, *e.g.*, Police stations. The Public Works Committee propose to transfer all except the most important buildings (*e.g.*, Secretariats and large Government buildings at head-quarters) to the Engineering staff of Local Bodies.

(iii) *Ferries.*—The financing and administration of ferries will rest under the control of the authority which administers the road on which the ferry is situated.

(iv) *Water-works and drains.*—Large works are financed by Local Bodies and usually constructed by Public Works Department agency on behalf of Local Bodies by whom they are thereafter administered. The development of the Public Works Committee's scheme will determine in future the agency of their construction.

(v) *Fairs and Markets.*—Sections 13 to 19 of the Central Provinces Local Self-Government Bill bring the control of fairs and markets under the District Councils and therefore subject to the Local Government Board.

4.—*Education.*—It is not intended to alter the system of control over education. Primary, Anglo-Vernacular and English Secondary education for boys comes administratively under the control of Local Bodies (Municipal Committees, District Councils and Local Boards), who finance and administer the board schools. Thus the executive powers exercised by Local Bodies in respect of education will be subject to the general control of the Local Government Board. At the same time all these schools are dependent on grants from the provincial education funds, and the control of the Education Department is secured by means of the conditions attached to these grants and the supervision of the inspecting staff of the Education Department. The Central Provinces Education Manual lays down in detail the regulations to which Board Schools must conform, and it is not intended at present to relax the control by Government in the Education Department over the schools administered by Local Bodies.

The establishment of a University for the Central Provinces and Bihar, proposals for which have been worked out and are now before Government, will secure a substantial degree of independence in the sphere of higher and technical education.

5.—*Medical and Sanitary.*—Hospitals and dispensaries are at present usually built and maintained from funds consisting of—

- (i) Subscriptions from private persons,
- (ii) Contribution from Local Bodies, and
- (iii) Grants from Government.

Each hospital or dispensary has a Committee, consisting mostly of local non-official gentlemen, which administers the funds. The medical staff, however, is drawn from the Government medical services and is supplied and paid for by Government. There is no reason why the administration of hospitals and dispensaries should not be brought eventually under the control of the Local Government Board, but Government should continue to supply members of the Provincial medical services for these hospitals and will control the medical services. (*Vide Medical Manual.*)

Vaccination.—The administrative control of vaccination rests with the Local Bodies, subject to certain conditions as regards qualifications and training. The supervising staff, Assistant Superintendents of Vaccination, are appointed and controlled by the Sanitary Commissioner. (*Vide District Council Manual, Section D, paragraphs 92—94*)

Sanitary.—The initiation and execution of sanitary schemes lies with Local Bodies. The Sanitary Board, which consists of the Financial Commissioner, the Sanitary Commissioner and the Sanitary Engineer, is an advisory body whose chief duty is the consideration and preparation of sanitary schemes proposed by Local Bodies, and the distribution of sanitary grants for such schemes. Should the Indian Member of the Executive Council be placed in charge of the department of Medical and Sanitary, he would take the place of the Financial Commissioner as President of the Sanitary Board.

6.—**Agriculture.**—Veterinary dispensaries are established and managed by Local Bodies, who provide the funds for their up-keep and appoint the menial staff. The Veterinary Assistants attached to them are appointed and paid by the Government Veterinary Department. (*Vide Civil Veterinary Manual, page 4*)

10.—**Public Works.**—The existing arrangement has been briefly outlined under head 2 above. The proposals of the Public Works Committee are still under consideration by the Chief Commissioner, but whatever form of scheme is adopted the result will undoubtedly be to place the control over the greater portion of the Public Works staff and a large part of the expenditure on Civil Works, Roads and Buildings, under the executive control of the Local Government Board.

MEMO. BY Mr. K. C. ROY.

Briefly speaking the scope of the enquiry of the Subjects Committee may be summed up in the second formula of the Chelmsford-Montagu report, which is as follows:—

“The provinces are the domain in which the earlier steps towards the progressive realisation of responsible Government should be taken. Some measure of responsibility should be given at once, and our aim is to give complete responsibility as soon as conditions permit. This involves at once giving the provinces the largest measure of independence, legislative, administrative and financial, of the Government of India which is compatible with the due discharge by the latter of its own responsibilities.” (Page 93.)

If effect is to be given to this recommendation the existing position of the Government of India in all its departments will be materially affected leading to an entire reorganization of the departments and redistribution of portfolios.

The first point that must be considered is whether the separation of Indian from Provincial functions will lead to any diminution in the volume of business transacted by the Government of India. I have grave doubts on the subject, and past experience conclusively points to no substantial decline. Since the H. C. House Commission a great deal of decentralisation and devolution has been carried out, but this in no way affected the steady growth of business in the Government of India offices, and most of the Departments have suffered from shortage of staff and overwork.

This brings us to the question whether any reduction in the actual strength of the Viceroy's Executive Council is either probable or desirable. The present statutory maximum will be abolished—it will thus be open to the Viceroy and the Secretary of State to fix the strength of the Council according to their wishes. But custom will of course govern their decisions. In my opinion the work of the Government of India will be more complex and complicated with the growth of constitutional developments. There will also be new demands, new political ideals and new methods of political propaganda. The war will influence these issues and it is at present difficult to foresee the new problems which the Government of India will be called upon to face. The Government of India must therefore be strong and compact and any attempt at reduction in its strength will be a move in the wrong direction. In fact, the present strength of some of the departments will need expansion; but, in view of the recommendations made in the report relating to the provincial and the transferred subjects, some of the departments in their present formation must disappear only to be replaced by new ones, which the new constitutional improvements, as well as industrial and commercial expansions will demand. The Education Department must disappear as also the Revenue and Agriculture, and the Public Works. This brings us to the question of the redistribution of the portfolios and I suggest the following changes for consideration.

Legislative.—No change.

Interior.—Administration, Education, Services Medical (curative and preventive), Land Revenue and Survey.

Justice.—Judicial, General, Appeals, Andamans, Legal, Emigration, and Ecclesiastical and also patents, inventions and designs.

Industries and Agriculture.—Industries (as may be recommended by the Holland Commission), Excise (absolutely provincial but for policy only), Agriculture, Fisheries, Mines and Minerals, Meteorology; Zoology, Museums, Forests, and major irrigation for the transitory period only.

Commerce and Communication.—Railways, Posts and Telegraphs, Ports, Customs and Trade.

Finance.—No change, but banks and banking legislation and insurance be added.

Foreign.—No change.

Army.—Some important questions relating to higher administration of Indian Army have been raised in the Mesopotamia Commission's report which will no doubt be examined by competent authorities after the war, and so far as the question of portfolio goes, it will be for decision whether personnel and supplies should be separately represented by two distinct portfolios as was before the Kitchener reforms, or jointly as at present.

Thus the number of the portfolios will remain unchanged and it will be for the Committee to consider whether the Foreign portfolio will continue to be held by the Viceroy or by a member of the Executive Council. After the war I fear there will be important Asiatic problems for examination a good part of which must be done by the Indian Foreign Office though the final decision will rest with Whitehall. It will therefore be necessary to have a whole-time Foreign and Political Member who will afford much needed relief to the Viceroy and secure for him time and opportunity for general and effective supervision of the provincial governments and the various portfolios of the Government of India.

I append herewith summary notes of the present position of the various departments as seen by an outsider.

Legislative.—This Department is overworked when the Council is in session. It will be more so when the new constitution comes into being. This is a technical department at present, but in order to keep an eye on the legislative activities of the proposed provincial legislatures, the department should be vested with the authority of an Administrative Department. To illustrate the point it may be mentioned that the administrative approval of all provincial bills will be discontinued and only the right of veto retained. This will not work well in practice. The Government must therefore make it customary for all Provincial Governments to send up bills either before or on introduction to the Government of India for information. These must be subjected to a sort of general examination, and in my opinion this safeguard is essential to prevent any violent departure from the accepted policy of Government. This will necessitate that some of the officers of the department must belong to the Indian Civil Service with sufficient administrative experience. Some may be recruited from the professions. The department will need strengthening.

Home.—The Home Department will be partly affected by the change as a number of heads dealt with by their Police and Jails Sections will be transferred to the provinces. The preventive medicines, including the Research Institutes, should be transferred to the Home Department as also the control of policy in respect of Land Revenue and the University administration. They may give over their Judicial, General Branch and Andamans to the portfolio of Justice.

Education.—This department is seriously affected by the proposed change. Very rightly local self-government, rural and urban, has been provincialised and will be treated as transferred subjects. So are the primary, secondary and technical education, as also the preventive medicine and sanitation. Other miscellaneous subjects, such as libraries, museums, archaeology, should also be provincialised. Ecclesiastical should be given over to the Ministry of Justice. The Government should retain no special check of any kind over the provincial and transferred subjects. As regards the University education it should be provincial as far as possible. The Educational Commissioner should be under the Home Department, and perform approximately the same duties as were discharged by Mr. Orange under the Curzon administration.

Land Revenue and Agriculture.—Land Revenue administration will be a provincial subject. Forests (unclassed and protected), Co-operative Credit, Civil Veterinary Department are transferred subjects. Agriculture, forest and forest products, fisheries and some important aspects of the Civil Veterinary Department are provincial subjects. Thus the Department in its present formation cannot be retained and the new Industries and Agricultural Department will take over the control of the Agricultural Institute at Pusa, the Forest Institute at Dehra, the Board of Scientific Advice, miscellaneous and other work done by the present Department of Revenue and Agriculture. The Inspector-General of Forests will disappear.

Foreign.—No suggestions.

Army.—No suggestions.

Finance.—In view of the separation of the Imperial and Provincial finances and having regard to the extensive delegation of powers to local Governments in the matter of expenditure, the business transactions of this department will be considerably reduced, but they should take over the bank and banking legislation and insurance and provident societies. The opium questions, both excise and export, should be handed over to the Agriculture Department.

Commerce and Industry.—Barring Ports, Customs, Posts and Telegraphs and Salt, all other heads dealt with by this department are either provincialised or transferred, and hence the reorganisation of the department will be called for.

Public Works.—Buildings and roads to be dealt with by provinces and may be transferred subjects. Water supply, drainage, irrigation will presumably be similarly dealt with. Minor irrigation, tramways, light and feeder railways will also be transferred subjects. Major irrigation will be provincialised. Electricity should also be provincialised though the Act may be retained as an Imperial Act.

Railway Department.—The Railway Board under the control of Sir G. Barnes discharges the function of the Railway Department. It was created at the instance of the late Mr. Thomas Robertson who came out to India during the viceroyalty of Lord Curzon. Opinions are divided as to whether the experiment is a success. I am in favour of reverting to the old Secretariat system consisting of the Secretary and two Directors, one for Traffic and another for Engineering.

I append a few remarks on the Imperial Inspectors-General :—

Imperial Inspectors-General.—“ Home ”—The Director General, Indian Medical Service, will continue to be the head of the Indian Medical Service, and although medicine has been provincialised, the Director General must remain on to co-ordinate and control the civil and military portions of the service. But the question of the strength of his office in respect of superior officers should be reviewed after the war.

Director of Central Intelligence.—No change is possible.

Education.—The Director General of Archaeology should be an advisory and consulting officer. He should be put in charge of the Oriental Museum at Delhi, which is now in suspense, having been once negatived by the Secretary of State.

The Sanitary Commissioner.—At a time when there is every prospect of the creation of a Ministry of Public Health in London, it is not desirable to suggest any change, but it may be reviewed seven years hence with a view to ascertain whether the Director General, Indian Medical Service, cannot discharge the duties of a Sanitary Commissioner *ex officio* as was the case previously to the appointment of the late Colonel Leslie as Sanitary Commissioner.

The Educational Commissioner.—In view of the extensive delegation of the educational questions to provinces and popular control, the appointment should be retained for the transitory period only.

Revenue and Agriculture.—The Inspector General of Forests should be abolished and the Director of Forest Research Institute should be *ex officio* Forest Adviser.

The Agricultural Adviser to the Government of India should be retained as also the Director-General of Observatories.

The Surveyor General must remain on at the head of the service.

Public Works Department.—The Inspector-General of Irrigation will be retained as Consulting Engineer to the Communication and Agriculture Departments.

Finance.—The Auditor-General's position has lately been improved and the addition of a Committee of Public Accounts to co-operate with him in the audit work will be a welcome change.

Commerce.—The Northern India Salt Department should be provincialised and the Inspector General abolished. The Director of Geological Survey will remain on as the head of the service and so will the Director General of Commercial Intelligence. The latter's office should be decentralised. The Director General of Posts and Telegraphs is the most important of the Imperial Inspectors in the Commerce Department and he should be given more extensive powers on the lines of the powers delegated to the Railway Board.

Railways.—The Railway Board has no less than two members with considerable engineering experience, and as such the appointment of the Chief Engineer is unnecessary.

[I do not deal with the provinces as I expect interrogatories will be issued by the Committee.]

October 4, 1918.

K. C. ROY.

Memorandum for the Subjects Committee

COMMERCE AND INDUSTRY DEPARTMENT



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MEMORANDUM FOR THE SUBJECTS COMMITTEE.

COMMERCE AND INDUSTRY DEPARTMENT.

NOTE.—Owing to the nature of many of the subjects dealt with in this Note, it has been impossible with due regard to clearness to divide it into separate sections dealing with legal, administrative and financial questions, but the extent to which the various paragraphs fall under one or other of these heads has been indicated so far as possible by side headings.

The heads of business dealt with by the Department of Commerce and Industry fall into three main groups:—

General grouping of subjects:

Two heads of business are concerned with both foreign and internal commerce and trade, namely,

- I. Posts and Telegraphs.
- II. Statistics.

The main heads of business concerned with India's foreign trade and foreign relations are:—

- III. Foreign Commercial Intelligence. (Trade Commissioner).
- IV. Customs.
- V. Port Administration.
- VI. Mercantile Marine (Regulation of ships, crews and passengers).
- VII. Emigration.

The rest of the heads of business are concerned principally with internal trade. They fall into two main groups, namely, (a) The regulation of trade and (b) Industrial development.

VIII. In the former are the following:—

- Weights and Measures.
- Patents and Designs.
- Adulteration.
- The control of Assurance and other companies.

Certain items under this head relate to articles or materials used in trade or industry the use of which requires expert supervision in the public interest, *i.e.*,

- Petroleum.
- Explosives.
- Boilers.

And there are two heads under which Government specifically considers the interests of labour, *i.e.*,

- IX. Mines.
- X. Factories.

The general welfare of organised industrial labour also comes to some extent under the review of this Department in connection with the regulation of trade and industry, though the Education Department are more concerned with this question which is mainly a matter of sanitary regulation. This question is however more essentially one made up of a number of details under various heads of administration, which fall under local Governments and local authorities.

The second group contains, besides the main head, certain specific industries which are specially organised and in which Government has particular interest, either as sources of revenue requiring supervision in the national interest, or as administered by Government itself, *i.e.*,

- XI. Industrial development.
- XII. Fisheries.
- XIII. Excise.
- XIV. Salt.
- XV. Minerals.
- XVI. Stationery and Printing.

In the following note the heads are treated in the above order:

I.—POSTS AND TELEGRAPHS.

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2. There is no question but that Posts and Telegraphs should continue to be controlled by the Imperial Government. The two Acts, namely the Post Office Act, VI of 1898 and the Telegraph Act, XIII of 1885 confer practically all powers on the Governor General in Council. The Local Governments possess only powers which it may be necessary for them to exercise in an emergency in the interest of public security. They can by Order in writing intercept postal articles in the interests of public safety, and they can take possession of the Telegraphs or send messages in similar emergency. They are also the appellate courts in any dispute arising from the erection of telegraph lines and they exercise police powers for the protection of the telegraph lines.

Administrative.

The Departments which administer these Acts are entirely imperial under the control of the Director General, who has wide powers.

II.—STATISTICS.

Administrative.

3. Prior to 1895 the different Departments of the Government of India compiled their own statistics. But in that year the Government of India, considering that statistics prepared and discussed without uniformity of method must be defective, created a special department. This was in 1905 merged in the new Department of Commercial Intelligence, but in 1914 was again separated. The Department, besides dealing with sea-borne and land-frontier trade and commercial and financial statistics of imperial significance, gives imperial totals and arranges in a suitable form figures collected by the provincial departments concerned for nearly all subjects for which statistics are maintained.

4. Appendix II to the Report on Constitutional Reforms includes Statistics among subjects which are to be handled by Provincial Governments. This would appear to refer only to statistics under the heads quoted in the Appendix, namely, registration of births, deaths and marriages and generally the collection of statistics for Provincial purposes. The Appendix adds that the power to secure uniformity is to remain with the Government of India. This is necessary, otherwise the compilation of statistics for the whole country would be difficult, if not impossible.

It is obviously convenient for a specific agency under the Government of India to compile statistics relating to internal administration, even though the authority that actually collects the figures and controls the subjects to which they relate is entirely local. The Central Government must, for example, have figures of the movement of inter-provincial trade and it is for the advantage of all Governments that the figures should be drawn up on uniform lines. The Central Government alone can co-ordinate the figures of Native States. How far the work at present done by the Director of Statistics should continue to be performed by him or should be handed over to other Imperial Departments is another matter, but a central compiling and commenting agency is obviously needed. To take, for instance, the case of Excise. Under the present system the Government of India decide, on administrative grounds, in respect of what matters statistics should be prepared by the Local Governments. These figures are shown in the so-called Imperial Returns, while, at the same time, all Local Governments are free to prepare statistics on any matter of local interest. Even if excise administration be entirely provincialised, it will still be desirable in the interests of administration for the different Provincial Governments and the educated public to have access to comparative figures prepared on exactly similar lines for each Province. It is possible that the function of preparing these figures might be handed over to the Department of Statistics. In determining their form the Government of India would continue to act in an advisory capacity, and would modify the statements, when necessary, after consulting the Local Governments.

5. It may be concluded that the centralisation of Statistics is an arrangement which must continue. In the preparation of statistics on all subjects the control of which remains with the Governor General in Council, the Central Government must have the power to secure returns in the most convenient form. In other cases, the position of the Governor General in Council will be advisory, and uniformity of method, when required, must be secured by discussion and agreement.

III.—COMMERCIAL INTELLIGENCE.

6. It may be taken as axiomatic that foreign trade affairs should be handled by the Central Government, and in this connection it must be borne in mind that after the war the functions of Government towards trade and industries are likely to undergo considerable development and extension; and the principle would probably be accepted of closer co-ordination of such functions among the various parts of the Empire. This presupposition underlies many of the points dealt with in this note, on which final views cannot therefore be always offered at this stage.

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7. The Department of Commercial Intelligence is under an Imperial Director and deals with both foreign and internal trade questions; both heads can most conveniently be examined in this paragraph. The Director has at present a dual role: he is, in respect both of foreign and internal trade, at once the adviser and intelligence officer both of Government and of the mercantile public. He has hitherto attempted also to fill the role of industrial adviser to the public, in the absence of any other agency. But if the proposals of the Industrial Commission are accepted, he will in this latter respect in most cases merely refer such enquiries to the appropriate provincial or imperial agencies that are to be created, though he will be an important source of information regarding the supply of the raw material of manufacture and the disposal of the finished products.

8. It is obvious that, as regards foreign trade questions, the existing imperial agency must not only be maintained, but will require considerable strengthening; while its functions regarding internal trade will develop, as the provincial agencies are better organised, on the lines of a central reference bureau and compiling agency for inter-provincial trade. In the discussions of the past five years regarding the constitution of this Department, the main criticisms put forward by Local Governments of the Government of India's proposals are based on the fact that they make no provision for a specific provincial agency for the collection of Commercial Intelligence. The recommendations of the Indian Industries Commission meet this point; but without a central agency the proposed provincial organisations will be less effective and helpful, even from a purely provincial point of view.

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IV.—CUSTOMS.

9. *Tariffs.*—It may also be agreed that all questions concerning tariffs will remain the concern of the Government of India. The scheme of Constitutional Reforms accepts the position that Customs Revenue will be an imperial head, and uniformity in its collection and administration are of absolute necessity in the interests of trade. No change therefore need be considered in regard to the Tariff Act, in which, practically speaking, all powers are exercised by the Imperial Government. The working of two subsidiary measures, namely, the Cotton Duties Act of 1896 and the Tea Cess Act IX of 1903, for the same reasons are a matter for imperial administration. The regulations framed under the Merchandise Marks Act, IV of 1889, are also prepared by the Governor-General in Council and no question of delegation need arise.

Legal.

10. *Customs.*—Under the Sea Customs Act, VIII of 1878, the powers of the Government of India, as shown in the appended schedule, are practically confined to matters concerning the tariff. The Governor-General in Council may prohibit or restrict the bringing of goods to British India, may prohibit transhipment at specified ports, may fix tariff values, may exempt goods from Customs duty, may declare what goods are identifiable for the purpose of refunds, may prohibit draw backs on re-exportation, and may regulate the detention and confiscation of goods which have been seized.

All other powers in the administration of the Customs are assigned by law to the Local Governments or to officers appointed by them. Many of these powers are of purely local import; thus, the local Government declares the limits of ports, wharves, customhouses, etc., fixes the amount of transhipment fees, makes rules as to coasting trade or, for the protection of local excise duty, as to the treatment of imported spirit. And the Chief Customs officer, who is an

officer of the Local Government, makes rules for passes, port clearance, the landing of baggage, warehouse, wharfage, transshipment, etc., in most of which matters the points at issue are really local. But the Local Government, in the eyes of the law at any rate, also appoints Customs officers, who are authorised to perform Customs duties, and exercises the powers of appeal and revision.

11. This statutory position is a nominal perpetuation of the state of things that originally existed when trade was less general, local trade customs more important, and the collection of customs less a matter for expert control. As a result of the protests of commercial bodies, who were suffering from what Lord Curzon called "absurd and indefensible diversity of practice," the Government of India formed in 1905 an Imperial Customs Service to provide an interchangeable superior staff for the major ports.

In actual practice, however, even prior to 1905, the part played by the Local Government in the customs administration was far less than a perusal of the Sea Customs Act would appear to indicate. Financial restrictions, for example, made it impossible for Local Governments to create appointments, alter the rates of pay, or recruit an officer from outside India without the sanction of the central Government and the so-called 'appointment' of a customs officer merely means his investiture with certain functions by notification as experience is gained. But even so, the position of the Local Governments has been fully maintained in practice, under an anomalous, but well understood distribution of functions, which seldom or never gives rise to friction under present conditions in spite of the much greater degree of interference which war necessities have compelled the Government of India to exercise in the control of customs. Whether the existing arrangement is likely to work equally smoothly under the Reforms scheme is less certain, and it may be necessary to devise some more precise adjustment of functions.

12. The detailed discussion regarding the allocation of Imperial and Provincial functions was on the following lines. In their despatch to the Secretary of State in 1904 the Government of India stated that the connection of the Local Governments with customs administration was close and important, though in practice it was restricted to certain well-defined classes of questions, and they argued that the Local Government's powers would not be seriously impaired, if the appointment of the members of the new service were vested in the Government of India. The Government of India had previously asserted in 1903, that they did not propose to dissociate the Local Governments from customs administration. They realised the importance to maritime trade of prompt decisions on points of customs law by competent local authority and they also deprecated any measures which might lead Local Governments on the sea-board of India to lose interest in the development of maritime trade. The point was still more clearly brought out in a note by Sir Edward Baker on a proposal by Sir Edward Law, himself an authority on Customs procedure, who favoured the appointment of an Imperial Inspector-General of Customs:—"There would not for the present be enough work for an Inspector-General, for it must be remembered that he could not possibly be made the appellate authority from the decisions of the customs collector. He must be a peripatetic officer and in any case the appellate authority of the large ports must be some functionary who is on the spot. Promptitude in the disposal of appeals is absolutely essential in customs matters, and it would be out of the question to have to refer appeals, e.g., as to whether a vessel is to sail at 6 A.M., or 11 A.M., on a particular day, or whether she is to be allowed to work cargo at night or on a holiday, to an authority at the other end of India."

13. The conclusion is that no further decentralisation of Customs administration can be contemplated. If anything, the movement will be the other way and the more complete centralisation of administrative functions and the imperialisation of the larger proportion of Customs staff must be regarded as a possibility.

V.—PORTS.

14. In the case of marine administration, the position is similar to that of Customs, although, owing to the unsatisfactory position of the marine law, Indian marine administration is not clearly allocated.

The administration of the Indian ports is regulated by an Act of the Governor-General in Council, XV of 1908. The Act deals with the powers of the Local Governments, the appointment of port officials and their powers and duties. It also lays down rules for the safety of shipping and the conservation of ports and it provides for the levy of port dues, pilotage fees and other charges.

15. *Functions of the Local Government*—The Local Government is empowered—(a) to extend or withdraw the provisions of the Act to or from any port; (b) to alter the limits of any port; (c) to make port rules for carrying out the purposes of the Act. [But the exercise of the power (b), and sanitary rules for the prevention of infectious or contagious diseases, are subject to the control of the Governor-General in Council] and (d) to appoint the port officials, who are the conservator, who is in all cases the chief port authority, and may be either a single officer or a body of persons; the port officer, who is the conservator unless the Local Government issues directions to the contrary; the harbour-master, who is the conservator when there is no port officer, and who is subordinate to the port officer when there is one; the health officer; and the pilots.

The Local Government fixes the rates of port dues, subject to maximum rates which are laid down in the Act or are made leviable with the sanction of the Governor-General in Council. The Act provides for the crediting of the port dues etc. in any one port or group of ports, to a port fund under the control of the Local Government.

16. *Port Trusts*—The Indian Ports Act lays down what may be called the skeleton outline of a port organization; it does not attempt to provide machinery adequate for the needs of the six major ports, Calcutta, Madras, Bombay, Karachi, Rangoon and Chittagong, through which the great bulk of the commerce of India is carried on. For each of these ports a separate Act has been passed, usually by the local legislature, providing for the control of the port by a body of Commissioners or Trustees. The organization created is similar in all cases, but there are many variations in points of detail, and in the degree of control exercised by Government over the proceedings of the port authority. In all cases a majority of the Port Trustees are appointed by the Local Government, while the remainder are nominated (a) by the local Chamber of Commerce (at Chittagong they are nominated by mercantile firms selected by the Local Government, as representatives of the mercantile community), (b) by the Trades Association at Calcutta, Madras and Rangoon, and by the Municipality at Calcutta and Karachi. In all cases the Chairman is appointed by the Local Government.

The various Acts specify in similar terms, but with differences in point of detail, the duties and powers of the Port Commissioners (for brevity the term Board will be henceforward used), particularly as regards the landing and shipping of goods, the provision of docks and wharves and other works required for the port, the imposition of rates, tolls and other charges, the borrowing of funds for the construction of works, the appointment of officers and servants, and the maintenance and audit of the accounts.

17. *Powers of Government control*—The Board is empowered to frame by-laws or regulations regarding such matters as the leave and leave allowances, pensions, provident fund and gratuities of its establishment. It is also empowered to appoint and to dismiss and punish its officers and servants. But the Local Government can always control the Board's establishment through the annual estimates of expenditure.

The amount of control exercised by Government over the framing of by-laws affecting the staff varies very greatly. In the case of Calcutta all such by-laws (except those dealing with the establishment of a provident fund) require the previous sanction of the Governor-General in Council. At Madras and Karachi by-laws dealing with pensions and Provident Funds must be sanctioned by the Local Government; at Rangoon and Chittagong all by-laws dealing with the establishment must be sanctioned by the Local Government, while at Bombay no sanction is necessary except in the case of particular officers. At Rangoon and Chittagong the Act itself does not limit the Board's powers of appoint-

ment and punishment, but limitations may be prescribed in the by-laws. At Karachi all orders of appointment, etc., and all by-laws affecting officers on salaries of more than Rs. 300 a month, must be approved by the Commissioner in Sind. At Calcutta, Madras and Bombay all by-laws and orders affecting the Secretary, Engineer, Traffic Manager and Chief Accountant must be approved by the Local Government. (In Calcutta this provision applies also to all officers on salaries exceeding Rs. 500 a month.)

All by-laws made for the administration of the Port require the sanction of the local Government.

Works exceeding Rs. 2,00,000 in the case of Calcutta and Bombay, Rs. 50,000 in the case of Madras, Karachi and Rangoon, and Rs. 25,000 in the case of Chittagong require the sanction of the Local Government. At Rangoon if the cost of a work exceeds Rs. 2,00,000 the sanction of the Government of India also is necessary. At Calcutta and Madras contracts for sums exceeding Rs. 50,000 require the sanction of the Local Government, and at Chittagong all contracts for sums exceeding Rs. 25,000 require the same sanction.

The control of the Local Government over the expenditure of the Board is in every case complete. The Budget estimates have to be submitted to the Local Government annually, and the latter may approve, or disallow, or return for amendment the whole estimate or any part of it. All supplementary estimates require the same sanction, and the expenditure, not included in the estimates, which the Board may incur in cases of pressing emergency, is strictly limited. The sanction of the Local Government is also expressly required to the debiting of expenditure to capital. The audit of the accounts is under the control of the Local Government. In the case of Calcutta, Madras and Karachi, where the Act creating the Board confers borrowing powers on it, it also specifically requires the sanction of the Local Government and the Government of India to all loans. In the case of Bombay, Rangoon and Chittagong, however, the sanction of the Governor-General in Council is required only to loans exceeding five lakhs of rupees. The sanction of the Local Government is sufficient to validate all rates, tolls and other charges levied by the Board.

Except in the case of Bombay the general control of Government is comprehensive. In the case of Rangoon and Chittagong the law specifically states that all acts and proceedings of the Board are subject to the approval of the Local Government. In all the ports except Bombay the Local Government—

(a) may order a survey to be made of any work at the expense of the Board; (b) may itself carry out any work which has been neglected by the Board; (c) may revoke the powers of the Board altogether, and supersede them in the case of continued default. The last of these powers is, in the case of Rangoon, vested in the Government of India, and in the case of Karachi the approval of the Government of India is necessary to its exercise. In all the ports, if the income of the Board is likely to be insufficient, the Local Government may enforce the increase of the existing rates and charges and the imposition of additional ones.

18. *General conclusions*—The direct functions of the Governor-General in Council are, it will be seen, limited to the emergency powers conferred by section 68-A of Act XV of 1908. But the raising of loans by the Port Trusts is subject to the control of the Central Government, whose sanction is required to any variation of port charges in excess of the maximum scales fixed by the Acts. The same authority controls generally the framing of rules for expenditure debitable to the port funds; and in the interests of uniformity the Port Medical Rules must be confirmed by it; its sanction is also required to the amendment of the individual Port Acts by local legislation.

Although Port administration is to so large an extent in the hands of Local Governments, it is at least open to question whether the administration of ports should be treated definitely as a Provincial subject, for questions of high policy will from time to time arise which concern not the Province or India alone, but the whole Empire. The responsibility for the safety of ports and the making of

rules as to entrance of ships, berthing, etc., are purely local functions which the Local Governments are properly called upon to perform. So also is the financial supervision which Local Governments exercise in order to secure the general conformity of the Port and the Port Trusts with the practice of Government in the treatment of their staff.

19. But it is in view of the larger questions of financing the development of ports that the control of Port administration by the Government of India must be retained and may possibly be developed beyond the present system. The issues involved are stated in an extract appended to this Memorandum from Sir George Buchanan's Report on the Development of Chittagong harbour. The view that the Government of India must assume a larger share of direct responsibility in the development of ports has also been put forward by the Bengal Chamber of Commerce in considering the present scheme of Constitutional Reforms. It rests ultimately on general considerations which have been well expressed in paragraph 56a of the report of the Dominions Royal Commission, who, in particular, pointed out that in the Dominions the control of ports is rarely left to the local authorities; and the subject has also been given some prominence in the discussions of the Imperial War Conference. As far as Indian experience is concerned, there appears to be much to be said for this view. Under the present system it is difficult to take long and therefore liberal views of future policy and progress or to frame any general scheme for port development in the light of future Empire necessities and to correlate individual schemes therewith.

The necessity for imperial control and encouragement arises in respect of port finance; and the remarks of paragraph 21c of the Report on Indian Constitutional Reforms regarding provincial borrowings must be conditioned, in the case of port finance, by the necessity of using the Government of India's financial powers to control and co-ordinate port development on a wide policy, and to encourage it, where necessary, in spite of temporary physical or economic difficulties.

20. There are admittedly many points at which questions of port administration touch other local interests so closely, that a considerable degree of local representation and control must be maintained, but, though it is impossible at the present time to come to a decision on the points at issue, it may be generally concluded that the wider aspects of Port administration should be Imperial rather than Provincial, and that the scope of the Local Government's control of ports need not be extended.

COAST LIGHTS.

21. The position as regards the lighting of the Indian coast does not appear to be very satisfactory, nor is the law on the subject uniform. An imperial Act entitled the Burma Coast Lights Act, IX of 1879, provides for the lighting of the eastern part of the Bay of Bengal, by levying dues on shipping making certain voyages. The Madras Coast Lights Act, IX of 1904, provides for the lighting of the Madras coast. The lighting of the coasts elsewhere in India is not controlled by statute, Imperial or Provincial, but is left to executive action by the Local Governments. The result is that standards of lighting are not uniform, while the procedure in making shipping pay for the up-keep of coast lights varies. For instance, the amount of the dues for the Eastern Bengal and Burma coast lights is fixed by statute and can only be varied by the Governor-General in Council. In Madras there is a schedule of maximum rates, but the dues are fixed by the Local Government with the previous sanction of the Governor-General in Council.

It seems doubtful whether the maintenance of coast lights is a function that should properly be left to the local authorities, and it may have to be considered whether the staff and equipment of the light-houses should not be under the supervision of the Royal Indian Marine and financed by uniform dues on shipping. In the case of this subject also, it may be concluded that the control generally should remain with the Government of India.

VI.—MERCANTILE MARINE.

22. Apart from ports and coast lights, the marine functions of the Government of India and Local Governments are the supervision of the mercantile marine visiting Indian ports, in order to ensure (a) that ships are kept in seaworthy condition, (b) that they are supplied with fully qualified officers, (c) that the interests of Indian seamen are duly regarded and (d) that proper provision is made for the safety and comfort of passengers.

A schedule of the respective powers of the Governor-General in Council and the local Governments under the shipping Acts is appended to this memorandum, and the position need only be summarised.

23. The supervision of ships is almost entirely left to the Local Governments, both as to registration surveying, the marking of load lines, and other measures to secure seaworthiness. The Local Governments also investigate casualties.

The certification of officers and engineers is also a function of the Local Governments, the sanction of the Governor-General in Council being required, however, to rules for the examination of masters and mates.

The rules for the guidance of shipping masters regarding the protection of lascars seamen require for the most part the sanction of the Government of India, as do the scales for lascars' provisions and their forms of agreement.

The general rule-making power for the control of Native Passenger, Pilgrim and Emigrant ships is reserved to the Government of India, the Local Governments' powers in these cases being confined to framing rules of purely local application. The staff which administers the shipping laws and rules, the Shipping Masters, Surveyors, Examiners, etc., are appointed by Local Governments, as also nominally are the Port Officers and the Customs Collectors, although the latter and the Port Officers at the larger ports are members of the Imperial Services.

The Collectors of Customs exercise considerable executive authority under these Acts, through their power to refuse port clearance, in the matter of the marking of load lines, the proper provision of ships' lights and signals, the survey of ships for passenger work under the sections of the Native Passenger and Pilgrims Acts.

24. The amendment of the Shipping Acts is contemplated, though, owing to the magnitude of the task, it cannot be taken up until after the war. It is therefore unnecessary to point out in detail the lack of any general principle in these Acts as to the allocation of functions between the Imperial and the Local Governments. It is clear, however, that marine administration must continue to be shared by the Government of India with the Local Governments. Only the latter can suitably make rules of purely local application, on the principle at present embodied in the rule making section 53 of the Native Passenger Ships Act, or, for example, in respect of coasting vessels of small range, while the local variations of custom among Indian seamen make it necessary for the law for the protection of lascars to be administered primarily by the Local Governments. On the other hand, the protection of lascars in foreign ports is clearly a duty which only the Government of India can undertake. In the interests of the mercantile marine and of the general public, it is necessary to secure as great a measure of uniformity as possible in the rules as to the accommodation of seamen and passengers; and here also the Government of India must be concerned, as these regulations involve relations with the United Kingdom, the Overseas Dominions and Foreign Governments.

It may then be concluded that in marine administration no further delegation of powers can be contemplated. The controlling authority must continue to be imperial.

Legal.

25. *Inland Navigation.*—Though not strictly in-place, it is convenient here to refer to the powers exercised under the Inland Steam-vessels Act, I of 1917. This Act confers few powers directly on the Governor-General in Council. He is empowered to define what goods are dangerous and therefore require special precautions for their transport, and to apply the Act to Government vessels or to

vessels propelled by electricity or mechanical power other than steam. The sanction of the Government of India is also required to the Local Governments' rules as to the survey of inland steam-vessels or as to the certification of their officers and to the exemption by the Local Government of any classes of ships from particular portions of the Act. In other respects the Local Governments are completely in charge of survey and certification. The Local Governments alone are responsible for the investigation of casualties, and their powers to make rules for the safety of passengers and for the protection of inland steam-vessels from fire, collision and other accidents are not subject to the control of the Government of India.

Some powers of control by the Governor-General in Council are necessary, in order to secure a reasonable measure of uniformity, in view of the fact that inland steam-vessels may ply between two or three different provinces, but some at any rate of the other powers vested in him might well be exercised by Local Governments. Uniformity in the case of inland steam-vessels is far less necessary than in the case of seagoing ships, and there is a great variety in the conditions under which these steam-vessels serve.

26. *Common carriers.*—A second Act which concerns inland steam navigation is the Act limiting the liability of common carriers, Act III of 1865. This is an Imperial Act and it may be agreed that it is necessary for legislation on this subject to be uniform and consequently Imperial.

VII.—EMIGRATION.

27. *Overseas emigration.*—The emigration of Indians overseas to foreign countries is regulated by the Indian Emigration Act, XVII of 1908.

In the first place, it must be noted that the whole question of our policy regarding emigration to outside countries is in a state of suspension and will have to be reconsidered after the war in view of the strong political objections which exist to the maintenance of anything approaching the present system. In the second place, the Act applies only to unskilled work under contrast in any outside country other than Ceylon or the Straits Settlements. Chapter XI of the Act, however, applies to certain workers of other classes. The Act is generally administered by Local Governments, except for the rule-making power retained to the Government of India under section 81 (1).

The respective powers of the Governor-General in Council and the Local Governments are set out in the accompanying schedule. Broadly speaking, the powers of the Local Government cover the detailed administration of the Act and extend also to certain emergency cases; *vide*, as example, the proviso to section 81 (1). It is clear that the general policy to be adopted regarding emigration to the countries covered by the Act must remain under the control of the Government of India. The recent political feeling on the subject has shown that it is an all-India question. Similarly, for reasons of convenience, it is obviously desirable that all questions relating to the administration of the Act after the emigrant has left India should remain with the Imperial Government. No change in the general position created by the Act seems necessary or desirable, although more devolution might be effected in regard to the local administration of the Act, *e.g.*, the rule-making powers under section 81 (1) seem to reserve unnecessarily certain points for the Government of India.

There is the further question regarding emigration to Ceylon and the Malay Peninsula, which has till recently been very little considered. The emigrants go mainly from the Madras Presidency, but the policy to be adopted, involving, as it does, relations between India and outside countries, should presumably be a matter for control by the Government of India. The question of further control of this class of emigration is still under consideration, and there is little that can usefully be said regarding it at this stage.

28. *Inter-provincial emigration.*—The Report on Constitutional Reforms suggests in Appendix II that inter-provincial immigration and emigration, a head of business which it is convenient to examine at this point, should be a provincial subject under the control of the Government of India. This is in accordance with the principle laid down in paragraph 249 of the

Report, namely, that the Central Government must have the power of intervening effectively, whether by legislation or administrative action, in matters which give rise to questions affecting the interests of more than one Province. Inter-provincial emigration, as defined in the Assam Labour and Emigration Act, Act VI of 1904, refers to persons going under a labour contract to the so-called labour districts, which, practically speaking, cover the province of Assam. A labour contract is a contract (penally enforceable under the Act) to labour for hire in a labour district otherwise than as a domestic servant.

Labour goes to Assam from a large number of provinces. The more important questions involved relate to the statutory methods created by the Act for enforcing labour contracts and to the treatment to be accorded to the labourers while working under a contract. It is clear that the administration of this policy cannot be left wholly either to Assam, or to the province from which the emigrants come. There are also good reasons for requiring uniformity in the conditions and, to a certain extent, in the methods of recruitment.

29. The powers of control actually conferred on the Government of India by this Act are not very extensive. The Government of India's sanction is required to the prohibition of recruitment and the Government of Assam cannot without sanction exempt any labour district from the provisions of the Act. The administration of the Act is otherwise in the hands of the Local Governments, and for some time past there has been little interference on the part of the Government of India. The Assam Labour Committee of 1905 was appointed under the orders of the Government of India, and much useful action was taken as a result of their Report. It may be recognised that the appointment of this Committee was a legitimate function of the Central Government. In April 1917, a case on which there was difference of opinion between the Local Governments was determined by the Government of India, who rejected a memorial from the Assam Railways and the Assam Oil Company asking that the operation of the Assam Labour and Emigration Act should be withdrawn from the industries controlled by them. The most recent amendment of the Act which was undertaken in 1915 was in the direction of diminishing the statutory means of enforcement of labour contracts, and generally of reducing to a minimum the special treatment of Assam emigration. As the conditions in Assam approximate more and more to those of the more settled and populated Indian provinces, the necessity for special measures diminishes, and will doubtless disappear at no very distant date. But in the meantime, as long as it is necessary to maintain the present degree of control, no change appears necessary.

In addition to organised emigration to Assam, there is a large regular movement, mainly from Madras, of the labour force required for rice cultivation and the working of the rice mills in Burma. This form of emigration is, *qua* emigration, entirely unregulated. There is, in addition, of course, a great deal of movement of labourers from one province to another, either free or under contract, and no necessity has hitherto arisen for the regulation of these movements. It has been suggested that the control of inland emigration should be left entirely to Local Governments, and that the Government of India should only retain an appellate authority in the case of disputes which cannot be settled between the Local Governments concerned. This goes beyond the recommendations of the Report on Constitutional Reforms, and would certainly tend to allow awkward cases of friction to arise between Local Governments and to go beyond the point at which they could be easily settled without injury and disturbance to the interests involved.

VIII.—INTERNAL TRADE REGULATIONS.

30. *Weights and Measures.*—Turning to the measures for the regulation of Internal Trade, it may be accepted as not open to question that legislation to standardise Indian Weights and Measures, apart from such special local control standardisation as may be necessary, should be imperial. Act XXXI of 1871 accordingly confers on the Governor-General-in-Council most of the powers in respect of Weights and Measures, although it leaves certain details of local administration to the Local Governments. The whole subject has been investigated by a Committee, the report of which is under consideration, but no change of principle need be contemplated.

31. *Adulteration of Indian produce.*—There has, hitherto, been no legis- *Legal.*
lation in India with the general object of checking the adulteration of Indian
produce with the exception of the Bombay Cotton Frauds Act (VII of 1878),
which was, however, repealed in 1882; nor have any principles been laid
down as to the respective functions of the Government of India and the
Local Governments in dealing with adulteration. The position is at present
under examination by the Local Governments and the position which has
hitherto been reached is described in the circular letter in this Department
dated the 8th of August 1917, a copy of which is appended to this
memorandum. The general necessity which has been urged on several oc-
casions in this note for uniformity in the attitude of Government towards foreign
trade will, it is considered, make it desirable for the Government of India to
control the measures, if any, which may have to be taken for dealing with the
adulteration of Indian produce intended for the foreign market. But the
prospects of effective Government action on these lines are probably not
very great. It may, however, be concluded that legislation or executive action in
the more practical and important direction of maintaining a proper standard of
foodstuffs and other goods consumed in the country, a matter which, however,
largely concerns the Department of Education, lies properly within the province
of the Local Governments, and may be left to them without any insistence
on the necessity for control by the Government of India.

32. *Companies and Life Assurance.*—A schedule of the powers exercised res- *Legal.*
pectively by the Government of India and by the Local Governments under the
Indian Life Assurance Companies Act, VI of 1912 and the Indian Companies Act,
VII of 1913 is appended to this Memorandum. Ordinary Companies and Life
Assurance Companies frequently have branches or do business in a number of
Provinces. Although some further measure of delegation is possible under both Acts
—under the Indian Life Assurance Companies Act all powers except the appoint-
ment of Registrars are reserved to the Governor-General-in-Council, although section
20 empowers him to delegate any of these powers to Local Governments—it may
be readily agreed that such legislation must continue to be imperial and that in the
general interests of trade it is necessary for the Government of India to secure a
close measure of uniformity in the administration of the Acts. It may be mentioned
as an example that in Canada much inconvenience has arisen owing to each of the
Provinces having different laws relating to companies. It may also be stated that *Administrat.*
the Assurance Law cannot be administered without expert advice, and it is not
probable that the different Provinces will be in a position for many years to come to
provide for separate actuarial experts.

33. *Patents and Designs.*—The law as to Patents and Designs is contained *Legal.*
in Act II of 1911. The Act is administered by a Controller who is an officer directly
responsible to the Government of India. That the present system should be
maintained is hardly open to question.

34. *Petroleum.*—The Petroleum Act, VIII of 1899, confers certain specific *Legal.*
powers on the Governor-General-in-Council, who in particular can apply the Act to
other substances than petroleum and can limit the operation of enactments relating
to local authorities, so far as such enactments relate to the possession and transport of
petroleum (sections 22 and 23). The Governor-General-in-Council also can make
rules for inter-provincial transport. Otherwise the administration of the Act is entire-
ly local. The Local Governments can, with the previous sanction of the Govern-
ment of India, vary definitions and make rules as to importation and licenses for
the possession or transport of petroleum within the province. The working of *Administrat.*
the Act is supervised generally by the Department of the Chief Inspector of
Explosives, an officer appointed by the Imperial Government. The Chief Ins-
pector corresponds with Local Governments on all questions arising out of the
Act, and, if necessary, takes the orders of the Government of India.

Petroleum is mostly produced and distributed by large companies, operating
in a number of provinces, while expert advice of a high order is required in prescrib-
ing the precautions necessary for public safety, without throwing unnecessary obs-
tacles in the way of the trade. A Chief Inspector and two Inspectors form the
present establishment, the provincialisation of which would be obviously uneconom-
ical. It is not proposed that there should be any alteration in the present system.

35. *Explosives.*—The system under the Explosives Act, IV of 1884, is very
similar. The Governor-General-in-Council can prohibit the movement of certain
especially dangerous explosives (section 6) and is responsible for their definition.

(section 17). The Governor-General in Council can make rules for imperial territories. Otherwise, the Local Governments with previous sanction make the necessary rules.

administrative.

The functions of inspection are exercised through the Chief Inspector of Explosives in the same way as in the case of petroleum. The explosive inspection staff is the same as that for petroleum, and the same considerations arising out of the necessity of employing a small expert staff apply in this case also. The framing of the rules by Local Government or by the Government of India is largely based on the advice of this staff, especially where changes are necessitated by new inventions.

36. *Boilers.*—With the exception of the Central Provinces Boiler Inspection Act, 1907, which was passed in the Imperial Council as there was at the time no Provincial Council, all legislation concerning steam boilers is Provincial. Also, all functions under the various Steam Boilers Acts are exercised by the Local Governments, with the exception that in section 4 (2) of the Bengal Act, III of 1879, the Government of India are the sanctioning authority for certain special pensions and gratuities.

The evidence before the Public Services Commission disclosed some feeling in favour of having uniform standards for boilers throughout India. The Industries Commission have recommended the abolition of the prescription for the licensing of boiler attendants, which exists in certain provinces, but not in others, and they have also supported the idea of uniform standards. Boilers are not infrequently sold or moved from one province to another, and a difference in standards causes much inconvenience.

administrative.

The Act is administered by Boiler inspectors who are appointed by and are servants of the Local Government. It must be remembered that there is no control of boilers in India through a private association of boiler Insurance Companies, such as exists in the United Kingdom.

IX.—MINES, *Inspection of*

37. The regulation of mines in India rests on the Indian Mines Act, VIII of 1901, of which section 20 (rule making powers) clearly defines the nature of the control exercised by Government. The amendment of this Act has been under consideration, but further action has been postponed for the period of the war.

There has also been local legislation for the control of mining areas in respect of matters not affecting the safety of persons working in mines, e.g., the Bengal and Behar Mining Settlements Acts, which control the sanitation of the coal fields and the Jheria Water Supply Act.

Apart from the question of appointments, all functions under the Indian Mines Act are administered by the Local Government. The Governor-General in Council, however, can exercise any power conferred by the Act on Local Governments (section 32); and does, in fact make rules for all India in cases in which uniformity of procedure is of obvious advantage. As in the case of factories administration, it may be held that it is clearly necessary in the interests of the industry that the principal rules governing the working of mines should, as far as possible, be uniform. The Local Governments by their rule-making power are in a position to deal with local variations such as arise from custom or climate, though even then the necessity for referring proposals for consideration by the Chief Inspector of Mines indicates that ordinarily rules would be framed by the Governor General in Council rather than by the Local Governments.

administrative.

38. *Mines inspection Staff.*—In the terms of the Act, the only appointment made by the Government of India is that of the Chief Inspector of Mines: the Inspectors of Mines are appointed by the Local Government for duty within their respective territories. But this apparently decentralised organisation exists only theoretically. Though a Local Government can gazette a man as Inspector of Mines, they cannot create an appointment or recruit its incumbent from outside India without higher financial sanction. The result is a small expert department, recruited and controlled by the Government of India.

Recently, indeed, each of the Local Governments have agreed to gazette the junior Inspectors as inspectors within provincial limits, thereby enabling the staff to work freely all over India, with consequent economy of time and gain in efficiency.

The Mines Department works in close touch and the Chief Inspector communicates directly with Local Governments, his headquarters being at the coal fields; but it is clear that, were the theoretical position set forth in the Act converted into administrative practice, this would lead to great confusion and waste of effort.

39. *General conclusions.*—No change of system is advocated. It would be impossible to have an Inspector controlled by two different Local Governments and there would have to be a complete division of staff. If, however, the Mines Department were thus entirely decentralised one inspector would be required for each of the following provinces, the Central Provinces, the Punjab, Assam, the United Provinces, Madras and Burma, three or four for Behar and Orissa, and one or two for Bengal, or twelve inspectors in all, instead of five as at present. But in none of these Provinces, except Behar and Bengal, would the inspectors have nearly enough work to keep them fully employed. At the same time, they would be deprived of the control of an experienced chief; they would, therefore, lack the confidence of local mine-owners and might cause serious trouble to Government and the industry. Moreover, isolated technical men under Provincial Governments are not easily replaced, if unsuitable. It would again be difficult to make leave arrangements, if the service were provincialised. As a minor point, it may be stated that one of our main coal-fields lies on the border line between Behar and Orissa and Bengal, and there are consequently groups of coal mines held by single interests which are divided by the provincial boundary between Behar and Bengal. No satisfactory half-way house has yet been suggested between complete separation and the present degree of centralisation, nor does the nature of the case appear to admit of it.

40. *Coal underlying railways.*—A second Act which concerns mines is the Land Acquisition (Mines) Act, XVIII of 1885. The administration of this Act rests almost entirely with the Local Governments, and its operation depends in fact on action being taken by the Local Governments under the Land Acquisition Act of 1870.

X.—FACTORIES.

41. The powers reserved to the Government of India by the Factories Act, *Legal*, XII of 1911, are indicated in the attached schedule.

Generally speaking, all functions under this Act are exercised by the Local Government, but by section 57 the Governor General in Council is enabled to exercise any of the powers conferred on the Local Governments. This section is needed for those parts of India which have not a highly developed provincial administration though this power has never been exercised. Secondly, the Governor General in Council alone, and not the Local Government, is empowered to require occupiers of factories to furnish statistical returns. Lastly, the powers of the Local Government to apply the Act to small factories, to appoint factory inspectors, to exempt factories from the stoppage of work and from the prescriptions as to weekly holidays or from the limitation of hours of work, and finally the power to make rules are subject to the control of the Central Government.

The factory inspectors appointed under the Act form separate small provin- *Administrative*
cial services.

42. It will appear from this summary that factory regulation is provincial and this head of business is naturally included in the Report on Constitutional Reform among Provincial subjects.

The arguments based on the necessity of using with economy the small expert staff required for the inspection of mines do not apply with equal force in the present case, since factories are more numerous and widely spread than

mines, and their inspection does not require nearly the same degree of technical skill. There is, however, another important aspect of the case. There are limitations on employment imposed by the Factories Act, the effect of which on out-turn and factory management generally is so important, that any divergence from a common standard might seriously affect and prejudice the factories. There is again the necessity in such cases of basing the standard laid down in India for the comfort of operators, to some extent, at any rate, on that recognised by the more advanced outside countries. To take the most prominent example, the fixation of the hours of work, the Government of India must reserve powers to prevent, if necessary, the factory industries of one Province from obtaining by the adoption of lower standards an unfair advantage in competition with the industries of another Province. Also Indian factory administration may at any time be the object of violent and powerful criticism from strong sections of opinion in the United Kingdom and the subject is therefore not one which can be properly left to the Local Governments without some degree of control by the Central Government.

administrative.

43. It should, however, be clearly brought out that the Government of India do not, in fact, interfere with the administration of the Factories Act. When the new Bill was being prepared, the Government of India rejected in particular a proposal made by the Factory Commission for the appointment of a Chief Inspector of Factories in India. The Commission considered it necessary to make this appointment in order to secure uniformity in administration throughout the country and to co-ordinate policy and the work of inspection in the different provinces. Although the duties of the Chief Inspector would be purely advisory, and in respect of his inspections he was to be practically subordinate to the Local Governments concerned, yet the Commission proposed that in case of difference of opinion between the Chief Inspector and a Local Government on a cardinal point, the latter were to refer the matter for the orders of the Imperial Government. The Government of India, however, held that the diversity of local conditions presented special problems in each Province requiring for their solution local knowledge which a single official travelling over the Indian Empire would not be in a position to acquire, and they accepted the view of the Government of Bombay, that any attempt to bring all the factories of India under one Chief Inspector would complicate the administration of the Act and would prevent it from being administered in harmony with the reasonable requirements of local public opinion. To these arguments might have been added the still stronger one, that factory inspection though based on expert knowledge, is not in itself a highly specialised and expert profession. The Government of India accordingly in their despatch of the 1st of April 1909 to the Secretary of State rejected the idea of the appointment of a Chief Inspector, as they were opposed to any measures which would have the effect of diminishing or impairing the authority of the Local Governments in the efficient administration of the Factories Act.

This point of view has been consistently maintained by the Government of India. After the passing of the Act, they circulated model rules, but they have not since that time modified in the rules made by any Local Government, which are, as a matter of actual practice, simply reported by the Local Governments for the information of the Government of India. It is interesting in this connection to recollect that, when the new Act was under preparation, some authorities, including the Government of the Punjab, urged that all rules should be made by the Government of India, in order to secure uniformity and to check any tendency to different treatment in different Provinces which might upset the economic equilibrium.

administrative.

It may be concluded that the administration should be left to the Local Governments to the extent provided in the Factories Act, although the powers of control which are given by the Act to the Government of India and the general responsibility of the Government of India to His Majesty's Government for the administration of labour laws in India might be to some extent modified by relegating to local legislation the control of such points as do not involve the possibility of inequalities in treatment which would seriously affect industry; to what extent such points exist is a somewhat technical matter requiring independent enquiry.

45. *Labour exchanges*.—Appendix II to the Report on Indian Constitutional Reforms includes among the subjects to be dealt with by Provincial Governments the registration of labour and labour exchanges as they develop. It may be accepted that these subjects are properly Provincial and no special reservation of powers to the Central Government appears to be necessary.

XI.—INDUSTRIAL DEVELOPMENT.

46. *Industrial organisation*.—Industrial development and the organisation of industries in their larger aspects have recently been examined by the Indian Industrial Commission. Copies of the Report of the Commission are available for the use of the Committee. The following notes deal, however, with certain specific industries which have for some time past been specially treated.

FISHERIES.

47. It is not necessary to refer at any length to the subject of fisheries, which is included in the appendices to the Report on Constitutional Reforms as a provincial and a transferred subject. There is an Imperial Act, IV of 1897, dealing with fisheries, but this is no more than an enabling act which leaves the actual administration entirely to Local Governments, and by section 2 the Act is intended to be read as supplemental to any other enactments relating to fisheries in any part of British India except Burma, which has a separate Act of its own, Act III of 1905. The Local Governments, consequently, have full liberty of local legislation and local administration in regard to fisheries.

The references which are at present made by the Local Governments to the Government of India as regards fisheries are entirely due to the general restrictions on their financial powers and on the recruitment of experts from Europe. The Government of India in no way interfere with the general administration or organisation of fisheries; and local conditions vary to such an extent and the fishery industry is to so large a degree localised that there can be no ground for altering the present administrative system in the direction of securing greater uniformity of experiment or regulation, though in view of the little respect which fishes pay to provincial boundaries much would be gained by the recruitment of the expert, and still more of the scientific staff required, in a single service, the members of which would be assigned for prolonged periods for service under Local Governments.

It may be concluded that fisheries should otherwise be entirely a provincial subject.

XIII.—EXCISE.

48. *Opium*.—The subject of Excise, that is to say the regulation of the trade in intoxicating liquors and drugs, is, with the exception of the Opium Act (I of 1878), governed by local legislation. The international problems connected with the regulation of the opium trade make it inevitable that the Government of India should retain certain powers of control in this case. It has, however, been accepted in principle, as a result of the examination by the Decentralization Commission, that the Opium Act should be amended with a view to giving greater powers to the Local Governments, although legislation has been suspended owing to rapid changes in the position as regards the export of opium to China. For this reason it is not necessary to review in detail the system of control as between the Imperial and Local Governments established by the present Act. It is sufficient to state as a general conclusion that the Government of India must continue to exercise some powers of control over the opium trade, as this is in fact an international trade. This involves the maintenance of a certain measure of uniformity in dealing with the sale of opium in India, and for similar reasons it may be necessary for the Government of India to retain powers to secure uniform treatment of morphia, cocaine and other drugs.

49. *Excisable liquors and drugs.*—The trade in intoxicating liquors and hemp drugs has not the same international aspect and can properly be left to the Provincial Governments. The accompanying schedule indicates the powers which in the Provincial Excise Acts are still reserved to the Government of India; these are, excluding minor points, the power to define country and foreign liquors, the power to prohibit import or export of any excisable article across the provincial boundaries and the power to tax locally manufactured beer at other than tariff rates.

The policy of retaining a certain measure of central control over excise administration rests on the recommendations in paragraphs 178—188 of the Report of the Royal Commission on Decentralisation which have been approved by the Secretary of State. The Commission accepted the need for further decentralisation and quoted with approval the following passage from the Government of India's remarks on the findings of the Excise Committee:—

“Excise is a branch of administration where uniformity is neither possible nor desirable. Local conditions vary greatly not only from Province to Province but also in different parts of certain Provinces. In one Province toddy is important; in another the prevailing taste is for country spirits, in a third it is for drugs. It is manifestly preferable that each Province should have a self-contained law of its own, taking full account of its own local requirements, laying stress on those matters which are of local importance and passing lightly over those which are not. In some Provinces there is a distinct public demand that local opinion should be ascertained before shops are opened or their locality decided. Other Provinces are not ripe for such steps or at least are less ripe. There is no advantage, but quite the reverse, in applying a single rule to all alike.”

The final conclusion reached by the Commission was that detailed control by the Government of India over Provincial excise administration ought to be diminished. On the other hand, the Commission held that all questions involving any important change of excise policy, an expression which they did not define, were essentially matters for the consideration of the Government of India. They agreed that the Government of India were acting within their normal functions in appointing the Excise Committee of 1905, which was set the task of determining how far the divergent excise systems of the Provinces were in accord with the declared policy of the Government of India that, in order to restrict the consumption of liquor, excise duties should be as high as it was possible to raise them without driving the people to illicit practices, and they accepted generally the declaration of the Government of India in 1905 that uniformity is desirable in such matters as (1) general policy, (2) the principal definitions, (3) inter-provincial transactions and (4) the general scale of penalties. Paragraph 184 of the Commission's Report indicates that the case for the retention by the Government of India of general control rests on two grounds. The first and less important is that Local Governments otherwise proceed on their own lines in developing excise administration without sufficient knowledge of systems which have failed or succeeded elsewhere, and that the increase of inter-provincial communication renders it more than ever desirable to obtain co-ordination. The second ground is that excise administration is subject to constant criticism both in India and in England, that it has fallen on the Government of India to answer these criticisms, that various pledges have been given in former declarations of general policy and that the Government of India have to ascertain that their policy is not misunderstood or misapplied by the local authorities.

50. *General conclusions.*—But these arguments have less force at a time when excise control has been so greatly standardised and improved, and when the necessity of laying upon Local Governments a much larger degree of responsibility has been accepted. Variations in method act first of all on the provincial revenues; and there seems in this fact a strong brake on intemperate advocates of temperance, who may attempt to increase restrictions. The Government of India have already abolished the general condition attached to Provincial settlements which required their sanction to alterations in local excise duties in

districts bordering on another province, though naturally the Government of India must remain the appellate authority in the case of any difference of opinion. It does not necessarily require direct action by the Government of India in order to encourage one Province to profit from the experience of another in respect of a matter like excise administration, in regard to which so large a body of experience exists, and which has for long been a constant subject of discussion. It may be assumed that, with a developed provincial system, there will be in excise as in other similar subjects, a ready interchange of reports, and other administrative literature. Nor is interference by the Government of India justifiable simply in order to enable them to deal with external criticism on the details of excise administration. There have been repeated declarations of the policy of Government in regard to excise, with which the local Legislative Councils are fully familiar, and there is little fear that the Provincial Governments under the system indicated by the Reform scheme will not be in a position fully to deal with any criticisms on their administration from outside sources.

It may be concluded that excise administration so far as it relates to questions other than international trade in opium and certain drugs such as cocaine, involves measures of social regulation, in regard to which there must inevitably be great variety in the procedure of each Province; and should be left to the Local Governments without any reservation of specific powers of interference to the Government of India, over and above the general responsibility and control which it is proposed to reserve to them in all cases.

XIV—SALT.

51. The Salt duty is an Imperial head of revenue, and the Indian Salt Act XII of 1882, which applies to all India except Burma, empowers the Governor General in Council to impose duty on salt manufactured in or imported into any part of India. The Burma Salt Act of 1917 empowers the Local Government, subject to the control of the Governor General in Council to impose duty on salt manufactured in or imported by land into Burma. Under the Indian Salt Act also, the Government of India, can fix a minimum price for all salt manufactured on behalf of the Government of India, while subject to any general rules or special orders of the Governor-General-in-Council, a Local Government can fix the minimum price for salt manufactured by the Local Government; that is to say, in Madras, and Bombay where the Local Government control or carry on the manufacture of salt, the selling price is fixed by the Local Government. *Legal.*

Otherwise, the Indian Salt Act applies only to the United Provinces, the Central Provinces, the Punjab, the North-West Frontier Province and British administered territory in Rajputana and Central India, while its operation has been extended by special notifications to Bihar, Orissa and parts of Bengal. The Act enables the Governor General in Council in these territories to prohibit or license the manufacture of salt and saltpetre, to regulate the possession of salt in salt-producing areas, to prohibit the movement of salt into or over these territories, and generally to make rules.

Apart from conferring these powers, the Indian Salt Act gives the necessary statutory powers to the Northern India Salt Revenue Department and the Salt Departments of Bengal and Orissa to prevent offences against the salt revenue, to take action against offenders and to obtain all necessary assistance from the Local authorities. Similar powers are conferred by the Madras Salt Act of 1889, the Bombay Salt Act of 1890, and the Burma Salt Act of 1917 upon the respective provincial Salt Departments.

52. The administrative position created by these different enactments is that in Madras, Bombay, Burma, Bengal and Orissa all the duties prescribed by the Salt Acts are carried out by officers of the Local Government, who are in most cases members of the amalgamated Excise and Salt Departments of their respective provinces. In the rest of India, these same functions are performed by the Northern India Salt Revenue Department, the organisation of which is entirely Imperial. *Administrative.*

The fact that the Salt Departments in so many cases provincial has led to repeated discussion as to the position of the Northern India Department; and the notes in 1911 by Mr. Arthur, then Commissioner, and by Mr. Todhunter, then Inspector-General of Excise and Salt, copies of which are attached for the information of the Committee, will indicate the main lines on which the discussion has proceeded, and will also serve to show how marked has been the divergence of opinion on this subject.

The main proposal, which has received a considerable amount of support, is that the preventive functions of the Department should be provincialised; and the Public Services Commission, after examining the possibility of restricting the operations of the Department, have recommended that the Local Governments of the United and Central Provinces should be given charge of the salt arrangements within their boundaries, though the Commission consider that a single Department should be retained for work in the Punjab, the North-West Frontier Province, Rajputana and Central India.

53. It will be seen that these proposals relate to the functions of the Imperial Salt Department in respect of the prevention of offences against the salt revenue, and the functions have hitherto been regarded as of the greatest importance from the point of view of the maintenance of the salt revenue, as is undoubtedly indicated by the Indian Salt Act. But since these proposals were made, there has been a radical change in the position. The reduction in the imports of foreign salt owing to the shortage of shipping has shown how necessary it is to improve the output of Indian salt and what great possibilities exist in the salt sources which are the property of Government. This has drawn special attention to the functions of the Northern India Department as manufacturers. But the more the industrial side of the Department is developed, the stronger becomes the argument for specialisation in this direction, and for divesting the department of the totally different role of prevention.

54. It is hoped that eventually the necessity for close preventive control in Northern India may disappear; and in any case, the functions of prevention can be most suitably exercised by Local Governments through their excise establishment, a course which will enable local Departments of Industries to encourage more effectually the manufacture of saltpetre, which appears to present considerable future possibilities. It may then be provisionally concluded that in spite of the fact that the salt revenue is Imperial, the prevention of offences against salt revenue is a function which can best be performed by the Provincial Governments. This is already the established practice in the maritime provinces, where salt can easily be produced in a number of sources and a considerable preventive staff has consequently to be maintained. No difficulties are apprehended in the working of a system under which Local Governments will be responsible for maintaining the integrity of an imperial head of revenue.

55. Turning to the question of manufacture, the possibility of provincialising the working of the Northern India Salt sources may be set aside. The position is very different from that in Madras, Bombay and Burma, where for the most part salt sources are small and conditions consequently are favourable for local administration. But in Northern India the salt sources are few and their operations are on a very large scale, while, in order to obtain the output necessary to meet the demands of Northern India, their management must be developed on expert lines, and the old rule of thumb methods be replaced by scientific working. Again, some of the most important of the Northern India salt sources are situated in Native States, and their administration would, in any case, have to be conducted by a Department directly subordinate to the Government of India. If the question is regarded simply as a business proposition, there is consequently a great advantage to be obtained from having these sources controlled by a single imperial department.

On the other hand, there can be no question of extending the control of the Department to the salt sources in the maritime Provinces, for these are far too numerous to make central control either practical or administratively advantageous, while the Local Governments have paid much attention to their development and improvement. There is, however, much scope for the more scientific working

especially with a view to the industrial use of salt, of some of the larger provincial sources. The proposed Departments of Industries and scientific and technical services should be able to render considerable help in this direction.

56. It may, therefore, be concluded that the protection of the salt revenue should in all cases be regarded as the function of the Provincial Governments, and it should be their duty to maintain the establishment necessary for this purpose. In Northern India there should continue to be an Imperial salt manufacturing Department, but in the maritime Provinces the salt industry should be left entirely to the control of the Local Governments.

XV.—MINERAL RESOURCES.

57. The relations between the Imperial and Local Governments in respect of the development of India's mineral resources, apart from the operation of the Mines Act, are not covered by any specific statutory provision. But in all cases where mineral rights belong to Government, that is to say, in practically the whole of British India outside the permanently settled areas, the position as regards the granting of mineral concessions is closely regulated by the Indian Mining Rules which are framed by the Governor General in Council with the sanction of the Secretary of State.

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The grant of a concession creates contractual relations between the concessionaire and Government.

The powers of Local Governments under these Rules are exhibited in the appended schedule.

There are also certain other minerals, such as clay, limestone and building stones, the extraction of which is controlled by Local Governments.

The Geological Survey of India which is an entirely imperial service are the technical advisers of Government in all questions relating to the production of minerals.

The general functions of the Geological Survey and the position of the Imperial and Local Governments as regards mineral industries are described in the note dated the 14th January 1908 by Sir Thomas Holland, then Director. Although the Mining Rules have been considerably revised since then, the note is still of great value as a summary, and a copy is appended together with a copy of the Mining Rules as revised up to date.

58. *Indian Mining Rules.*—It will be seen that under the Mining Rules the duty of granting concessions and of controlling mineral concessionaires is left almost entirely to the Local Governments, whose power of action is limited only by the terms of the Rules. Apart from matters of procedure, in which it is clearly desirable in the interests of trade that uniform lines should be prescribed for the whole of India, the restrictions imposed upon the Local Governments are comparatively few. The three most important restrictions at present imposed are—

- (1) that concessions can only be given to British subjects (a recent addition);
- (2) that the scale of royalties is prescribed and cannot be modified without the sanction of the Secretary of State, though the discretion of Local Governments regarding dead rent is considerable;
- (3) that by Rule 45 a Local Government cannot grant a lease for minerals, if the area held by the applicant exceeds 10 square miles.

It may be mentioned that a corresponding limit is imposed by the Secretary of State on the Government of India, who are required to refer for his sanction the grant of a lease over an area of more than 20 square miles.

59. The future method of control over the production of minerals within the Empire in general and India in particular is a matter of Imperial policy which is now under examination. It may be said that there is a marked tendency towards centralisation, which has been greatly accentuated by the increased sense of the importance of minerals to national development and by the increased knowledge

of our mineral possibilities forced on us by the necessity of discovering fresh sources of supply under war conditions and fresh uses for already known materials. No serious decrease in the control exercised by the Imperial Government over the Local Governments can for the present be contemplated, and it is possible that the development of Imperial policy may require further measures to be taken for the regulation of mineral industries. In that event, it may be assumed that a system similar to that indicated in the Mining Rules would be followed, namely, that the administration will be generally in the hands of the Local Governments, subject to control on larger questions by the Governor-General in Council.

Of the above three instances of control at present imposed by the Mining Rules, the first requires no comment. The fixing of a scale of royalties has led to a number of references being made by Local Governments to the Government of India and there is some tendency on the part of the former to seek to be allowed a freer hand in obtaining revenue from local mineral resources. Any relaxation would, however, lead to wide variations in the treatment of the mineral-producing industries, and it may be concluded that it will still be desirable to control the action of Local Governments in this respect. The limits at present prescribed for mineral concessions which can be sanctioned respectively by the Government of India and the Local Governments may, if necessary, be altered, but some such limitation must be adhered to, if the principle of expert advice in the grant of important concessions and of a general policy in respect of minerals is to be maintained.

60. *The Geological Survey Department.*—It might be asked why, if the practical administration of the Mining Rules and the execution of the mineral policy of Government rests with the Local Governments, the latter should not control the expert staff concerned. Certain Local Governments, notably the Government of Burma, have already taken up this question and urged that they require their own advisers, in order to assist them in dealing with mineral concessions. The case from the point of view of Local Governments has been well stated in the note of the Financial Commissioner, Burma, dated the 19th August 1916 which, with an answering note by the Director of the Geological Survey, is appended to this Memorandum.

The arguments against the decentralisation of the Geological Survey appear, however, to be conclusive. In the first place, no Province could afford either to maintain a sufficient number of men to deal at all adequately with its local needs, or to equip the requisite museum and library. In the second place, without a fair number of men working on the same scientific subject and in constant personal touch, at any rate for a considerable portion of the year, a scientific atmosphere cannot be maintained and without this good work is impossible. The Department would degenerate and the knowledge of its members would cease to be up to date. In the third place, a provincial department would not command the necessary scientific prestige, which goes far to attract recruits, for its prestige must depend on its achievements. Again, it is not desirable to allow members of a service, who are brought into close contact with unusually great temptations and with the possibilities of large private gain, to be too intimately or too long connected with local interests, without the stabilising influence of a department and the control of an eminent and respected chief. Finally, it may be urged that the Government of India as well as the Provincial Governments require the best expert advice obtainable, and this can only be secured by the organisation of a central department under the supervision of an officer of the highest geological attainments, who can advise Government, control the Department and help in diffusing a scientific atmosphere amongst its staff.

Although, however, the complete decentralisation of the Geological Survey Department cannot, for these reasons, be contemplated, it is proposed that in the case of certain Provinces local parties should be formed from the members of the Survey, to work in close relations with the Local Governments concerned during the field season, and to maintain touch with their department by a return during the recess to the headquarters of the department at Calcutta, where they will compare notes and correlate their results. The Local Governments are being addressed on these proposals.

61. *General conclusions*—To sum up the general position as regards the development of the mineral resources of India, it may be stated as the opinion of this Department that the existing system of administration and control should generally be maintained, and that the development of Imperial policy makes it impossible to contemplate any further serious delegation of powers in respect of the mineral resources of the country. It may also be concluded that the expert staff should continue as an Imperial Department; but it is proposed that the duties of the officers of the Department should be further localised, in order to place the Local Governments more closely in contact with expert advice.

XVI.—STATIONERY AND PRINTING.

62. A Department of considerable industrial importance which is subordinate to this Department is that of Stationery and Printing. In the Report on Constitutional Reforms these heads, under the general title 'Government Press', are placed among the Provincial subjects, with the remark that the control of the Government of India over stationery raises the general question of the purchases of supplies. *Admin. br.*

The present system dates from the Report of the Stationery Committee of 1903. This is an authoritative report which obtained the entire approval of the Government of India. A copy of the report is appended for the use of the Committee, but some of the leading points can conveniently be summarised in this note.

Government Printing.—As regards printing, the Committee criticised the state of affairs then existing, in which there were a number of independent presses owned by the Government of India, by a Department [of the Government of India] or by Provincial Governments, each press working in isolation under the control of a Manager. The casual recruitment of these technical men and their lack of prospects in isolated posts entailed the usual disadvantages attending on such a system. As regards control, the Superintendents of the presses were left very much to their own devices, and, in the opinion of the Committee, they had neither the leisure nor the breadth of mind to advise Government on large questions concerning the equipment of the Press or the handling of the Press establishments; nor were they able to stand up against the Secretariats, if Press facilities were being uneconomically used. Consequently, the Committee recommended the appointment of a Controller who, so far as Government printing was concerned, was to be an inspecting and advisory officer. The Committee were careful to indicate that his functions should be those of an Inspector, not those of a Director-General, as to give the Controller direct administrative powers would lead to friction with the Local Governments who paid for their own presses; and secondly since it would be impossible to add to the functions which the Controller was intended to assume in connection with stationery and stamps, the detailed administration of all the Government presses. The Controller was to be required to inspect all the Government presses periodically and to advise Local Governments generally as to their administration, and, in particular, as to the purchase of machinery and the recruitment of superior press officers.

This is the existing system.

63. There is no desire to alter this system so far as the Government presses are concerned. It is neither possible nor desirable for Government printing to be entirely provincialised; for the Central Government could not expect good work from a local press over which it had no administrative control. A corresponding objection would be raised by the Local Governments to a more complete centralisation of printing control, which indeed, if combined with the control of stamps and stationery, would be beyond the power of a single officer; and little would be gained by a more complete centralisation, as compared with the limited central control at present provided. The question whether all indents for the supply of machinery and material should not be placed in the Controller's hands falls under the larger question of the allocation of responsibility for the purchase of store

in India, which has been dealt with by the Industrial Commission; and the conclusions of the Government of India on these subjects should follow their conclusions on the report of the Committee which the Industries Commission have suggested for the consideration of this question.

64. *Stationery.*—When the Committee of 1903 examined the question of stationery supplies, they found two entirely separate stationery departments for Madras and Bombay and a Bengal department which had grown into a supply department for all the rest of India, but remained under the direct administration of the Government of Bengal. The Committee severely criticised the business handling of the Stationery Department, they thought that it should be controlled by a special officer who would also be Controller of Printing, and they considered that this officer should necessarily be an Imperial officer. The Government of Bengal themselves were in favour of this course, and there was practically no feeling that the Stationery Department should be anything but an Imperial Department. The Committee were particularly dissatisfied with the methods on which contracts for paper had been placed in India, and they recommended that all paper contracts, even those for Madras and Bombay, should be handled by the Imperial Controller of Stationery. They did not, in other respects, discuss the position of the Madras and Bombay Stationery Departments. At the same time, the Committee examined the question of the supply of stamps, and decided that the charge of the Stamps Department should not be transferred, as had been suggested, to an officer directly under the control of the Government of Bengal.

It may be mentioned that at the present time owing to war conditions all indents from these two surviving provincial stationery departments are examined by the Controller of the Imperial Department before being passed to the Store Department of the India Office. Consequently a considerable measure of centralisation has actually been effected.

The larger question of the purchase of stores for Government Departments has been examined by the Indian Industries Commission and is under the consideration of the Government of India. It is not therefore possible in this Memorandum to come to any final decision on the minor question of the supply of stationery and printing stores, but it may be provisionally concluded that generally speaking Stationery and Printing cannot be treated as entirely provincial subjects. They should remain as at present partly under Imperial control.

XVII.—SUMMARY OF CONCLUSIONS.

65. The provisional conclusions established in the preceding paragraphs may now be summarised.

The Department of Commerce and Industry is mainly concerned with subjects which from their nature are not capable of much decentralisation, either because they involve relations with foreign countries, or because the legal provisions or administrative services which relate to them cannot, without serious inconvenience to the public, admit of diversity of method or of control; the subjects dealt with, in fact, concern the individual more as a member of the Indian than of the Provincial public.

The following should continue to be Imperial :—

Posts and Telegraphs (administration and legislation);

Weights and Measures (legislation only);

Patents and Designs (administration and legislation).

All foreign trade questions are primarily imperial, as are tariffs and the collection of customs.

Imperial Departments dealing with Commercial Intelligence and Statistics must be retained in connection with foreign trade questions, and as a matter of administrative necessity, these Departments must deal also with inter-provincial trade and the compilation of imperial totals of purely provincial statistics and information.

So far as provincial statistics are concerned, the Government of India's functions should be advisory, and should be exercised only so far as is necessary to secure the material for uniform imperial statistics of real importance.

67. The existing legal and administrative control over emigration is almost entirely confined to the foreign and inter-provincial movement of labour. In both cases the general principles on which the law is based, e.g., the definition of words 'emigrant' and 'recruiting' the selection of the systems of recruiting to be allowed, and the standard treatment to be accorded to emigrants, must remain matters for the Imperial Government. In the case of foreign emigration, the emigrant's welfare after leaving the shores of India must fall under the same category. Outside these the detailed prescriptions of the law and its administration, subject to the broad principles, should be a provincial concern, though further devolution may be effected along these lines.

Legislation to prevent the adulteration of articles intended for foreign export should preferably be imperial, but its administration and all questions relating to adulteration of articles for Indian consumption should be provincial.

In regard to the two business departments of Salt, and Stationery and Printing, in each case an imperial department must clearly be retained, and the latter Department may usefully exercise advisory functions in regard to the Provincial Stationery and Printing Departments. The control of the Northern Indian Salt sources must remain imperial, but the preventive work in areas served by them should be provincialised.

68. In many heads of business, administration must necessarily be shared between the imperial and provincial Departments, the details of administration being essentially local, while in the general interest the Imperial Government has to retain control and to certain principle assets, in order to prevent a diversity of practice which would be harmful to trade or in some cases might prejudice important national interests. In the case of Mineral Concessions, Mines, Petroleum, Explosives and Insurance, expert staff is needed and cannot be economically maintained except under an imperial department, although this staff will have relations with both the Imperial and Provincial Governments.

Companies are at present under the administrative control of Provincial Governments, but the law regarding them must obviously be imperial, even in matters of detail.

In the case of Port and Marine administration, and Factory and Boiler inspection, the expert staff is at present provincial. The law is also diverse, and the distribution of functions between Imperial and Provincial Governments is often anomalous. Considerations of wider policy dictate the necessity of retaining at least the existing degree of imperial control and indeed of increasing the imperial responsibility in matters of Port administration. The large Ports are national rather than Provincial assets.

Factory law requires that imperial responsibility should be maintained in respect of general principles, but the staff that administer the Factory Act (and Boiler Acts) must remain entirely provincial in operation.

Finally, we have Fisheries and Excise, which, it is agreed, should be left entirely to the control of the Local Governments, with the proviso that, in the interests of India's foreign relations, some controlling power will have to be retained by the Government of India in the case of opium.

69. *Transferred subjects.*—Lastly, we are asked to consider to what extent the subjects, with which the Commerce and Industry Department are concerned can suitably be classed as transferred subjects, on the basis of the second illustrative list attached to the Report on Constitutional Reforms. It is impossible to deal with this question in any degree of detail or to frame otherwise than very roughly our provisional views, for by the hypothesis in paragraph 238 of the Report the list of transferred subjects must vary with the different conditions of the Local Governments, and the problem is obviously one on which the views of the Local Governments themselves are of primary importance. The summary given in the preceding paragraph will, however, serve as a guide in forming

provisional conclusions. Though Provincial Governments will exercise important functions in respect of trade subjects, such as Customs, Ports, Shipping and Commercial Intelligence, these do not appear subjects suitable for transfer. They are subjects in respect of which only a very small section of the public is directly concerned, or indeed possesses practical familiarity; while the interests which they inevitably, though indirectly, affect are very numerous and far reaching.

The prevention of adulteration, so far as it concerns consumption in India; the administration of the law regarding Weights and Measures; certain features at any rate, of Excise administration; in some Provinces, Factories; more generally, the welfare of labour and its intra-provincial movement; these suggest themselves, subject to the considerations already set forth, as suitable for transfer. The Local Government's share in the control of extra-provincial emigration, whether foreign or Indian, is hardly a suitable subject for transfer; the interests of the would-be emigrant are opposed to those of the landholding and employer classes.

13

MEMORANDUM.

The Government of India, upon consideration of the opinions before them, have felt themselves unable to prepare plans for the composition of the legislative assembly which conform closely to the figures proposed in the report. Their difficulty is that they find themselves unable to secure the representation of certain interests which they think should find a place, unless the total strength of the assembly is raised to the (approximate) figure, 117. The table which they present to the committee is accordingly framed upon that basis.

2. Before explaining the basis of the representation proposed for the various interests the Government of India wish to make clear their intentions upon one or two general points. In the first place they consider that the system of election to the assembly should, if in any way practicable, be by direct election and that the voting qualification for the assembly should be considerably higher than that for the provincial councils. Upon the information before them they are not at present satisfied that such direct election is impossible. If it becomes necessary to have recourse to indirect election they consider that there should be a material difference of method between indirect elections to the assembly and to the council of state. Secondly they propose that officials, if otherwise qualified, should have votes in the constituencies appropriate to them.

3. The accompanying table has been based partly on population qualified by other considerations including the relative amounts contributed by the respective provinces to the central exchequer. The Government of India have found no way of satisfactorily applying the factor of education, and have therefore left it out of consideration entirely. The population factor is based on the total population of the provinces, and for the present the population of backward tracts has not been excluded. But in the absence of complete information as to the proposals made to the committee by provincial Governments and as to the committee's proposals for the provincial councils it is impossible for the Government of India to base their provisional proposal on any but a rough estimate of provincial needs. Nor do they think it possible to reduce the other factors which they have taken into account to any mathematical expression. At present they look to the Franchise Committee to make the detailed calculations upon which any scheme of representation must rest, and the figures placed before the Committee in the accompanying table should be taken as expressing no more than the net result of the Government of India's general impressions as to the claims to consideration for the various localities and interests.

4. On a few points, however, a word of explanation may be added. (1) The Government of India have not thought it necessary or desirable to adopt for the legislative assembly the proportion of seats for the Muhammadans in the Congress-League agreement of December 1916. The number of Muslim seats proposed for the United Provinces is thought to be justified by the political importance of the Muslims of that province. (2) The proportion of seats set down for European interests is higher than can be justified on any numerical basis; but strong representation of these interests is thought to be well justified on account of the stake of European commerce in the country and also to be politically expedient. The category "European interests" includes European commerce, but the proposed distribution of seats between provinces has been made with reference to the latter only and will require further examination. (3) The further question whether the seats provisionally allotted for non-Brahmans in Madras should be included in the general Madras electorate will depend largely upon whether election to the general seats in that presidency can be expected to result in adequate non-Brahman representation.

5. For the present the Government of India reserve their proposal regarding the distribution of the nominated seats in the assembly. This matter cannot be entirely dissociated from the question of the composition of the council of state.

TABLE.

SHOWING ELECTIVE SEATS IN THE LEGISLATIVE ASSEMBLY.

	General.	Muhammadans.	Non-Brahmans.	Sikhs.	City.	Landholders.	European interests.	Indian Commerce.	TOTAL.
Bengal	5	3	...	...	1	1	3	1	14
Bombay	5	1	...	...	1	1	2	2	12
United Provinces	8	3	...	...	...	1	1	...	13
Madras	6	1	3	...	...	1	1	...	12
Punjab	3	3	...	1	...	1	...	...	8
Bihar and Orissa	6	1	...	...	...	1	...	...	8
Central Provinces	3	...	...	...	...	1	...	...	4
Burma	3	...	...	...	...	...	1	...	4
Assam	2	...	...	...	...	...	...	...	2
Total	41	12	3	1	2	7	8	3	77
European non-official community . . . . .	...	...	...	...	...	...	1	...	1
Total elective seats . . . . .	...	...	...	...	...	...	...	...	78

MEMORANDUM ON THE TERMS OF REFERENCE TO THE
FRANCHISE COMMITTEE.

PROVINCIAL LEGISLATIVE COUNCILS.

Paragraphs I and II.—It is of course the object of this scheme to secure as broad a franchise as possible, but when this subject is examined it can be seen how very unrepresentative even the broadest possible franchise must necessarily be. The new electorates cannot be based on anything wider than those that already exist for local and municipal bodies. Nobody can suggest that the qualifications for local and municipal franchises are at present unreasonably high. It seems therefore to be quite impossible to suppose that persons unfitted for local or municipal franchise can be qualified for the heavier responsibilities of the vote whereby Members of the Provincial Legislative Council are to be elected. I have not the information to give the Committee as to the percentage which the local and municipal voters in the Province of Bihar and Orissa bear to the total population, both rural and urban, but I happen to know that in another Province, which is certainly more advanced in general and political education than Bihar and Orissa, the proportion of the electors to the total population varies from 1 per cent. to 3 per cent. in the rural areas and 2 per cent. and 5 per cent. in the urban areas. Assuming that these percentages apply to Bihar and Orissa, and also assuming that the qualification for a vote under the new Reform Scheme cannot be lower than the qualification for a municipal vote, I think it will be seen how impossible it is to base these reforms on a franchise that can by any stretch of imagination be deemed to represent the will of the people, or be in any way representative of the millions which constitute the inhabitants of the Province. I can offer no scheme whereby the franchise can be made really representative. I can only say that in my opinion the proposed system is entirely unsuited to this country.

Paragraph III (1).—Special or communal electorates.—The report declares against communal representation except for Sikhs, and to a certain extent for Muhammadans. The authors definitely state that after giving the matter full consideration, especially as regards the British non-official community, they cannot see their way to recommend any further communal representation. Mr. Montagu, I believe, stated in a speech that if the British merchant wanted representation other than by nomination or limited election by specialized bodies, he must go to the poll and fight his way into Council by the will of the general electorate. Those who know India recognize how impossible this view is. If the British non-official community is left to get its representatives elected by the general electorate, then it will have no representation by election at all. The chief argument which the authors of the report use appears to be that communal representation will hinder the development of Indian nationhood. Now India is composed of several nations, viz., the Muhammadan, the Brahmin, the non-Brahmin, the European and others, and these will never mingle into what can be called one nation. It is waste of time considering an idea so utopian. Consequently the best that can be hoped for is that these nations, separated one from another by the impassable barriers of colour, creed and caste, will run side by side on terms of friendship with each other, for the good of the Indian Empire as a whole. The only way in which this can be achieved, in my opinion, is that each of these nations shall be content, and shall know that their own particular rights are respected and protected, and that they be given the opportunity of representing their several points of view in the Councils of the Empire. This cannot possibly be done by mixing them all up, giving one man one vote and saying that the result is a representative elected Council. The inevitable result of such a procedure will be the over-representation of the Brahmins, the under-representation of the Muhammadans and the non-Brahmins, and, as far as can be gathered, no representation at all for the Europeans. There is nothing which rouses the aggressive spirit, especially in a man of any fighting race such as the Muhammadan or the European, more than the idea that he is not receiving his full rights, and consequently, in my opinion, the withdrawal of communal representation would in no way make for the furtherance of Indian nationhood, but exactly the reverse, and would rouse inter-racial feeling to a point which would make

(*Excluded interest essentially*)

any nationhood impossible. The European non-official community is numerically very small. Its economic interests, as is admitted in the report, are very large and out of all proportion to the size of the community. The European non-official must have his share in the direction of affairs. It is hopeless to ask him to go to the poll in a general electorate; he would be swamped by numbers. It is especially necessary for him to have full representation on Council, because under this Reform Scheme the roll of European officials is to be continually restricted, and consequently the European non-official will become increasingly responsible for the protection of his own interests. The Reform Scheme only allows European representation through certain specialized bodies like the Chambers of Commerce and by nomination; the former is highly desirable and must be continued. The nominees of such specialized bodies have in the past been sufficient to represent European interests on Councils, both Provincial and Imperial. That, however, will not be the case in future. The nominees of the Bengal Chamber of Commerce, for instance, who is usually the President, finds it difficult even at present to carry out his political duties, and he will find it impossible to take the share which the representative of the European non-official community will be required to take in the new Legislative Assemblies. The nomination by Government is also of value, but at the same time is not always satisfactory. There are men who express opinions rather in conformity with what they think Government will like than in accordance with their own honest views, or those of the community they represent. These men are constantly in the Government eye, and it is these men whom Government would usually nominate. If the British non-official community is to be properly represented, the big firms at the great commercial centres must encourage those in their employ to study politics, and to give up a great deal of time to it, not merely when they have nothing else to do, but as part of their duty to their employers and to their community. These are the men that Government will never nominate, and it is representation by such men that we must have, and the only way of getting it is by a communal electorate. It is for these reasons that we lay such great stress on this point.

(2), (3), (4).—I have nothing to say on these headings except that in considering the importance of the franchise, the Committee should consider the danger of over-representation by urban voters as compared with the rural voters in a country like India which is mainly agricultural. Of the millions of raiyats who cultivate the land there would be an infinitesimal percentage of men who could ever hope to obtain the franchise. The rural districts could, of course, be given a sufficient number of seats to bring them to their proper proportion in comparison with the urban districts, but rural India will have to be guaranteed that the men who sit in the seats allotted to the rural districts are such as the interests of the enormous majority who have no votes will require. There should be, in my opinion, some form of nomination for representation of these classes who cannot be enfranchised and who are not likely to become enfranchised, otherwise they will be entirely unrepresented. The poll would no doubt send to Council some professional politician from the city who would come down and get elected for some rural district, but he could not be said to represent the people. It could be done by nomination and the nominee might be the District Officer or some Missionary or retired Indian Civilian, not necessarily European in any of these cases, but one who knew the people and had lived amongst them.

INDIAN LEGISLATIVE ASSEMBLY.

(1) *Constitution*.—I have not dealt with this subject because I am strongly in favour of leaving the Government of India alone until such time as the alterations in the Provincial Councils have been tried and found successful.

(2) *Direct elections*.—I can think of no method whereby there could be direct voting for the Imperial Legislative Council except in the representation of special bodies. Direct election to the Provincial Councils is difficult enough and the difficulties as regards direct election to the Indian Legislative Assembly are exactly the same, multiplied by the number of Provinces that

there are in India. It can be well imagined what the difficulties of a candidate for the Indian Legislative Assembly would be to try and canvas his constituency which was spread over hundreds of thousands of square miles. I regret I cannot attempt to give the Committee any assistance in the solution of this problem.

Council of State.—As this constitutes a change in the constitution of the Government of India, to which I am very strongly opposed, I have not attempted to deal with this matter either.

I submit the above memorandum as I have been asked to do so, but I must, with the very greatest respect, protest against the way in which this enquiry is being hurried. The matter to be enquired into are of the very greatest importance and have been placed before us when our whole mind and attention is concentrated on what is happening in France, and when our energies are directed towards keeping our business going with largely depleted staffs, having combed out the last available man, at the request of Government for military purposes. The notice was sent to me on the 23rd of October, and I was asked to submit my memorandum by the 1st of November. The Bengal Chamber of Commerce have not had time to consider the question of franchise at all, nor have the Indian Mining Association whom I have the honour to represent. At the time that the Bengal Chamber of Commerce considered the question of the report as a whole, the question of franchise was not considered by them, as it was not dealt with in the report and we felt certain that we should be given ample time to consider the matter before the Franchise Committee started work. As stated above, I have been given 8 days in which to prepare a memorandum on this important subject. I have had no time or opportunity to consult either the Chamber or the Indian Mining Association, and the views I put forward must therefore be considered as my own, prepared in great haste and under the circumstances with great difficulty.

R. M. WATSON SMYTH.

The 29th October 1918.

D.O.No. 184-F.

Government of India,
Reforms Office,
Delhi, February 8, 1920.

My dear *Mr. Joshi*

I am desired to send you herewith a copy of a draft manual of business and procedure in local legislative council which it is proposed to discuss at the meeting of the informal advisory committee on the 13th. Sir William Marris will be glad to consider in the meanwhile any criticisms or suggestions which you may desire to send in writing, if these are despatched so as to reach me not later than the evening of the 11th.

2. The manual follows in general the existing legislative council rules with which you will be familiar. Such additions as have been made are based on House of Commons practice, and are designed to meet the requirements of the new and enlarged legislatures. It aims at bringing together under appropriate headings in the form of a connected narrative the purport and effect of the Act and the rules and standing orders which are proposed for the regulation of business. The distinction between rules and standing orders will be clear if you will refer to sections 11(5) and 11(6). The "rules" are rules for regulating the course of business to be made under sections 11(5) and 44 by the Governor General in Council with the sanction of the Secretary of State. "Standing orders" are orders for the conduct of business which will be made in the first instance by the Governor but may be altered by the local legislature subject to his approval. The "rules", it will be seen, are few in number, and the conduct of business in the councils will thus be regulated in the main by the standing orders.

3. It is proposed to send the manual to local Governments with a view to assisting them in the preparation of the standing orders for the provincial legislative councils, a task for which they will doubtless enlist the assistance of members of the present provincial councils. But the rules

a task for which they will doubtless enlist the assistance of members of the present provincial councils. But the rules and standing orders, though they will require additions to provide for the complications arising out of the two chamber system, will also it is thought be suitable for adoption in the case of the Indian legislature, and it is more particularly in this connection that the advice of the committee is desired.

4. The financial section of the manual is not yet quite complete. Provision will have to be made for such matters as supplementary estimates and reappropriation. The draft rules and standing orders on these matters, as also on those referred to in the preceding paragraph, will be laid before the committee on some later occasion.

5. I am to add that the meetings of the committee will be held in the committee room of the Legislative Council.

Yours sincerely,

J. P. O'Donnell

The Hon'ble Mr. Srinivasa Sastri, Avargal,
Bela Road, D e l h i.

DRAFT

MANUAL OF BUSINESS AND PROCEDURE

IN

LOCAL LEGISLATIVE

COUNCILS.

DRAFT.

**MANUAL OF BUSINESS AND PROCEDURE
IN LOCAL LEGISLATIVE COUNCILS.**

Prefatory note.

In this Manual for the sake of brevity and to avoid repetition the expressions set out below are used as having the following meanings :—

“Council” means the Legislative Council of

“gazette” means the
gazette,

“member” means a member of the Legislative Council,

“member of Government” means a member of the Executive Council or a Minister,

“member in charge” means a member promoting a Bill or other business,

“resolution” means a motion for the purpose of discussing a matter of public interest,

“rule” means a rule of business of the Council,

“standing order” means a standing order of the Council,

“secretary” means a secretary to the Legislative Council, and includes any person for the time being performing the duties of the Secretary.

CHAPTER I.

MEETINGS OF COUNCIL.

1. A new Council shall be called together by the Governor by notification directing elections to be held within such date as may be specified in the notification.

(Rule under section 7.)

2. The ordinary life of a Council is three years from the date of its first meeting.

(Section 8 of the Act.)

3. The Governor by notification fixes the time and place for a Session of the Council.

(Section 8 (2) of the Act.)

The Secretary issues a summons to each member for the date and place so fixed.

(Practice.)

4. (1) A Session of the Council is terminated by prorogation. The Council of

is prorogued by the Governor by notification or otherwise.

(2) On the termination of a Session all pending notices shall lapse and fresh notice must be given for the next Session.

(3) On the termination of a Session Bills which have been introduced shall be carried over to the pending list of business of the next Session :

Provided that if the Member-in-Charge of a Bill makes no motion in regard to the same during two complete Sessions the Bill shall lapse unless the Council on a motion by that member make a special order for the continuance of the Bill.

(Standing Order.)

Dissolution
of Council.

5. (1) The Council is dissolved by the Governor (by notification or otherwise.)

[Section 8 (1) of the Act.]

(2) On a dissolution of Council a general election is held. The notification directing the election must be issued in such time as will ordinarily allow the new Council to meet in time six months from the date of dissolution.

(Section 8 (1)(c) and 8(2) of the Act.)

CHAPTER II.

ELECTION AND ADMISSION OF MEMBERS.

Oath.

6. Every person who is elected or nominated to be a member shall, before taking his seat, make at a meeting of the Council an oath or affirmation of his allegiance to the Crown in the following form, namely :—

I, A. B., having been ^{elected}/_{nominated} a member of this Legislative Council do solemnly swear (or affirm) that I will bear true allegiance to His Majesty the King, Emperor of India, his heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.

(Rule under section 7 of the Act.)

Failure to
take oath.

7. If any person fails to make the oath or affirmation prescribed by the rules within such time as the Governor may consider reasonable, the Governor shall by notification declare his seat to be vacant.

(Rule under section 7 of the Act.)

Vacancies.

8. (1) When a vacancy occurs in the case of an elected member, the Governor shall by notification call upon the constituency concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by the notification.

(2) When a vacancy occurs in the case of a nominated member, the Governor may nominate a person to fill the vacancy.

(Rule under section 7 of the Act.)

9. If any person is elected at a general election by more than one constituency, he shall by notice in writing signed by him and delivered to the Secretary within seven days from the date of the publication of the result of the general election in the gazette declare for which of these constituencies he desires to serve, and on such declaration the Governor shall by notification declare the other seat to be vacant. If any person fails to make a declaration within the time provided by this rule, the Governor shall by notification declare both seats to be vacant.

(Rule under section 7 of the Act.)

10. A member may resign his office to the Governor and on the Governor's acceptance of the resignation the seat becomes vacant.

(Section 93 of the Act.)

11. If a member is absent from India or unable to attend to the duties of his office for two consecutive months, the Governor may by notification declare that the member's seat is vacant.

(Section 93 of the Act.)

CHAPTER III.

THE PRESIDENT, THE DEPUTY PRESIDENT, CHAIRMAN, AND THE SECRETARY.

12. (1) The first President of the Council is appointed by the Governor.

(2) Any vacancy occurring in the office of President during the four years from the date of the first meeting of the Council constituted under the Act is filled by a similar appointment.

(Section 9 (1) and (3) of the Act.)

13. At the beginning of each new Council a Deputy President is elected for that Council by the members subject to the approval of the Governor.

(Section 9 (2) of the Act.)

14. (1) After the members have been sworn in at the beginning of each new Council, the Council shall elect one of its members to be a Deputy President.

(2) Every member who wishes to propose a member for election must—

(1) ascertain previously that the member is willing to serve if elected, and

* For provisions as to elected Presidents see s. 9 of the Act.

(2) hand to the President a notice containing the name of the member he desires to propose signed by himself and some other member as seconder.

(3) The President shall read out to the Council the names of the candidates, together with those of their proposers and seconds, and if only one person has been proposed for election, shall declare that person duly elected. If more than one person has been proposed, the Council shall then proceed to vote on the question by ballot, and the President shall declare the person who receives the majority of the votes to be duly elected. The ballot shall be held in such manner as the President may direct.

(4) If a vacancy in the office of Deputy President occurs during the life of a Council or if the Governor withholds his approval to any election, a fresh election shall be held in accordance with the procedure hereinbefore mentioned: Provided that a member whose election has not been approved by the Governor shall not be proposed as a candidate during the continuance of that Council.

(Standing Orders.)

Chairman of the Council.

15. At the commencement of every Session the Governor shall nominate a panel of not more than four chairmen any one of whom may preside over the Council in the absence of the President and Deputy President, when so requested by the President.

(Rule under section 11 (6) of the Act.)

Powers of persons presiding.

16. The Deputy President and any Chairman of the Council shall, when presiding over the Council, have the same powers as the President when so presiding, and all references to the President in the rules and Standing Orders shall, in these circumstances, be deemed to be references to any such person so presiding.

(Rule under section 11 (6) of the Act.)

Appointment of the Secretary.

17. The Secretary and any necessary assistants of the Secretary shall be appointed by order in writing by the Governor and shall hold office during his pleasure.

(Rule under section 11 of the Act.)

CHAPTER IV.

SITTINGS OF THE COUNCIL AND ARRANGEMENT OF BUSINESS.

Ordinary sitting.

18. Whilst in session the Council shall (subject to the direction of the Governor) ordinarily sit at 11 o'clock.

(Standing Orders.)

19. A meeting of the Council is adjourned by the President. Adjournment of meetings.

(Act, section 8 (3).)

20. The Governor, after considering the state of business of the Council, shall, at the commencement of each Session, allot as many days as are in his opinion compatible with the public interests for the business of non-official members, and on these days such business shall have precedence. At all other times Government business shall have precedence. Alotment of time for non-official business and precedence of business.

(Rule under section 11 of the Act.)

21. (1) At times when Government business has precedence the Government may arrange that business in such order as it thinks fit. Arrangement of business.

(2) The relative precedence of notices of Bills and Resolutions given by non-official members shall be determined by ballot.

(3) Bills introduced by non-official members shall be arranged in such order as to give priority to the Bills most advanced, that is to say, in the following order:—

- (i) Bills which have reached a stage at which the next motion is a motion that the Bill be passed;
- (ii) Bills at which the next stage is a motion that the Bill be taken into consideration;
- (iii) Bills at which the next stage is the presentation of the report of the Select Committee.

(4) The relative precedence of other non-official Bills which have been introduced but which have not been proceeded with as far as the stages set out above shall be determined by ballot:

Provided that any Bills remaining over from the last Session shall have priority in the order of the date of their introduction.

(Standing Orders.)

22. (1) A list of business for the day shall be prepared by the Secretary and shall be circulated to all members. List of business.

(2) No business not included in the list of business for the day shall be transacted at any meeting without the leave of the President.

(3) No business requiring notice shall be set down for a day earlier than the period of the necessary notice.

(Standing Orders.)

23. All business appointed for any day and not disposed of on that day shall stand over until the next day of the Session. Business outstanding at end of day.

available for business of the class to which it belongs, or until such other day in the Session so available as the Member in Charge may desire.

(Standing Orders.)

Time for questions.

24. The first hour of every meeting shall be available for the asking and answering of questions.

(Standing Orders.)

Giving of notice.

25. (1) Every notice required by the rules or Standing Orders shall be given in writing addressed to the Secretary and shall be left at the Council office which shall be open for this purpose between the hours of 11 and 3 o'clock on every day except Sunday or a public holiday.

(2) Notices left when the office is closed shall be treated as given on the next open day.

(Standing Orders.)

CHAPTER V.

QUESTIONS.

Notice of questions.

26. Unless the President with the consent of the Member of the Government in charge of the department concerned otherwise directs not less than days' notice of a question shall be given.

(Standing Orders.)

Power to disallow questions.

27. The Governor may within the period of notice disallow any question or any part of a question on the ground that it cannot be put or moved consistently with the public interest and if he does so the question or part of the question shall not be placed on the list of questions.

(Rules.)

Questions.

28. (1) A question may be asked for the purpose of obtaining information on a matter of public concern within the special cognisance of the member to whom it is addressed :

Provided that, that no question shall be asked, in regard to any of the following subjects, namely :—

- (i) Any matter affecting the relations of His Majesty's Government, or of the Government of India, or of the Governor or the Governor in Council, with any Foreign State;
- (ii) Any matter affecting the relations of the foregoing authorities with any Prince or Chief under the suzerainty of His Majesty, or relating to the internal affairs

of the territory of any such Prince or Chief;

(iii) Any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's Dominions; and

(iv) Any matter which is not primarily the concern of the Local Government.

(2) The decision of the Governor on the point whether any question is or is not within the restrictions imposed by sub-rule (1) shall be final.

(Rules.)

29. In matters which are or have been the subject of discussion between the Governor General in Council or the Secretary of State and the Local Government, no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of facts. Questions in certain controversial matters.

(Rules.)

30. (1) A question addressed to a member of the Government must relate to the public affairs with which he is officially connected, or to a matter of administration for which he is responsible. Matters to which they must relate

(2) A question addressed to a non-official member must relate to some Bill, resolution or other matter connected with the business of the Council for which the member is responsible.

(Standing Orders.)

31. In order that a question may be admissible it must satisfy the following conditions, namely:— Form and contents of questions.

- (1) it must not bring in any name or statement not strictly necessary to make the question intelligible;
- (2) if it contains a statement, the member asking it must make himself responsible for the accuracy of the statement;
- (3) it must not contain arguments, inferences, ironical expressions or defamatory statements;
- (4) it must not ask for an expression of opinion or the solution of a hypothetical proposition;
- (5) it may not be asked as to the character or conduct of any person except in his official or public capacity; and
- (6) it must not be of excessive length.

(Standing Orders.)

President to
decide
admissibility
of question.

32. The President shall decide on the admissibility of a question and may disallow any question when in his opinion it is an abuse of the right of questioning or is in contravention of the Standing Orders, and shall disallow any question which, in his opinion, contravenes the rules.

(Standing Orders.)

List of
questions.

33. Questions, which have not been disallowed, shall be entered in the list of questions for the day, and shall be called if the time made available for questions permits, in the order in which they stand in the list before any other business is entered upon at the meeting.

(Standing Orders.)

Questions,
how put.

34. Questions shall be put and answers given in such manner as the President may, in his discretion, determine.

(Standing Orders.)

Answers to
withdrawn
questions.

35. The President, at the request of a member of the Government, may direct that an answer to a question which has been called may be given on the ground of public interest, even though the question is not put or the Member in whose name it stands is absent.

(Standing Orders.)

Supplement-
ary ques-
tions.

36. Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given:

Provided that the President may disallow any supplementary question if, in his opinion, it infringes the rules or Standing Orders as to the subject-matter or admissibility of question, or if in his opinion the putting of the question would be detrimental to the public interest, and in that case the question shall not appear on the record of the Proceedings of the Council.

(Rules.)

Prohibition
of discussion.

37. No discussion shall be permitted in respect of any question or of any answer given to a question.

(Standing Orders.)

CHAPTER VI

MOTIONS FOR ADJOURNMENT FOR PURPOSES OF DEBATE.

Motions for
adjourne-
ments.

38. A motion for an adjournment of the business of the Council for the

purpose of discussing a definite matter of urgent public importance may be made with the consent of the Governor.

39. The right to move the adjournment of the Council for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely:—

- (i) not more than one such motion shall be made at the same meeting;
- (ii) not more than one matter can be discussed on the same motion and the motion must be restricted to a specific matter of recent occurrence;
- (iii) the motion must not revive discussion on a matter which has been discussed in the same Session;
- (iv) the motion must not anticipate a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given; and
- (v) the motion must not deal with a matter on which a resolution could not be moved.

(Rules.)

40. Leave to make a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance must be asked for after questions and before the list of business for the day is entered upon.

Time of asking leave.

(Standing Orders.)

41. The member asking leave must hand to the President a written statement of the matter proposed to be discussed and must annex thereto the consent of the Governor to his motion.

Method of asking leave.

(Standing Orders.)

42. If the President is of opinion that the matter proposed to be discussed is in order, he shall read the statement to the Council and ask whether the member has the leave of the Council. If objection is taken, the President shall request those members who support the motion to rise in their places, and if more than 30 members rise accordingly, the President shall intimate that the motion will be taken at 4 o'clock. If less than 30 members rise the President shall inform the member that he has not the leave of the Council.

Procedure to be followed.

(Standing Orders.)

43. (1) The debate on a motion to discuss a matter of urgent public importance if not earlier concluded shall

Limitation of time of discussion.

automatically terminate at six o'clock, and thereafter no question can be put.

(2) No speech during the debate shall exceed fifteen minutes in duration.

(Standing Orders)

CHAPTER VII.

GENERAL RULES OF PROCEDURE.

Quorum. 44. The presence of at least members of the Council shall be necessary to constitute a meeting of the Council for the exercise of its powers.

(Rules.)

Adjournment for failure of quorum. 45. If the President on a count at any time during a meeting ascertains that members are not present, he shall adjourn the Council till the next day, on which the Council ordinarily sits.

(Standing Orders.)

Members' places. 46. The members shall sit in such order as the President may appoint.

(Standing Orders.)

Members to rise when speaking. 47. A member desiring to make any observations on any matter before the Council shall speak from his place, shall rise when he speaks, and shall address the President. At any time if the President rises, any member speaking shall resume his seat.

(Standing Orders.)

Explanations. 48. When, for the purpose of explanation during discussion or for any other sufficient reason, any member has occasion to ask a question of another member on any matter then under the consideration of the Council, he shall ask the question through the President.

(Standing Orders.)

Members who cannot speak English. 49. (1) Any member may speak at the request and on behalf of another member who is unable to express himself in English.

(2) The President may call on any member to speak in any language in which he is known to be proficient.

(Standing Orders.)

Limitations on debate. 50. (1) The matter of every speech must be strictly relevant to the matter before the Council.

(2) A member while speaking must

not—
(i) refer to any matter of fact on which a judicial decision is pending;

(ii) make a personal charge against a member;

- (iii) use offensive expressions regarding the conduct of the Indian or any local Legislature;
- (iv) reflect upon the conduct of His Majesty the King, or the Governor General or any Governor or any Court of Justice;
- (v) utter treasonable, seditious, or defamatory words; and
- (vi) use his right of speech for the purpose of obstructing the business of the Council.

(Standing Orders.)

51. (1) A matter requiring the decision of the Council is brought forward by means of a question put by the President on a motion proposed by a member.

(Standing Orders)

(2) All questions for the determination of Council are decided by a majority of votes of the members present other than the person presiding, who however has and shall exercise a casting vote in the case of an equality of votes.

(Act, section 8.)

(3) Votes may be taken by voices or division, and shall be taken by division if any member so desires. The President shall determine the method of taking votes by division.

(4) The result of a division shall be announced by the President and shall not be challenged.

(Standing Orders.)

52. A motion must not raise a question substantially identical with one on which the Council has given a decision in the same Session.

(Standing Orders.)

53. (1) After the member who moves has spoken, other members may speak to the motion in such order as the President may call upon them.

(2) Except in the exercise of a right of reply or as otherwise provided, no member shall speak more than once to any motion, except with the permission of the President, for the purpose of making a personal explanation, but in that case no debatable matter may be brought forward.

(3) A member who has moved a substantive motion may speak again by way of reply, and if the motion is moved by a non-official member, the member of the Government to whose department the matter relates shall have the right of

speaking after the mover whether he has previously spoken in the debate or not.

(4) The President may in all cases address the Council before putting a question to the vote.

(Standing Orders)

does as to
matters.

54. (1) An amendment must be relevant to and within the scope of the question to which it is proposed.

(2) An amendment may not be moved which has merely the effect of a negative vote.

(3) After a decision has been given on an amendment to any part of a question, an earlier part shall not be amended.

(4) An amendment on a question must not be inconsistent with the previous decision on the same question given at the same stage of any Bill or motion.

(5) The President may refuse to put an amendment which is in his opinion frivolous.

(Standing Orders.)

closure.

55. At any time after a motion has been made a member may request the President to put the question and, unless it appears to the President that the request is an abuse of the rules of the Council or an infringement of the rights of reasonable debate, the President shall then put the question.

(Standing Orders.)

Provisions for maintenance of order.

Decision and
points of
order.

56. (1) The President shall decide all points of order which may arise, and his decision shall be final.

(2) Any member may at any time submit a point of order for the decision of the President, but in doing so shall confine himself to stating the point.

(Rules.)

Irrelevance
or repetition.

57. The President, after having called the attention of the Council to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

(Rules.)

Power to
order with-
drawal of
member.

58. (1) The President shall preserve order and have all powers necessary for the purpose of enforcing his decisions on all points of order.

(2) He may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from

the Council, and any member so ordered to withdraw shall do so forthwith, and shall absent himself during the remainder of the day's meeting. If any member is ordered to withdraw a second time in the same Session, the President may direct the member to absent himself from the meetings of the Council for any period not longer than the remainder of the Session, and the member so directed shall absent himself accordingly.

(3) The President shall suspend any meeting in the case of grave disorder.

(Rules.)

59. The admission to the Council Chamber of—

- (1) visitors to the visitors' gallery;
 - (2) representatives of the Press (in the Press gallery); and
 - (3) officials
- during the sittings of Council shall be regulated in accordance with orders made by the President with the approval of the Governor.

(Standing Orders.)

60. The President, whenever he thinks fit, may order the Visitors of the Press gallery to be cleared.

(Standing Orders.)

CHAPTER VIII.

LEGISLATION.

61. The Governor may order the publication of any Bill (together with the Statement of Objects and Reasons accompanying it) in the Gazette, although no motion has been made to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill, and if the Bill is afterwards introduced, it shall not be necessary to publish it again.

(Rules.)

62. Any non-official member desiring to move for leave to introduce a Bill dealing with a Transferred Subject shall give fifteen days' notice or of a Bill dealing with a Reserved Subject at least one month's notice, or, if the Governor so directs, of such period not exceeding two months, and shall, together with the notice, file a copy of the Bill or of the amendments proposed, as the case may be, and a full Statement of Objects and Reasons. If the Bill is a Bill which under the Government of India Act requires sanction, the Member shall annex to his notice a copy of the sanction.

(Rules.)

Motion for
leave to
introduce.

63. If a motion for leave to introduce a Bill is opposed, the President after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may without further debate put the question thereon.

(Standing Orders.)

Publication.

64. As soon as may be after a motion granting leave for the introduction of a Bill has been passed by the Council, the Bill, unless it has already been published, shall be published in the Gazette.

(Rules.)

(a) *Motions after introduction.*

Motion after
introduction.

65. When a Bill is introduced, or on some subsequent occasion, the Member in Charge may make one of the following motions in regard to his Bill, namely :—

- (a) that it be taken into consideration by the Council either at once or at some future day to be then mentioned, or
- (b) that it be referred to a Select Committee composed of such members of the Council as he may specify in his motion ; or
- (c) that it be circulated for the purpose of eliciting opinion thereon :

Provided that no such motion shall be made until after copies of the Bill have been made available for the use of members, and that any member may object to any such motion being made unless copies of the Bill have been so available for seven days before the motion is made, and such objection shall prevail unless the President in exercise of his power to suspend this order allows the motion to be made.

(Standing Orders.)

Discussion
of Bills.

66. (1) On the day on which any such motion is made, or on any subsequent day to which the discussion is postponed, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle.

(2) At this stage no amendments to the Bill may be moved, but if the Member in Charge moves that the Bill,

- (a) be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee or be circulated for the purpose of eliciting opinion thereon before

a date to be mentioned in the motion, or

(b) be referred to a Select Committee, any member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion.

(3) Where a motion that a Bill be circulated for the purpose of eliciting opinion is carried in the Council and the Bill is circulated in accordance with that direction and opinions have been received thereon before the date mentioned in the motion, the Member-in-Charge, if he wishes to proceed with his Bill thereafter, must move that the Bill be referred to a Select Committee, unless the President in the exercise of his power to suspend this order allows a motion to be made that the Bill be taken into consideration.

(Standing Orders.)

(b) *Select Committee.*

67. (1) The Member of the Government in charge of the department to which the Bill relates and the member who introduced the Bill shall be members of every Select Committee. Composition of Committees.

(2) The other members of the Committee shall be named by the Council when the motion that the Bill be referred is made, or at any subsequent meeting.

(3) The Member of the Government in charge of the department to which the Bill relates, shall be Chairman of the Committee, and, in the case of an equality of votes, the Chairman shall have a second or casting vote.

(4) A Select Committee may hear expert evidence and representatives of special interests affected by the measure before them.

(Standing Orders.)

68. (1) After publication of a Bill in the Gazette, the Select Committee to which the Bill has been referred shall make a report thereon. Reports by Select Committee.

(2) Such report shall be made not sooner than three months from the date of the first publication in the Gazette, unless the Council orders the report to be made sooner.

(3) Reports may be either preliminary or final.

(4) The Select Committee shall, in their report, state whether or not, in their judgment, the Bill has been so altered as to require re-publication, whether the publication directed by the rules or by the Council has taken place, and the date on

which the publication has taken place, or, where publication in more than one language is ordered, the date on which the publication in each such language has taken place.

(5) If any member of a Select Committee desires to record a minute of dissent on any point, he must sign the majority report, stating that he does so subject to his dissent, and must at the same time hand in his minute.

(Standing Orders.)

Printing and
publication
of reports.

69. (1) The Secretary shall cause every report of a Select Committee to be printed, and a copy of the report shall be made available for the use of each member. The report, with the amended Bill, shall be published in the Gazette.

(2) If any member is unacquainted with English, the Secretary shall also, if requested, cause the report to be translated for his use into such vernacular language as the President may direct.

(Standing Orders.)

Presentation
of report.

70. (1) The Report of the Select Committee on a Bill shall be presented to the Council by the Member-in-Charge of the Bill, but any member may object to its being so taken into consideration if a copy of the report has not been made available for the use of members for seven clear days; and such objection shall prevail, unless the President, in exercise of his power to suspend this order, allows the report to be taken into consideration.

(2) In presenting a report the Member-in-Charge shall if he makes any remarks confine himself to a brief statement of fact.

(Standing Orders.)

Procedure on
report after
presentation.

71. (1) After the presentation of the final report of a Select Committee on a Bill the Member-in-Charge may move—

(i) that the Bill as reported by the Select Committee be taken into consideration, but any member may object to its being so taken into consideration if a copy of the report has not been available for the use of members for seven days, and such objection shall prevail unless the President in exercise of his power to suspend this order allows the report to be taken into consideration; or

(ii) that the Bill be re-committed either—

(a) without limitation, or

- (b) with respect to particular clauses or amendments only, or
- (c) with instructions to the Select Committee to make some particular or additional provision in the Bill.

(2) If the Member-in-Charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be re-committed.

(Standing Orders.)

(c)—*Consideration and amendment of Bills.*

72. When a motion has been agreed to by the Council that a Bill be taken into consideration, any member may propose an amendment of such Bill.

Proposal of amendments.

(Standing Orders.)

73. (1) If notice of a proposed amendment has not been sent to the Secretary two clear days before the meeting of the Council at which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail, unless the President, in exercise of his power to suspend this order, allows the amendment to be moved.

Notice of amendments.

(2) The Secretary shall, if time permits, cause every notice of a proposed amendment to be printed, and a copy shall be made available for the use of each member.

(3) If any member present is unacquainted with English, the Secretary shall also, if requested, cause every such notice to be translated into such vernacular language as the President may direct for his use.

(Standing Orders.)

74. Amendments shall ordinarily be considered in the order of the clauses to which they respectively relate.

Order of amendments.

(Standing Orders.)

75. Notwithstanding anything in the foregoing orders, it shall be in the discretion of the President, when a motion that a Bill be taken into consideration has been carried, to submit the Bill, or any part of the Bill, to the Council clause by clause. When this procedure is adopted, the President shall call each clause separately, and, when the amendments relating to it have been dealt with, shall put the question "that this clause or (as the case may be) this clause as amended, stand part of the Bill."

Submission of Bills clause by clause.

(Standing Orders.)

76. (1) If no amendment be made when a motion that a Bill be taken into consideration has been agreed to by the Council, the Bill may at once be passed.

Passing of Bills.

(2) If any amendment be made, any member may object to the passing of the Bill at the same meeting; and such objection shall prevail, unless the President, in exercise of his power to suspend this Order, allows the Bill to pass.

(3) Where the objection prevails, the Bill shall be brought forward again at a future meeting; and may then be passed with or without further amendment.

(Standing Orders.)

Authentication of Bills.

77. When a Bill is passed by the Council, a copy thereof shall be signed by the President.

(Standing Orders.)

Effect of certification by Governor.

78. If the Governor certifies that a Bill or any clause of a Bill or any amendment to a Bill affects the safety or tranquillity of a Province or any part thereof, and directs that no proceedings or no further proceedings shall be taken thereon, all notices of motions in connection with the subject-matter of the certificate shall lapse, and if they have not already been set down in the list of business, shall not be so set down. If any such motion has been set down on the list of business, the President shall when the motion is reached inform the Council of the Governor's action, and the Council shall forthwith without debate proceed to the next item of business.

(Act, section 11 (4) and Rules.)

Re-consideration of Bills passed by the Council.

79. When a Bill which has been passed is returned by the Governor to the Council for re-consideration, the point or points referred for re-consideration shall be put before the Council by the President, and shall be discussed and voted upon in the same manner as amendments to a Bill.

(Standing Orders.)

Dropped Bills.

80. Any Bill respecting which no motion has been made in the Council for two years may, by order of the President, be removed from the List of Bills.

(Standing Orders.)

Withdrawal of Bill.

81. The member who introduced a Bill may at any stage of the Bill move that the Bill be withdrawn.

(Standing Orders.)

CHAPTER IX.

AMENDMENT OF STANDING ORDERS.

Notice of proposal to amend the Standing Orders.

82. (1) Unless the President otherwise directs, not less than ten days' notice of a motion for leave to amend the Standing

Orders shall be given, and the notice shall be accompanied by a draft of the proposed amendments.

(2) The motion shall be set down for such day as the President may direct.

83. When the motion is reached, the President shall read the draft amendments and ask whether the member has the leave of the Council. If objection is taken, President shall request those members who support the motion to rise in their places and if more than 30 members rise accordingly, the President shall intimate that the member has the leave of the council. Procedure.

84. Where a member has the leave of the Council to proceed, the draft amendments shall be referred to a Select Committee of which the President shall be chairman, and of which the Deputy President and a chairman of the Council to be nominated by the President shall be members. The remaining members, who shall be seven in number, shall be selected by the Council by means of the single transferable vote in accordance with the regulations framed in this behalf by the President. Reference to Select Committee.

85. After a draft has been referred to a Select Committee the procedure in regard to Bills similarly committed shall, as far as may be, be followed with such necessary alterations as to the form of the motions that may be made as the President may direct. Subsequent procedure.

CHAPTER X.

RESOLUTIONS.

86. A member, who wishes to move a resolution, shall give fifteen days' notice of his intention and shall, together with the notice, submit a copy of the resolution which he wishes to move: Notice of resolutions.

- Provided that the President with the consent of the member of the Government in charge of the department concerned may allow a resolution to be entered on the list of business with shorter notice than fifteen days.

(Rules.)

87. The Governor may within the period of notice disallow any resolution or any part of a resolution, on the ground that it cannot be put or moved consistently with the public interest, and if he does so the resolution or part of the resolution shall not be placed on the list of business. Power to disallow resolutions.

(Rules.)

Restrictions
on subjects
for discus-
sion.

88. (1) Every resolution shall be in the form of a specific recommendation addressed to the Government and no resolution shall be moved, in regard to any of the following subjects, namely :—

- (i) Any matter affecting the relations of His Majesty's Government, or of the Government of India, or of the Governor or the Governor in Council, with any Foreign State ;
- (ii) Any matter affecting the relations of the foregoing authorities with any Prince or Chief under the suzerainty of His Majesty, or relating to the internal affairs of the territory of any such Prince or Chief ;
- (iii) Any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's Dominions ; and
- (iv) Any matter which is not primarily the concern of the Local Government.

(2) The decision of the Governor on the point whether any resolution is or is not within the restrictions imposed by sub-rule (1) shall be final.

(Rules.)

Form and
contents of
resolutions.

89. Subject to the restrictions contained in the Rules and the provisions of the Standing Orders, any member may move a resolution relating to a matter of general public interest :

Provided that no resolution shall be admissible which does not comply with the following conditions, namely :—

- (a) it shall be clearly and precisely expressed and shall raise a definite issue ; and
- (b) it shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity.

(Standing Orders.)

Admissibility
of Resolu-
tions.

90. The President shall decide on the admissibility of a resolution and may disallow any resolution when in his opinion it does not comply with the Standing Orders, and shall disallow any resolution which in his opinion contravenes the rules.

(Standing Orders.)

91. (1) A member in whose name a resolution appears on the List of Business shall, when called on, either—

Motion and withdrawal of resolutions.

(a) withdraw the resolution, in which case he shall confine himself to a mere statement to that effect; or

(b) move the resolution, in which case he shall commence his speech by a formal motion in the terms appearing on the List of Business.

(2) If the member when called on is absent, the resolution standing in his name shall be considered to have been withdrawn.

(Standing Orders.)

92. No speech, except with the permission of the President, shall exceed fifteen minutes in duration:

Duration of speeches.

Provided that the mover of a resolution, when moving the same and the Member in Charge when speaking for the first time, may speak for thirty minutes.

(Standing Orders.)

93. The discussion of a resolution shall be strictly limited to the subject of the resolution.

Limits of discussion.

(Standing Orders.)

94. When a resolution is under discussion, any member may, subject to all the rules relating to resolutions, move an amendment to such resolution.

Amendments.

(Standing Orders.)

95. (1) If a copy of such amendment has not been sent to the Secretary two clear days before the day fixed for the discussion of the resolution, any member may object to the moving of the amendment, and such objection shall prevail, unless the President, in exercise of his power to suspend this Order, allows the amendment to be moved.

Notice of amendment.

(2) The Secretary shall, if time permits, cause every amendment to be printed, and send a copy for the information of each member.

(Standing Orders.)

96. (1) A member who has moved a resolution or an amendment to a resolution shall not withdraw the same by leave of the Council.

Withdrawal of resolutions.

(2) No discussion shall be permitted on a motion for leave to withdraw except with the permission of the President.

(Standing Orders.)

Order of
amendments.

97. (1) When an amendment to any resolution is moved, or when two or more such amendments are moved, the President shall, before taking the sense of the Council thereon, state or read to the Council the terms of the original motion and of the amendment or amendments proposed.

(2) It shall be in the discretion of the President to put first to the vote either the original motion or any of the amendments which may have been brought forward.

(Standing Orders.)

Division of
resolutions.

98. When any resolution involving several points has been discussed, it shall be in the discretion of the President to divide the resolution, and put each or any point separately to the vote as he may think fit.

(Standing Orders.)

Resolutions
not dis-
cussed.

99. A resolution of which notice has been given by a non-official member and which has been admitted, if it is not discussed during the Session, shall be deemed to have been withdrawn.

(Standing Orders.)

Effect of
motion and
disallow-
ance.

100. (1) When a resolution has been moved in the Council, no resolution or amendment raising substantially the same question shall be moved within one year.

(2) When a resolution has been disallowed under the Rules, no resolution raising substantially the same question shall be moved during the same Session.

(Standing Orders.)

Copy to
Government.

101. A copy of every resolution which has been passed by the Council shall be forwarded to the Government, but any such resolution shall have effect only as a recommendation to the Government.

(Rules.)

CHAPTER XI.

FINANCIAL BUSINESS.

Appropriation at
instance of
the Govern-
ment.

102. No motion for the appropriation of the public money can be made except on the recommendation of the Governor.

(Act, section 11 (2), proviso (c).)

Annual
Budget.

103. The Budget of the Government is submitted to the Council in each year.

(Act, section 11.)

Appropriation
proposals.

104. The proposals of the Government for appropriation, save under the

following heads of expenditure, are submitted to the vote of the Council in the form of demands for grants.

(Act, section 11 (2) and (3))

105. (1) A separate demand shall appear in the Budget on behalf of every department of the Government in regard to which any such proposal is made. Demands for grants.

(2) Each demand shall contain first a statement of the total grant proposed and then a statement of the detailed expenditure under each demand divided into items and sub-divided into minor heads.

(3) Subject to these rules the Budget shall be presented in such form as the Finance Member may consider best fitted for its consideration by Council.

(Rules.)

106. The Budget shall be dealt with by the Council in two stages:— Stages of Budget debate.

(i) a discussion of the Budget as a whole; and

(ii) the disposal of demands for grants.

(Standing Orders.)

107. (1) On a day or day to be appointed by the Governor subsequent to the day on which the Budget is presented, the Council shall be at liberty to discuss any question of principle involved in the Budget, but no motion shall be moved at this stage, nor shall the Budget be submitted to the vote of the Council. General discussion.

(2) The Finance Member shall have a general right of reply at the end of the discussion.

(3) The President may, if he thinks fit, prescribe a time-limit for speeches.

(4) On the expiry of the appointed time or if the discussion terminates earlier on its termination the second stage of the Budget shall be entered on.

108. (1) Not more than ... days shall be allotted for the disposal of the demands. Voting of grants.

(2) Of the days so allotted not more than one day shall be allotted to the discussion of any demand. At ... o'clock on the day on which the demand is taken the President shall forthwith put every question necessary to dispose of the demand under discussion.

(3) On the last day of the allotted days at ... o'clock the President shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grants.

Motions at
is stage.

109. (1) Motions may be moved at this stage to omit or reduce any demand or any item in a demand but not to increase or alter the destination of a grant.

(2) When several motions relating to the same demand are offered, they shall be discussed in the order in which the heads to which they relate appear in the Budget.

(3) After a question has been put for the reduction of the whole demand no motion may be made for omitting or reducing any item of the demand.

(Standing Orders).

EXCESS
PART B.

110. When a Department has spent money on any service for which the vote of Council is necessary during any financial year in excess of the amount granted for that service and for that year, an excess estimate shall be presented to the Council and shall be dealt with in the same way by the Council as if it were a demand for a grant.

(Standing Orders).

CHAPTER XII.

COMMUNICATIONS BETWEEN GOVERNOR AND THE COUNCIL.

111. Communications from the Governor to the Council are made—

(1) by a speech from the throne where the Governor has required the members to attend ;

(Act, s. 7(1).)

(2) by a written message delivered to the President by a member of the Government and read to the Council by the President ; and

(3) informally through a member of the Government.

(Practice.)

112. Communications from the Council to the Governor shall be made—

(1) by formal address, after motion made and carried in the Council.

(2) through the President.

(Standing Orders).

Communiqué.

The distribution of the 100 elected seats in the Legislative Assembly on which the Government of India have provisionally decided is as follows:—

	General.	Muslim.	Sikh.	Land owners.	European.	Indian Commere.	TOTAL.
Madras	10	3	...	1	1	1	16
Bombay	7	4	...	1	2	2	16
Bengal	6	6	...	1	3	1	17
United Provinces	8	6	...	1	1	...	16
Punjab	3	6	2	1	...	...	12
Bihar and Orissa	3	3	...	1	...	...	12
Central Provinces	3	1	...	1	...	...	5
Assam	2	1	...	...	1	...	4
Burma	3	...	...	...	1	...	4
Total	40	30	2	7	9	4	100 + 2 = 102

2. For the Council of State the Government of India propose to provide 34 elected seats distributed as follows:—

	General.	Muslim.	Sikh.	TOTAL.
Madras	4	1	...	5
Bombay	3	2	...	5
Bengal	3	2	...	5
United Provinces	3	2	...	5
Punjab	1	1	1	3
Bihar and Orissa	2	1	...	3
Burma	2	...	...	2
Central Provinces	2	...	...	2
Assam	1	...	...	1
	21	9	1	32 + 2 = 34
Chamber of Commerce (Bengal and Bombay)				2
				36

3. For the Legislative Assembly it is proposed that elections should be direct and that the franchises should be so framed as to yield an electorate bearing the same proportion to the provincial electorates as the provincial quota of seats in the Legislative Assembly does to the general and communal elective seats in the provincial council.

4. For the Council of State it is proposed that elections should be direct and that the Local Governments should frame the franchises so as to yield an electorate composed of men of wealth and position, aggregating about 2,000 in the larger provinces, who would elect from among their own number.

3. These proposals are published for the information of all concerned, and will be specially communicated to an informal advisory committee which it is hoped to institute shortly for the purpose of consultation upon various questions arising with reference to reforms. The proposals represent the result of various attempts to reconcile in comparatively restricted compass the competing claims of provinces and of interests: and critics are invited before objecting to any particular items to consider whether any alternative adjustment which they may be disposed to recommend may not be open in other respects to stronger criticism than that which may suggest itself in respect of the proposals as they now stand.

REFORMS OFFICE,

Dated Delhi, January 8, 1920.

**Schedule of Representations and Criticisms on the
Allotment of Elective Seats in the Council of
State.**

Zimindars' representations.

Serial No.	From whom.	Subject.	REMARKS.
1	Secretary, Madras-Zimindars' and Landholders' Association.	Prays for separate representation in the Council of State for Madras zimindars and landholders.	
2	Vicrutimala, Zimindar, Kalahasti	Ditto	
3	Rajah of Kalahasti	Ditto	
4	Kavalappara Muppilnair, ex-member, Madras Council.	Ditto	
5	Kapileswarapuram, Zimindar, Kistna -	Ditto	
6	Zimindars, Jaggampita, Godavri District	Ditto	
7	Zimindar, Muktyala Jaggayapet	Prays for one seat in Council of State.	
8	Thondamanad, Zimindar, Kalahasti	Prays for one seat for zimindars in the Council of State.	
9	Kumaramanglam, Zimindar, Tejnampet	Prays for separate representation in the Council of State for zimindars and landholders.	
10	Rajah Parlakimed	Prays for adequate representation in the Council of State.	
11	Dewan Bahadur Rambadra Naidu, Zimindar, Dodapanaya Kanur.	Prays for separate representation in the Council of State for zimindars and landholders.	

N. B.—The above are all telegraphic representations.

12	A. K. T. K. M. Sinkaram Nambudripad, Shoranur.	Prays for separate representation in the Council of State for zimindars and landholders.
13	Moopilnair, Zimindar, Mannarghat, Malabar	Ditto.
14	Raja Pithapuram	Prays for reservation of at least one seat in the Council of State for zimindars and landholders.
15	Zimindar of Sivalpatti, Ramnad District	Prays for separate representation in the Council of State for zimindars and landholders.
16	Mapil Warriar, Colathur, Malabar .	Ditto.
17	Punathurgod Asanthara Valia Rajah	Ditto.
18	Sri Zimindar Mandasa, Ganjam	Ditto.
19	Vengai Krishananayanar Kanai	Ditto.
20	Mahabalipuram Zimindars, Chingleput . . .	Pray for separate zimindar representation in the Council of State.
*21	The Hon'ble Mr. P. Rama Rayaningar, Kala- hasti.	Submits for consideration the resolutions passed by the Zimindars and Landholders' Association, Madras, that the zimindars and landholders of Madras should have one separate seat in the Council of State.
*22	The Secretary, Madras, Zimindars and Land- holders' Association.	Pray for adequate representation in the Council of State.

European and Anglo-Indian representations.

Serial No.	From whom.	Subject.	REMARKS.
1	Secretary, European Association, Calcutta	Prays for an allotment of one seat in the Council of State to the European community.	

N. B.—The above No. 1 letters printed *in extenso* in the appendix to the Schedule.

Indian Christian representations.

Serial No.	From whom.	Subject.	REMARKS.
1	Ex-President, South India United Church	Prays for one seat in the Council of State for Indian Christians.	
2	D. Kulandai, Madras	Ditto.	

N. B.—The above Nos. are telegraphic representations.

Non-Brahman Representations.

Serial No.	From whom.	Subject.	REMARKS.
1	R. B. Raupa Rao Naidu, Bezvada.	Prays for proportional reservation of seats for non-Brahmans in the Council of State.	
2	Agnikulakshatria Masangum, Northern Circars.	Ditto.	
3	Vankaridi, Ellore	Ditto.	
4	Non-Brahmans, Masulipatam	Ditto.	
5	" Tenala	Ditto.	
6	R. B. C. V. Rangareddi, Kurnool	Prays that non-Brahmans of Madras should have two-thirds of the seats allotted to Madras in the Council of State.	
7	R. S. M. Hanpayya, Guntakul, Madras	Ditto.	
8	Nellaswami Pillai, Chairman, Madura	Prays for reservation of seats for non-Brahmans in the Council of State.	
9	Patro, President, Ganjam People's Association	Prays for reservation of six seats for non-Brahmans in the Council of State.	
10	B. Munuswami Naidu, President, Chittoor	Prays that non-Brahmans of Madras should have 75 per cent. of the seats allotted to Madras in the Council of State.	
11	Secretary, Madhavan Liberal Club, Srivilliputhur.	Ditto.	

N. B.—The above Nos. are all telegraphic representations.

12	Dravida, President, Non-Brahman Association, Sivaganga.	Prays that non-Brahmans of Madras should have 76 per. cent. of the seats allotted to Madras in the Council of State.
13	President, Nellore District Liberal Federation	Ditto.
*14	S. R. Sivanandam, President, Madava Thyagaraja Sabha.	Ditto.
15	R. V. Sundrajulo Naidu, President, Non-Brahman Association, Salem.	Ditto.
16	Secretary, North Arcot Liberal Federation	Ditto.
17	Secretary, Non-Brahman Association, Bellary	Ditto.
18	Balajee Rao, Nellore	Prays for reservation of seats for non-Brahmans in the Council of State.
*19	Non-Brahman citizens, Sankaridrug	Resolution of a meeting of the non-Brahman citizens of Sankaridrug, praying that an adequate number of seats be reserved for non-Brahmans in the Council of State.

Miscellaneous representations.

Serial No.	From whom.	Subject.	REMARKS.
*1	Moonji Joint Secretary, Congress Committee, Nagpur.	Prays for increased representation of Central Provinces in the Council of State.	
2	Secretary, Kalimpong Samiti	Prays for representation of the Tibeto-Indians, <i>i. e.</i> , the Gorkhas, Lepchas, Bhutias, etc., on the Council of State.	
3	Secretary, Punjab Chamber of Commerce, Delhi.	Prays for one seat in the Council of State to represent commercial interests in the area.	
4	Secretary, Indian Association, Calcutta	Prays that (1) the Lucknow Compact should not be varied or departed from in the allotment of seats in the Council of State; (2) the two seats allotted to the Chambers of Commerce (Bengal and Bombay) in the Council of State should be divided equally between Europeans and Indians; (3) the basis of franchise should be as laid down by the Southborough Committee but on a higher scale to yield the requisite number of electors; (4) for the election of the Council of State the electoral roll for the larger provinces should be so constituted as to yield at least 20,000 voters, and not 2,000, as proposed by the Government, the basis of franchise being the same as suggested above for Legislative Assembly; (5) the election should not be confined to the voters only; (6) half the members of the Advisory Board for framing rules should be non-official Indians of representative character, and (7) the rules framed by the Government of India should be published for criticism before being submitted to the Houses of Parliament.	

5	Honorary Secretary, Marwari Association, Calcutta.	Prays for the allotment of one seat in the Council of State to the Marwari community.
6	The Hon'ble Dr. Tej Bahadur Sapru, President, United Provinces Liberal Association, Allahabad.	Submits proposals regarding the distribution of seats amongst provinces and various bodies in the Council of State.
7	President, Central Provinces Congress Committee, Nagpur.	Prays for an increased representation of the Central Provinces in the Council of State.
8	President, District Congress Committee Drug, (Central Provinces).	Prays for an increased representation of the Central Provinces in the Council of State.
9	President, District Congress Committee, Balaghat (Central Provinces).	Prays for an increased representation of the Central Provinces in the Council of State.
10	D. B. Ramachandra Rao, Madras	Submits a note on the proposals of the Government of India regarding the Council of State.

N. B.—The above numbers are all letters printed *in extenso* in the appendix to the Schedule.

Local Government" and to insert at the end of the clause "in the exercise of its judicial functions."

Para. 50 (2) V.—Mr. Sastri thought that there should be no provision against the use of "seditious and defamatory" words. He was supported by S. Sunder Singh, and as regards seditious words only by Mr. Sinha. The Committee as a whole however accepted the Draft Standing Order in its existing form.

Para. 50 (2) VI.—The clause was accepted with the addition of "wilfully and persistently" before "obstructing."

Para. 53 (1).—Mr. Sastri pointed out that the wording was ungrammatical, and Mr. Muddiman undertook to consider its revision.

Para. 55.—Mr. Sastri moved that the question of the closure of the debate should be decided by vote of the Council and the majority of the members supported him. In reply to Sir William Marris the members in question agreed to accept the provision of the Standing Order as it stood for application only to debates on Bills which Government was prepared to enact in the last resort by the procedure described in Section 13 (1) of the Act, and to provide that the closure in all other debates should be applied only by vote of the Council.

Para. 87.—The discussion followed the lines of that on paragraph 27, an analogous amendment of the phraseology* being agreed to. Mr. Sastri moved to insert a proviso that "the inconvenience or embarrassment of Government or of any officer of Government shall not be regarded as detrimental to the public interest," and was supported by the majority of the members.

Para. 88 (1) IV.—It was agreed to transfer the provisions of this rule to paragraph 87, giving the Governor discretionary power to disallow.

Minutes of Proceedings of the Reforms Informal Advisory Committee with regard to the Draft Manual of business and procedure in Local Legislative Councils.

Preliminary Note.—Chapter IX of the Manual, relating to Financial Business, was reserved for future discussion. The remaining chapters of the Manual were discussed on the 13th and 14th February, the proposed provisions thereof being unanimously approved, except in the cases noted below :—

Para. 14.—Mr. Sastri suggested that the draft Standing Order should make provision for a possible equality of votes in election to the office of Deputy President. This was generally accepted, and after discussion of the alternative of a second election; a casting vote by the President, or the drawing of lots, the last named expedient was approved by a majority.

Para. 15.—Mr. Sastri thought that the panel of chairmen should be elected by the chamber, but after hearing Mr. Muddiman, the majority of the Committee agreed that nomination was appropriate. Messrs. Sastri and Banerjee moved for the substitution of the President for the Governor as the nominating authority, and the Committee was equally divided on this proposal.

Para. 20.—Mr. Sinha thought that the allotment of time for business should rest with the President, but the draft rule was accepted by the majority on Mr. Muddiman explaining the necessity of Government having adequate control of the time of the Council.

Para. 27.—Mr. Muddiman having explained that this Draft Rule followed the principle of policy enunciated in the report on Indian Constitutional Reforms, it was agreed, on the motion of Mr. Banerjee, to amend the wording by introducing the expression “detrimental to” (used in paragraph 236 of the Report) in substitution for “inconsistent with.” Mr. Sastri moved the deletion of the whole clause and was supported by Messrs. Sinha, Sarma and Banerjee. Sir William Marris undertook to bring their view to the notice of the Government of India.

Para. 28 (4).—It was agreed to transfer the subject matter of this clause to the draft rule embodied in para. 27, giving the Governor a discretionary power to disallow this class of question.

Para. 31 (2).—It was agreed to render the meaning of the Standing Order indisputable by inserting “made by the member himself” after “statement” in the first line thereof.

Para. 32.—It was agreed at the instance of Mr. Sarma to insert words explaining that “admissibility” denoted admissibility under the provisions of the preceding Standing Order (para. 31).

It was further agreed at the instance of Mr. Sinha to insert words explaining that the “abuse” contemplated by the draft Standing Order, was an abuse at the expense of the Council and its time.

Para. 38.—At the instance of Mr. Banerjee it was agreed to insert at the end of the Draft Rule “which shall not be refused except for reasons justifying disallowance of a resolution.”

Para. 49.—Sir William Marris explained the views of the Government of India with regard to the position of the vernacular in the Legislative Councils. It was generally agreed that the provisions of sub-section (1) of the Draft Standing Order were open to objection, and that the sub-section might be dispensed with. For sub-section (2) Mr. Crum moved to substitute “should a member be unable to express himself in English, the President shall permit him to speak in any language in which he is known to be proficient.” He was supported by Messrs. Sastri and Sinha, but it was resolved by the majority to forward sub-section (2) in its existing form for the consideration of Local Governments.

Para. 50 (2) IV.—At the instance of Mr. Banerjee it was agreed to insert after “Governor” the words “as distinct from the Government of India or any

Demi-official letter, dated the 27th January 1920.

From—The Hon'ble Khan Bahadur Mian MOHAMMAD SHAFI, Member in Charge,
Department of Education.

To—The Hon'ble Sir WILLIAM MARRIS, K.C.I.E., Commissioner of Reforms.

Perhaps the enclosed may be of some interest to you.

Dated the 20th January 1920.

From—The Hon'ble Mr. P. RAMA RAYANINGAR, Kalahasti,

To—The Hon'ble Khan Bahadur Mian MOHAMMAD SHAFI, Member in Charge,
Department of Education.

I have great pleasure to send herewith a copy of the Resolutions passed in a recent meeting of the Madras Zamindars and Landholders' Association. The Madras Zamindars feel greatly disappointed at the little consideration shown to them in the provisional schemes of representation in the *Council of State* and the Indian Legislative Assembly published in Government of India communiqué.* According to these schemes they are given very inadequate representation in the Indian Legislative Assembly and none whatever in the Council of State.

In almost all the provinces the great land-owners some of whom at any rate were at the time of the British conquest enjoying sovereign or semi-sovereign powers form a distinct class by themselves. They have always been loyal to the British Throne and with large stake in the country they are the only moderates who can always be relied on. They may not be forward and vociferous but they too have a full sense of their duty to the crown and country. Their steadying influence in the future councils cannot be denied. Owing to their want of forwardness they will have no chance of being returned by the general electorates. Recognizing these facts the famous Chelmsford-Montagu Report made provision for their separate representation in all the councils. All the same the provisional scheme of representation in the Council of State altogether ignores them while the scheme of representation in the Indian Assembly allots one seat for them in each of the major Provinces. It is true the franchise limit for voters in the Council of State will be fairly high. But that will not help the Zamindars. Most of the leading members of the legal profession and the retired public officials will be electors and candidates seeking election. As against them the zamindars will not have any chance of success. You know what an amount of influence men of the legal profession and public servants have in our country. May I not therefore request you to kindly give your best consideration to this matter and advise revision before the schemes take their final shape. By doing this I need hardly mention you will be earning the gratitude of the lauded aristocracy of the country who at the moment feel sorely disappointed.

Resolutions passed at the Emergency Meeting of the Madras Zamindars and Landholders' Association held at "Osborne House" on the 15th instant, at 8-30 a. m., under the Chairmanship of the Rajah of Venkatagiri.

I. The Madras Zamindars and Landholders' Association most respectfully tenders its sincere gratitude to His Imperial Majesty the King-Emperor for his gracious Proclamation, dated the 23rd December 1919, and most cordially welcomes the announcement that His Royal Highness the Prince of Wales will visit India and assures His Royal Highness of a warm reception by the Landed Aristocracy of Southern India.

II. While grateful to the distinguished members of the Parliamentary Joint Committee for their recommendation to the Government of India to reconsider the special representation of Landholders, the Madras Zamindars

and Landholders' Association views with disappointment that the Government of India in their provisional scheme published recently did not provide for a separate representation of the Madras Zamindars and Jenmies in the Council of State and provided only very inadequate representation in the Indian Legislative Assembly notwithstanding their position, and stake in the country and their traditional loyalty to the British Throne. The Association is strongly of opinion that the Government of India have altogether overlooked their claims for representation in the Council of State in spite of several representations, pressing for their adequate representation in it and that greater Landowners will be at a disadvantage to secure any representation in the Upper Chamber, as the voters representing other interests in General Electorates would swamp them. With a view to allay this irresistible feeling of disappointment and to safeguard their interests, the Association earnestly prays that provision should be made for their separate representation in the Council of State by earmarking one of the General seats allocated for the Province and to increase their representation in the Indian Assembly by reserving to them two seats, one for the North and one for the South. The Association further prays that the Madras Government be pleased to recommend a reasonable increase in the number of seats in the local Legislative Council, allotted to them by the Southborough Committee.

III. The Association takes this opportunity to entirely dissociate itself from the reckless and unmerited criticisms of certain section of politicians against the administration of His Excellency Lord Chelmsford.

IV. In view of the reported attempts of Bolshevists to extend their activities towards India, the Association urges on the Landed Aristocracy co-operating with Government to effectively check the inroads of Bolshevism into the country.

71, CORAL MERCHANT STREET,
MUTHIALPET, MADRAS. }

The Kumara Rajah of Chellapalli,
Secretary

Dated Madras, the 19th January 1920.

From—S. R. Y. ANKINEDU PRASAD BAHADUR, B.A., the Kumara Rajah of
Challapalli, Secretary, Madras Zamindars and Landholders' Association,
71, Coral Merchant Street, Muthialpet.

To—The Secretary to the Government of India, Home Department, Delhi.

In continuation of my telegram dated the 16th January, I have the honour to forward herewith a copy of the Resolutions passed at the emergency meeting of the Madras Zamindars and Landholders' Association held on the 15th instant with the President, Rajah of Venkatagiri in the chair. I am to request you to be good enough to place the Resolutions before the Government of India for taking such steps as may be deemed necessary, with regard to the proper and adequate representation of the landed aristocracy in all the three Legislative Assemblies proposed to be constituted under the Government of India Act, 1919.

Resolutions passed at the Emergency Meeting of the Madras Zamindars and Landholders' Association held at "Osborne House" on the 15th instant, at 8-30 A.M., under the chairmanship of the Rajah of Venkatagiri.

I. The Madras Zamindars and Landholders' Association most respectfully tenders its sincere gratitude to His Imperial Majesty the King-Emperor for his gracious Proclamation, dated the 23rd December 1919, and most cordially welcomes the announcement that His Royal Highness the Prince of Wales will visit India and assures His Royal Highness of a warm reception by the Landed Aristocracy of Southern India.

II. While grateful to the distinguished members of the Parliamentary Joint-Committee for their recommendation to the Government of India to reconsider the special representation of Landholders, the Madras Zamindars and Landholders' Association views with disappointment that the Government of India in their provisional scheme published recently did not provide for a separate representation of the Madras Zamindars and Jemmies in the Council of State and provided only very inadequate representation in the Indian Legislative Assembly notwithstanding their position and stake in the country and their traditional loyalty to the British Throne. The Association is strongly of opinion that the Government of India have altogether overlooked their claims for representation in the Council of State in spite of several representations, pressing for their adequate representation in it and that greater Landowners will be at a disadvantage to secure any representation in the Upper Chamber, as the voters representing other interest in General Electorates would swamp them. With a view to allay this irresistible feeling of disappointment and to safeguard their interests, the Association earnestly prays that provision should be made for their separate representation in the Council of State by ear-marking one of the General seats allocated for the Province and to increase their representation in the Indian Assembly by reserving to them two seats, one for the North and one for the South. The Association further prays that the Madras Government be pleased to recommend a reasonable increase in the number of seats in the Local Legislative Council, allotted to them by the Southborough Committee.

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S. R. Y. ANKINEDU PRASAD
BAHADUR, B.A.,

71, CORAL MERCHANT STREET,
MUTHIALPET, MADRAS.

The 19th January 1920.

SGPI, Delhi—71 RO.—11-2-20—50.

The Kumara Rajah of Challapalli,
Secretary.

No. 1727, dated Calcutta, the 20th January 1920.

From—R. L. SURRON, Esq., Assistant Secretary, European Association, Dalhousie Square, Calcutta,

To—The Secretary to the Government of India, Home Department, Delhi.

I am directed to draw your attention to the proposed distribution of Elected Seats for the Council of State.

The proposals, it is understood, are as follows :—

General	Twenty-one and a half.
Muslim	Nine and a half.
Sikh	One.
Bengal and Bombsy Chambers of Commerce	Two.

No provision is made for an Elected Seat for the European Community as such.

My Council desire me to point out that it is of the utmost importance that one seat in the Council of State should be allotted to the European Community, apart altogether from the representatives of Commerce, and it is hoped that the Government of India will consider favourably this claim for representation.

Dated Calcutta, the 25th January 1920.

From—H. W. B. MORENO, Esq., President, Bengal and Assam Branch and Senior Vice-President, Anglo-Indian and Domiciled European Association.

To—The Secretary to the Government of India (Political Department), Delhi or Simla.

I beg that you will excuse the informal character of this note. I write to be in time by the date announced; I am at present at Lucknow at a Conference and shall be at my permanent address by the 31st current.

I write to give opinion regarding the General Legislative Assembly, asked for by Government. I desire that at least one *bonafide* Anglo-Indian be among the three European Representatives; or failing that that two Anglo-Indians be separately appointed.

MADAVA THYAGARAJA SABHA, KARUR.

(Special Meeting held on 19th January 1920.)

PRESIDENT :

Pundit A. R. SIVANANDA MUDALIAR.

Resolutions.

I (a) This special meeting of Madava Thyagaraja Sabha prays for reservation of 75 per cent. of seats for Non-Brahmins in the Madras Legislative Council through communal electorates.

(b) This meeting further urges that the same proportion (75) per cent. should hold in the seats assigned in the Imperial Legislative Assembly and Council of State.

Proposed by :—Mr. Janaka Sankara Kannappar, Editor, "Sirthirutham," Madura.

Seconded by :—Mr. T. Appavoo Achariar, Karur.

Supported by :—Mr. K. Navayanasami Naidu, Karur.

(Sd.) A. R. SIVANANDAM,

President.

The 19th January 1920.

SIR,

At a meeting of the Non-Brahmin Citizens of Sankaridrug held on the 28th instant at 3 P.M., under the presidency of M. B. Ry. A. Chidambaram Pillai Avergal, B.A., Pleader, Sankaridrug, the following resolutions were unanimously adopted:—

- (1) That the South Indian Liberal Federation, Madras, be requested to move at the ensuing Brahmin-Non-Brahmin Conference that not less than 75 per cent. of the seats of the Local Legislative Council be reserved for Non-Brahmins.
- (2) That a telegram be sent to His Excellency the Viceroy praying that an adequate number of seats be reserved for Non-Brahmins in the Indian Legislative Assembly and the Council of State.
- (3) That the Chairman be authorised to communicate copies of these resolutions to His Excellency the Viceroy, His Excellency the Governor of Madras, the Collector of Salem, and to the Press.

A. CHIDAMBARAM.

SANKARIDRUG;

The 28th January 1920.

Dated Kalimpong, the 24th January 1920.

From—P. M. PRADHAN, Esq., Secretary, Kalimpong Samiti.

To—The Private-Secretary to His Excellency the Viceroy and Governor-General of India.

I have the honour to submit herewith a copy of the resolution passed at a Public Meeting of the Samiti held on Saturday, the 24th January 1920, for His Excellency's kind and favourable consideration.

At a Public Meeting of the Kalimpong Samiti held on Saturday, the 24th January 1920, the following resolution was passed.

Resolution.—The Tibeto-Indians, *i.e.*, the Gorkhas, Lepchas, Bhutias, Garhwals, Kumauns, Ladakies and others residing in British India express their disappointment that they have been lost sight of in the proposed distribution of elected seats in the new Legislative Assembly of India and in the new Council of State of India although they have to safeguard the interest of a population three or four times larger in number than that of the other minor community in British India.

They now pray the benign Government not to forget one of the most true and loyal defenders of the British Empire in making a suitable number of allotments of elected seats for them in both the Indian Houses as well as in the Provincial Houses as in the case of the other minorities.

KALIMPONG :

The 24th January 1920. }

Chairman.

No. 74, dated Delhi, the 5th February 1920.

From—The Honorary Secretary, Punjab Chamber of Commerce, Delhi.

To—The Secretary to the Government of India, Reforms Department, Delhi.

With reference to the proposed allotment of elected seats in the Legislative Assembly and the Council of State as announced in the papers, I am directed to point out that in the provinces of Madras, Bombay, Bengal and the United Provinces, 1, 2, 3 and 1 seats, respectively, have been provided to represent European interests and 1, 2, 1 and 0 seats, respectively, to represent Indian commercial interests for the Legislative Assembly. In the Council of State the Chambers of Commerce of Bengal and Bombay have been allotted one seat each.

My Committee believe that the seats provided for Europeans will be filled principally by European commercial men which means that European and Indian commercial interests in the provinces mentioned above will be represented in the Legislative Assembly by 2, 4, 4 and 1 members respectively. Whereas in the area coming under the jurisdiction of the Punjab Chamber of Commerce, i.e., the provinces of the Punjab, Delhi, North-West Frontier Province and British Rajputana, no seats have been provided for the representation of either European or Indian commercial interests. This area includes a large number of business centres and the volume of trade carried on thereat is very big.

In the circumstances I am directed to request that the Government of India will be pleased to allot two seats in the Legislative Assembly and one in the Council of State to represent commercial interests in the area.

In this connection I am directed to enclose herewith a copy of the letter No. 2276, dated the 20th December 1917, addressed to the Secretary, Legislative Department, Government of India, embodying therein the general reasons on which the claim of this Chamber was based.

No. 2376, dated Delhi, the 20th December 1917.

From—The Secretary, Punjab Chamber of Commerce, Delhi,

To—The Secretary to the Government of India, Legislative Department.

I have the honour to attach herewith, for information and submission to the Government of India, copy of a Resolution unanimously adopted by this Chamber at a Special General Meeting convened to give expression to the Chamber's views in connection with the investigation now being made by the Right Hon'ble the Secretary of State for India into the conditions of administration in this country.

The Resolution, I am to emphasize, expresses the views of this Chamber only so far as the subject of more efficient and direct representation of industrial and commercial interests are concerned in the Supreme Council.

The Punjab Chamber, I am to point out, is the chief representative commercial body in the Province, the trade interests of which are continually and rapidly developing. The annual imports into the Province may be roughly taken at 40 crores of rupees in value, and the exports at 28 crores including treasure. These large interests, it may be said, are at present totally unrepresented in any manner, specially in the Supreme Council. Upon their successful working and expansion, it may in truth be said, depends the entire material prosperity of the Province, and in the opinion of this Chamber no extension of representation, which excludes from the Council a Non-Official Member authorized to reflect the views of the industry and commerce of the Punjab, can be considered satisfactory. These are the broad general reasons upon which the Resolution has been formulated and adopted, and the Committee feel that it is impossible to too strongly urge its favourable consideration upon His Excellency the Viceroy and Governor-General in Council and the Right Hon'ble the Secretary of State for India.

Copy of resolution.

"The Punjab is not at present adequately represented on the Supreme Legislative Council of India, and so far as the commerce and industry of the Province are concerned, it may be said that these important and growing interests are not represented at all. The Punjab Chamber, in consideration of the enormous interests involved, and the special enquiry which is now being made with regard to the expansion of the Legislative machinery in India, would respectfully urge upon Government the absolute necessity which exists, in the consideration of any scheme of Council reform which may be devised, that the present disabilities under which the industrial and commercial interests of the Province suffer should be removed. With a view to bringing this about the Chamber would urge that it should be directly represented on the Supreme Council, and that a representation to this effect be made to the Government of India and the Right Hon'ble the Secretary of State for India."

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 (Gonad) Istahvay I ort of sdtm. Dated the 29th January 1920.
 yd avroq. N. C. Ray, Bengal Assistant Secretary to the Indian Association, Calcutta,
 -200 (Att. Secy to the Government of India) Reforms Department.

With reference to the communications issued by the Governments of India and Bengal regarding the distribution of seats of the Legislative Assembly of India and the Council of State, I am directed by the Committee of the Indian Association to offer the following observations:—

1. My Committee desires to point out that the compromise arrived at in the Joint Session of the Indian National Congress and the All-India Muslim League in 1916, with regard to the proportion of Mohammedan and non-Mohammedan seats, briefly described as the Lucknow compact, has not been adhered to in the proposals of the Government of India. The provision about this representation runs as follows:—

Section III, clause 4. "One-third of the Indian elected members should be Mohammedans selected by separate Mohammedan electorates in the several provinces in the proportion, as nearly as may be, in which they are represented in the Provincial Legislative Councils by separate Mohammedan electorates."

This proportion is laid down in Section I, clause 4, as—

Punjab	50 per cent
United Provinces	30 "
Bengal	40 "
Behar	25 "
Central Provinces	15 "
Madras	15 "
Bombay	33 "

Calculated on this basis, the proportion of General to Mohammedan seats in Bengal should be 3 to 2 and not equal as proposed by the Government of India. The distribution, according to my Committee, should be as follows:—

Legislative Assembly—	
General	7
Mohammedan	5
Council of State—	
General	3½
Mohammedan	2½

It may be observed here that the representatives of all parties concerned in the country have signified their sincere approval of the Lucknow compact and the Southborough Committee and the Joint Committee of the Houses of Parliament have also upheld it. Under these circumstances and in the interests of all the country, my Committee is strongly of opinion that this compact should not be varied or departed from.

2. My Committee takes objection to the allotment of three seats to European commerce in the Legislative Assembly from Bengal. While fully recognising the importance and substantial character of European commerce in Bengal, my Committee thinks that the provision of its representation by three members is excessive and the justice of its claim will be met by allowing two members to represent this interest in the Legislative Assembly as in the case of Bombay. European commerce should thus have two seats instead of three and one should be added to the General seats.

3. Two seats in the Council of State have been assigned to the Chambers of Commerce, Bengal and Bombay. In view of the important nature of the commercial interests, both European and Indian, in the country, my Committee urges that the two seats should be divided equally between them.

4. My Committee approves of the principle that the franchise should be so framed as to yield an electorate bearing the same proportion to the provincial electorates as the provincial quota of seats in the Legislative Assembly does to the General and Communal elective seats in the Provincial Council. It, however, urges that the basis of the franchise should be as laid down by the Southborough Committee for election from the urban and rural constituencies to the Provincial Councils, *viz.*, payment of cess, municipal or cantonment tax or fee, chawkidari tax, village rate or income tax for both the General and the Mohammedan electorates, but necessarily on a higher scale to yield the requisite number of electors.

5. For the election of the Council of State my Committee thinks that the electoral roll for the larger provinces should be so constituted as to yield at least 20,000 voters and not 2,000 as proposed by the Government. The basis of the franchise should be the same as suggested for the election of the Legislative Assembly in paragraph 4 above but on a higher scale so as to yield 20,000 voters approximately.

6. As for the qualification of candidates, my Committee considers that in neither case should the election be confined to the voters only.

7. My Committee is strongly of opinion that the non-official Indian view should be adequately represented on the proposed Advisory Board for framing rules. It therefore urges that half the members of the Advisory Board should be non-official Indians of a representative character.

8. Finally my Committee urges that the rules framed by the Government of India should be published for criticism before being submitted to the Houses of Parliament.

No. 8-1920, dated the 30th January 1920.

From—The Honorary Secretary, Marwari Association, Calcutta.

To—The Secretary to the Government of India, Reforms Department.

I am directed by the Committee of the Marwari Association to address you on the subject of the proposals made in the Government of India communiqué, dated the 8th January 1920, for the allotment of seats to Bengal in the future Legislative Assembly and Council of State.

2. My Committee note with surprise that Government while maintaining that the proposals now placed before the public represent the result of various attempts to reconcile the competing claims of provinces and of interests have, at the same time, thought fit to overlook altogether the superior claims of the Marwari community for proper representation on the Legislative Assembly and the Council of State to be constituted under the Government of India Act.

3. The grounds on which the Marwari community base their claim for representation on the Legislative Assembly and the Council of State are incontestable. These reasons have been set forth once and again and need not, therefore, be repeated here. My Committee, however, desire to avail themselves of the opportunity afforded by the invitation made by Government for suggestions which the public interests affected may advance, to impress on them the need of realising that any disregard of important interests such as those represented by the Marwari community is not only not in accord with, but is in complete contravention of, the spirit underlying the Reforms. A legislative assembly, said a great authority in political theory, ought to be a sort of reduced portrait of all the varied interests of society. It should reflect the aspirations and opinions of all the different classes of the nation somewhat as a topographical chart shows the configurations of the soil.

4. It is hoped by my Committee that when the constitution of the future Legislative Assembly and Council of State comes up for consideration before the informal Advisory Committee, which, it is proposed by Government to institute shortly for the purpose of consultation upon various questions arising with reference to the Reforms, Government will secure for the Marwari community adequate representation on the Legislative Assembly and the Council of State. Nothing short of two seats on the Legislative Assembly, one on the Council of State and three on the provincial legislative council in Bengal will, in the opinion of my Committee, be commensurate with the position that the Marwari community occupy in the country. One of the most important duties that the new legislatures will be called upon to perform will be the development of industries. It is amazing, therefore, that Government should be a party to a proposal which permits a community that plays so prominent a part in the commerce and industries of the country to go almost wholly unrepresented on those bodies.

5. As the Marwari community are scattered and form a minority everywhere, the only way to safeguard the important interest represented by them consists, in the opinion of my Committee, in providing special seats for them. The Marwaris number about one lakh in Calcutta alone. Besides, a very large number of them are spread all over British India, all engaged in trade. My Committee do not ask for separate electorates; special seats in the general electorates reserved for them would meet their needs.

6. It is often assumed that all Marwaris are as a rule subjects of Indian States. This is not true in fact. There are many among them who though born in Indian States have settled in British India. Besides, the vast majority of Marwaris now settled in British India, but whose ancestors came from Rajputana, were born in British India. This is proved by the last census figures. Out of about one lakh Marwaris resident in Calcutta, about twenty thousand were shown as born in Rajputana. The rest, 80,000, therefore could be taken to be born in British India. This shows the great difficulty of ascertaining with accuracy who are British subjects and who subjects of Indian States.

7. It has further to be borne in mind that Marwaris carrying on business in British India have very large stakes in British India in shapes of valuable landed properties and many old and important established business concerns. Though Marwaris have, as a rule, identified their interests with those among whom they have lived, it cannot be denied that their traditions, as also their habits and customs, are in many cases altogether different. Their needs and interests cannot, therefore, be expected to be understood and represented by members of other communities. The Marwari community do not press their claims for representation on the legislatures with a view to any continual aggrandisement, but because they feel that without adequate representation they cannot expect to serve Government and the country properly, which they are so anxious to do. If the Marwaris are not adequately represented on the legislatures it is not they alone who will suffer. The relegation of an important community like the Marwaris to a backward position would result in checking the progress of the entire people.

8. If in the Council of State two seats are to be reserved for European commerce, namely, one for the Bengal Chamber of Commerce and the other for the Bombay Chamber, the demand of my Committee for the allotment of one seat for Marwari business men is certainly not an extravagant one. In the Legislative Assembly Europeans have nine elective seats and Indian commerce only four. The Marwari community may very reasonably claim one elective seat in the Legislative Assembly. Another seat in the Legislative Assembly should be further reserved for them from among the nominated seats. The Southborough Committee in recommending that one member should be elected to the Legislative Assembly by the Bengal National Chamber of Commerce, the Marwari Association and the Mahajan Sabha failed to take into account properly the claims of the Marwari Association and community for adequate representation on the Legislative Assembly. Such an arrangement being on the face of it unfair and inequitable cannot but fail to satisfy the needs of the Marwari community.

9. My Association has been urging the need of providing for the representation of the interests of the Marwari community, which form an important section of the population of Bengal, on the provincial Legislative Council ever since the introduction of the Morley-Minto Reforms. Although the claims of the Marwari community have always been admitted, the very limited representation allowed to the Indian commercial community, which was considered to include the Marwari community, has so far prevented the allotment of any seat to representatives of the Marwari community. The Franchise Committee recommend that the Marwari Association should be allowed to elect one member to the Bengal Legislative Council. This is considered by my Committee to be quite inadequate. They suggest that the Marwari community of Calcutta, who represent about one-ninth of the population, and possess the same proportion of voting strength in the Municipal franchise, of the city, should, in addition, be empowered to elect one member to the provincial Legislative Council. This could very easily be arranged by reserving for them one out of the six seats set apart for Calcutta. Besides these, the Marwari community outside of Calcutta should have a seat reserved for them.

10. The important position that the Marwaris occupy among the various communities in the country justifies my Committee in submitting that they are fully entitled to the representation they claim on the future Legislative Assembly, Council of State and Legislative Council of Bengal. My Committee hope that the question of adequate representation of the Marwari community on the various legislatures will receive from Government full and careful consideration.

Demi-official letter from C. Y. CHINTAMANI, Esq., 14-A South Road, Allahabad, to SIR WILLIAM MARRIS, K.C.I.E., Reforms Commissioner, Delhi, dated the 30th January 1920.

I take the liberty of sending herewith a statement of suggested alternative composition of the Legislative Assembly. I beg you not to discard it at sight but consider it. In the "Leader," dated February 2, will be found an article discussing the composition of the Legislative Assembly as well as the Council of State and also the method of election to the latter body. I will send a marked copy of it. Our Association is also drawing up a representation and it will shortly be in your hands. I trust that you may find it possible to adopt at least some of our suggestions.

2. With kind regards to yourself and Mr. O'Donnell.

One enclosure.

Suggested alternative composition of Legislative Assembly.

	General.	Muslim.	Sikh.	Land-owners.	Europeans.	Indian Commerces.	Total.
Madras	10	3	...	1	1	1	16
Bombay	7	4	...	1	2	2	16
Bengal	5	7	...	1	3	1	17
United Provinces	10	5	...	1	1	...	17
Punjab	3	6	2	1	...	...	12
Bihar	6	3	...	1	...	...	10
Central Provinces	3	1	...	1	...	...	5
Assam	1	1	...	...	1	...	3
Burma	2	...	...	...	1	...	3
Benares Hindu University	1	...	...	...	...	...	1
Total	48	30	2	7	9	4	100

Dated Allahabad, the 6th February 1920.

From—The Hon'ble Dr. TAJ BAHADUR SAPRU, President, United Provinces Liberal Association, Allahabad.

To—The Secretary to the Government of India, Reforms Department, Delhi.

The Committee of the United Provinces Liberal Association, Allahabad, have considered the notification issued by the Government of India regarding the constitution of the Indian Legislative Assembly and the Council of State and submit the following representation on the subject.

2. With regard to the Indian Legislative Assembly, the Committee are of opinion that the number of seats allotted to the United Provinces, *vis.*, sixteen (16), is not adequate. These provinces have a population larger than any other province in India and contribute the largest amount of revenue to the Imperial Government with the only exception of Madras. Nor are these provinces in any way less important than Bengal. In all fairness, therefore, the number of seats for the United Provinces should be seventeen (17)—the number that is proposed for Bengal.

3. It appears that there has been a miscalculation as to Moslem seats. According to the Lucknow compact one-third of the Indian elected members should be Mahomedans, elected by separate Mahomedan electorates in the several provinces, *in the proportion as nearly as may be* in which they are represented in the Provincial Legislative Councils. Hence the total number of Moslem members should be 30 and not 29, while the number for these provinces, whether their total seats be 16 or 17, should be five and not six, being 30 per cent. of the total number of Indian elected members. The manner in which the distribution of seats will, in the opinion of the Committee, be best made, is shown in the tabular statement that will be found below.

4. The Committee urge that the total number of members allotted to these provinces should be 17, distributed as below:—

General—10, one member for each Division.

Moslem—5, one member for two Divisions.

Landholders—1.

Europeans—1.

5. My Committee are in complete agreement with the view that the election to the Legislative Assembly should be *direct*, and they would suggest the following electorate, which on the average will probably give about 250,000 voters in the whole province and about 25,000 voters on an average for each Division, in the general electorate:—

- (a) All landholders paying a revenue of ₹100 or more every year.
- (b) All tenants paying a rent of ₹200 or more every year.
- (c) All persons assessed to income tax.
- (d) All persons assessed to an annual municipal tax of ₹20 or more.
- (e) All persons in rural areas of corresponding status as those under (d).

The same qualifications should be fixed in the case of Moslems and Europeans. As to landholders, the Committee think that the present electorate of persons paying a revenue of ₹10,000 and more every year be maintained, as in their opinion it will serve no useful purpose to lower the qualification, as other landholders will take part in the general electorate.

6. The Committee would further represent that as the Benares Hindu University is an All-India institution, one seat in the Legislative Assembly should be given to that University and its electorate may be the members of the Court and the Senate. Other Universities in British India have been accorded representation in the Provincial Councils, and if the Hindu University be not given representation in the Assembly it will be in the invidious position of being the only University that is left out altogether. This, my Committee submit, ought not to be. There is the greater reason in the suggestion as the 'Benares Hindu University' will be an All-India subject.

7. The following is the suggested alternative composition of the Legislative Assembly:—

	General	Moslem.	Sikh.	Land-owners.	Europeans.	Indian Commerce.	TOTAL.
Madras	10	3	...	1	1	1	16
Bombay	7	4	...	1	2	2	16
Bengal	5	7	...	1	3	1	17
United Provinces	10	5	...	1	1	1	17
Punjab	3	6	2	1	...	...	12
Bihar	6	3	...	1	...	...	10
Central Provinces	3	1	...	1	...	...	5
Assam	1	1	...	...	1	...	3
Uurma	2	...	...	...	1	...	3
Benares Hindu University	1	...	...	...	...	...	1
TOTAL	48	30	2	7	9	4	100

8. With regard to the Council of State, my Committee urge, for the same reasons as have been urged in the case of the Assembly, that six seats (four general, and two Moslem) should be allotted to these provinces.

9. The Committee, however, beg to differ from the Government as to the method of election. They think that the election of the members for the Council of State should be *indirect* and they suggest that the non-official members of the Provincial Legislative Council should form the electorate. My Committee do not find that there is anything in the Report of the Joint Committee against the view that they urge. A second or revising chamber does not stand on the same footing as the popular House. What is wanted in the case of the former is an intelligent and responsible minded body of men who will perform the task of revision in a competent manner. No electorate that can be suggested for direct election to the Council of State, regard being had to the necessary limitation of numbers, can, in the opinion of my Committee, be devised in the provinces so as to fulfil the two requirements that as far as possible it may be truly representative and include a large number of competent persons. The electorate proposed by the Government of India will only give representation to the wealthiest section of the community diluted to a very small extent by men belonging to the upper middle class. On the other hand, the non-official members of the Provincial Legislative Council will be persons who represent some millions of people and it may also be reasonably expected that they will be about the most competent body of men that could be got together. The Committee notice that it is proposed that the European representatives in the Council of State should be elected by the European Chambers of Commerce. For the same reason that has led the Government of India to propose this instead of a direct electorate in the case of Europeans, my Committee suggest that the non-official members of the Provincial Legislative Council should be the electorate to return the Indian members. The Moslem seats can be filled either by the introduction of proportional representation or by the constitution of the Moslem members of the Provincial Council as a separate electorate. Then, only the non-Moslem and non-European members of the Council will constitute the general electorate.

10. The Committee are of opinion that candidates for the Council of State should be those who are thirty five years of age or more and pay revenue or rent of Rs. 5,000 a year, or pay income-tax on an income of Rs. 5,000 a year, or pay rent, or revenue and income-tax, together on an aggregate income of Rs. 5,000 a year, or have at any time been members of the Indian Legislative Council or any of the Provincial Legislative Councils.

From

The President,
C.P. Congress Committee,

Drugs: Nagpur
Drugs
Balaghat

To

The Secretary,
Reforms Department,
Government of India,
Delhi.

Nagpur dated the 26th of January
1920.
3rd February.

Sir,

With reference to the Government communique dated 8th January 1920 on the proposed allocation of seats to the different provinces in the Imperial Legislative Assembly and the Council of State I am directed by the Central Provinces Provincial Congress Committee to represent as follows :-

(1) My committee regrets that in the allocation of seats the claims of the Central Provinces have not been adequately considered both in respect of the Legislative Assembly and the Council of State. It is not known on the strength of which considerations the Central Provinces should have been proposed to be neglected, but so far as my Committee can think there are no reasons which can justify the treatment.

(2) My committee brings to the notice of the Government that in the Montague-Chelmsford Report the total number of elected members to the Legislative Assembly as proposed was 68 and the seats were distributed as under :-

Madras.	...	11
Bombay.	...	11
Bengal.	...	11
United Provinces.	...	10
Punjab.	...	7
Bihar & Orissa.	...	7
Central Provinces.	...	5
Burma	...	3
Assam	...	2
Delhi	...	1

Total.. 68

(vide para. 274 of the Montague-Chelmsford Report).

It will be seen from this distribution that the Central Provinces were proposed to be given 5 seats in the Legislative Assembly. It may be observed that the Central Provinces did not think that their claims were adequately met by giving them only five seats in as much as the Revenue of the Central Provinces was larger than Bihar and Orissa which was given seven seats.

(3) In accordance with the Communique under consideration the elected seats in the Legislative Assembly have been increased to 100 and in spite of the increase in the total elective element the Central Provinces are proposed to be given the same number as proposed in the Montague-Chelmsford Report i.e.,-5. My Committee respectfully asserts that it would be unfair to these Provinces if this allotment is not altered and would in consequence cause much dissatisfaction. Even if the distribution is allowed to rest on the

basis

basis recommended in the Montague-Chelmsford proposals, by rule of proportion the Central Provinces ought legitimately to get eight seats in the Legislative Assembly. If to this is added the fact of these Provinces yielding larger revenue than Bihar and Orissa, my committee urges that Central Provinces should at least be placed on footing of equality with Bihar and Orissa in respect of the allocation of seats. My committee urges that the 100 elected seats should be distributed as under :-

Madras.	14
Bombay.	14
Bengal.	14
United Provinces.	13
Punjab.	11
Bihar & Orissa...	10
Central Provinces.	10
Assam	6
Delhi.	2
Burma.	6
	<hr/>
	100

My committee feels sure that the distribution will meet the requirements of all Provinces.

(4) In respect of the Council of State a similar disparity is evident and the considerations urged in regard to the allocation of seats in the Legislative Assembly apply also to the distribution of seats in the Council of State and so my committee does not think it necessary to traverse the same ground again. My committee urges that the 34 elected seats in the Council of State should be distributed as below :-

Madras

Madras.	...	4
Bombay.	...	4
Bengal.	...	5
United Provinces.	...	4
Punjab.	...	3½
Bihar & Orissa.	...	3½
Central Provinces.	...	3
Assam	...	2
Burma	...	2
Delhi	...	1
Chambers of Commerce of Bengal and Bombay.		2
Total.		34

The Central Provinces should ordinarily get 3½ seats in the Council of State, but as Delhi get at least one seat therein my committee has claimed 3 seats.

We beg to observe that the present distribution of seats would result in the appropriation of large majority of seats by the four Provinces of Madras, Bombay, Bengal and United Provinces.

I have the honour to be,

Sir,

Your most obedient servant,

Sd.

Dated "Dilkusha," Bhawanipur Calcutta, the 29th January 1920.

From—Mr. SRINATH DUTT, Senior Gilchrist Scholar of the year 1871; Recipient of Coronation Certificate of Honour for Loyalty; First Manager of National Tea Company, Assam; Late Honorary Magistrate and Municipal Commissioner in Burdwan, (1897-1901); Late Manager and Assistant Manager under Court of Wards for 27 years in Mourbhanja State, Burdwan Raj, Ranchi, Hathua, Calcutta (Gopal Seal's Estate), etc., etc.

To—The Secretary to the Government of India, Home Department, Reforms Branch, Delhi.

I have the honour to invite your attention to the following in paragraph 3 of the memorandum of the Government of India which was annexed as an Appendix III to their fifth despatch on Franchise to the Right Honourable Secretary of State for India:—"If it becomes necessary to have recourse to indirect election, they consider that there should be a material difference of method between indirect elections to the Indian Legislative Assembly and to the Council of State" (page 396), and to enclose herewith a note on *Direct Electorate of the Indian Assembly*, suggesting a method of indirect election for it, which is little removed from direct election, on a wide franchise for the Bengal Presidency.

2. May I beg the favour of your perusal of it and of its submission to His Excellency the Governor-General of India in Council.

Annexure.

A note on Direct Electorate of the Indian Legislative Assembly.

REFORMS.

DATED 2ND FEBRUARY 1920.

Direct Electorate for the Indian Legislative Assembly.

In a communiqué from Delhi announcement is made how the hundred elected members recommended by the Parliamentary Joint Committee will be distributed amongst the various provinces under the Government of India. I give a table showing the members recommended now and those recommended by the Southbrough Committee, the former marked (A) and the latter (B).

Provinces.	General.		Muslim.		Sikh.		Landowners.		European.		Indian Commerces.		TOTAL.	
	A	B	A	B	A	B	A	B	A	B	A	B	A	B
Bengal	6	5	6	3	Nil	Nil	1	2	3	2	1	1	17	18
Madras	10	7	3	3	Nil	Nil	1	1	1	1	1	1	16	12
Bombay	7	4	4	3	Nil	Nil	1	2	2	1	2	2	16	12
United Provinces	8	6	6	3	Nil	Nil	1	2	1	1	Nil	Nil	16	12
Punjab	3	3	5	4	2	1	1	2	Nil	Nil	Nil	Nil	11	9
Bihar and Orissa	6	3	3	2	Nil	Nil	1	1	Nil	Nil	Nil	Nil	10	9
Central Provinces	3	4	1	1	Nil	Nil	1	Nil	Nil	Nil	Nil	Nil	5	5
Assam	2	1	1	1	Nil	Nil	Nil	Nil	1	1	Nil	Nil	4	3
Burma	3	4	Nil	Nil	Nil	Nil	Nil	Nil	1	Nil	Nil	Nil	4	4
Delhi	Nil	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	1
Total	40	40	29	19	2	1	7	10	9	6	4	4	100	80

The 20 additional seats recommended by the Parliamentary Committee, are distributed thus :—4 to Bengal, 3 to each of Madras, Bombay and the United Provinces, 2½ to the Punjab, 1½ to Behar and Orissa and 1 to Assam. The general community gains 9 seats, Muslim Community 10, Sikh Community 1 and British Commerce 3, while the landholding community, including Sikhs, forfeit 3 seats.

2. It is not possible to prevent the landholders and landlords from getting themselves returned to the Indian Legislative Assembly through "general" and other communal electorates. So there should be no special electorates for the zamindars and landholders at all in Bengal at any rate. But as the Maharaja Dhiraj Bahadur of Burdwan put it at the discussions of the Bengal Government with the Southborough Franchise Committee "for the present the special electorate for the landholders should be retained, in order to encourage the big landlords to take part in public life. Owing to the system of Putni Talus these men have not been in direct touch with their tenants. The smaller landholders who were in direct touch with their tenants could come in through the territorial electorates."

"For the present" therefore special electorates may be allowed for the landlords; but their number should be small as there is no doubt that nearly a half of the "General" and "Muslim" representatives from Bengal to the Indian Assembly will be landlords and their sympathisers and dependents, whether the electorates of that Assembly be direct or indirect. There is wisdom in the proposal of reducing 10 to 7 in the numbers of zamindars' representatives by special electorates to the Indian Assembly, and in the abolition of credal or communal distinction, which was unfortunately proposed to be retained by the Southborough Committee.

3. There is to be one representative for the zamindars from each of the major provinces. The zamindars are all birds of the same feather, whether they are Hindus or Mussulmans or Christians or spring from high class Brahmins and Kayasthas or from castes like the Sonarbenias shahas, etc., whom the Southborough Committee have framed as "untouchable."

4. If there be any jealousy between the zamindars of Agra and Oudh or between those of East Bengal and West Bengal or between the Hindu zamindars and Mussalman zamindars of the same provinces, the big landlords must make up their internal dissensions as they may best. The proposal of having one representative for each province without distinction of creed, caste and race is the beginning of abolishing all such distinctions in times to come. If it be found after 12 years that no landlord or zamindar has succeeded to get into the Indian Assembly through "General," Mussulman or Sikh electorates, the number of zamindars representatives by special electorates or territorial but not credal may be considered then.

5. The fight in the future will be not between English capital and Indian capital, but between capital and labour. The representatives of capital have been raised from 10 to 13. This is an improvement; but the racial distinction has been maintained. If the credal distinction amongst Hindu, Mussalman and Sikh zamindars has been removed, why not the racial distinction between Indian and European capitalists? There can be no doubt that interest of British and Indian capitalists will become more and more identical every year.

(6) *Direct election*: *The Simla Communiqué* says:—For the Indian Legislative Assembly it is proposed that the election should be direct. This must be a matter of great satisfaction to the all Provincial Government, although they failed to suggest any scheme of direct election and displacing the present system of the representatives of the Indian Assembly being elected by a close body like the members of the Provincial Councils.

(7) *Size of the electorates*: *The Communiqué* says:—The Franchise should be so framed as to yield an electorate bearing the same proportion to the provincial electorates as the provincial quota of seats to the Legislative Assembly does to the general and communal elective seats in the Provincial Councils. In Bengal, 1,225,000 electors will choose 75 members. This comes to over 16,000 electors per member. Does the rule laid down above mean that

an electorate of the Indian Assembly will consist of $\frac{1}{4} \times 16,000$, or 2,560 voters in Bengal?

(8) The best electorates to start with would be what were suggested by the Bengal Government in their letter No. 877-A of 4th February last, namely "to form constituencies out of the members of District Boards, Local Boards, Union Committee and Municipalities to start with" and out of the members of the Village Union Boards created under village Self-Government Act and members of Municipalities in rural areas, when the Village Union Boards have taken the place of Union Committees. The Bengal Government estimate that we may have at once between 2,000 and 3,000 voters to elect ten representatives of rural areas for the Indian Assembly, and, I think, 15,000 to 20,000 voters when the Village Union Boards have been constituted. The average member of voters for a Bengal representatives of the general community in the Indian Assembly is now 17; the Southborough Committee reduced it to 13. If the proposal of the Bengal Government be accepted, the number of voters per seat will be between 200 and 300 at once, and between 1,500 and 2,000 from the second general election. Matters have been simplified by special electorates for representation of the landholding and commercial interests in the Indian Assembly. Gradual increase of the size of electorates as I submit, a corollary to the gradual introduction of responsible self-Government in India. This has been the case in England from the year 1832 up to date. There is some risk of the rural electorates of Bengal breaking down on account of unmanageable large size. Because risky experiment is being tried for the Provincial Councils with inordinately large electorates is no justification to try another risky experiment with the electorates of the more august Assembly for all British India.

9. When the Government of Bengal suggested their alternative scheme of direct electorate for the Indian Legislative Assembly in their letter No. 877-A of the 4th February last, in reply to the request of the Southborough Franchise Committee for the same, they anticipated the following objections to it:—

- (i) The process of the Village Union Boards being substituted for the Union Committee under the village self-Government Act will take some time to carry out.
- (ii) The electorate formed of members of Village Boards and rural Municipalities would be extremely scattered.
- (iii) The electorate would not be homogeneous.
- (iv) The electorate would not be very large relative to total population.
- (v) Election of Indian Assembly by local bodies even by Village Boards and rural Municipalities would be a form of indirect election.

10—Reply.

(i) We may not have Village Union Boards substituted for all the Union Committee before November next, but by November of 1923, the process will be complete. For the first election we may have members of the District Boards, Municipalities and Local Boards to elect a Hindu and a Muslim representative one for each division. If there be 2,000 to 3,000 persons—the picked men of the rural areas after the zemindars and the merchants have been specially provided for in the Indian Assembly—we shall have in average 200 to 300 persons to form an electorate scattered over the whole division. These are well known men, and the electoral rolls can be framed in half a day. These men are competent to attend the polling stations either at the Divisional headquarters or District headquarters. They have faithfully discharged their duty of electing members of the Provincial Council and there is no reason to think that they will fail badly in electing members, one for each division again on the Indian Assembly. This will be only for the first election. For the second election, the members of the village Union Board, numbering about 15,000 to 18,000 will be ready to take up the work in association with the members of rural municipalities.

These 2,000 or 3,000 members of the District Boards, rural municipalities and Local Boards will represent the feelings, opinions and prejudices of the "general" and "Mussulman" community better than the 100 members of the Provincial Council, suggested by the Southborough Committee.

(ii) *Election scattered*.—This objection is not clear. When a member will be elected for an entire division, his electors or constituents must be drawn from 16 or 18 sub-divisions, of which in average it is constituted. The constituents must be such persons who can be easily identified, who may travel at their own expenses to Divisional and District headquarters to listen to election addresses of the candidates and elected members and to record votes, who have some experience to conduct affairs and who are above ordinary temptation. Is it possible to find out another class of men like the members of Village Union Boards and rural municipalities, who will satisfy these conditions better? Don't bring in the zemindars, merchants for whom special electorates have been devised, or the sections of educated classes, who flatter themselves to be too august to help the Municipalities and Village Boards with their time and wisdom.

(iii) *The electorates not homogeneous*.—The Franchise Committee of Lord Southborough have rightly separated the Urban Municipalities from the Rural Municipalities, which are hardly distinguishable from the large villages of Bengal. Out of six seats one should be allotted by the Muslims and non-Muslims each, for the urban areas. This seat may be filled up by the votes of members or electors of the Urban Municipalities, preferably by the latter.

As to the sort of people that live in rural municipalities and under Village Union Boards or Union Committees, it cannot be honestly asserted that there is any want of homogeneity. There is no difference in the character, interest, learning or ignorance of the people of one sub-division or police-station and that of another that lie in the same division. What is the difference between the people of Cutwa and Contai in Burdwan Division, or between those of Netrokona and Patnakhali in Dacca Division, or between Pabna and Naogaon in Rajshahi Division. It seems impossible to believe that the objection of want of homogeneity, when Divisional electorate is formed out of members of Village Boards and rural municipalities, was honestly raised.

(iv) *The electorate would not be large*. The size of an average electorate for general and Mussulman community is proposed to be 7,000 in Madras, 9,000 in Bombay, 16,000 in Bengal, 18,000 in the United Provinces, 5,000 in the Punjab, 9,000 in Bihar and Orissa, 3,000 in Central Provinces and 10,000 in Assam for Provincial Councils. It is admitted that the electorates of Bengal and United Provinces are unmanageably large and that the largeness of the size should be reduced by doubling the number of members of the provincials.

Now if the size of an electorate for the Provincial Council be, say 10,000, I venture to submit that the size of an electorate for the Indian Legislative Assembly should not exceed 1,500 or 2,000 at the start. If ten representatives of the general and Muslim community are elected by 2,000 to 3,000 members of district and local boards and rural municipalities for the first election, we shall have 200 to 300 members for each member. From the second election when the Village Union Boards, with 9 members each, shall have been constituted, we shall have some 2,000 boards with 18,000 members. If 200 members of rural municipalities be added, then there will be 20,000 persons available to elect 10 members, 2 for each division, one by the Mussulmans and the other by the Hindus.

(v) *The election would be still indirect*. I do not think this objection to be fair. The electors suggested by the Bengal Government live, move and have their being amongst the people. They share in their daily pleasures and sorrows. Every echo of joy and woe reaches their ears. They cannot leave the people in ill-health and insanitation without themselves sharing the evil thereof. So the evil of indirect election is entirely absent when the 4,000 chosen men of a division take their place, because it is impossible for nine millions of them to congregate at a polling station or a public meeting.

The members of Village Boards and rural municipalities shall have a good training in understanding public life from what they shall have to deal

with in those institutions. If a Village Board will deal with an area inhabited by 20,000 persons, the nine members that they shall select and will be selected for them, will be the best men of the area concerned. There is no reason to imagine that they will be worse men than any other body that may be thought of. The zemindars and merchants, for whom separate electorates have been provided, are not excluded from membership of Village Board and rural municipalities, if they have the trust and confidence of their neighbours. In a country of small holdings and cottage industries and small shops, one sieving is necessary in order to reduce the number of voters and frame manageable electorates. No evil of indirect election can be expected out of the scheme propounded by the Bengal Government.

11. An additional motive for working as members of the Village Union Boards and rural municipalities will be afforded by selecting them as voters of the electorates for the Indian Assembly. This incidentally ensures the success of the newly formed Village Union Board.

"DILKUSHA"
BHAWANIPUR CALCUTTA :
Dated the 29th January 1920.)

SRINATH DUTT.

Dated the 11th February 1920.

From—The Vice-Chancellor, Benares Hindu University.

To—The HON'BLE SIR WILLIAM MARRIS, K.C.S.I., C.I.E., Reforms Commissioner, Delhi.

With reference to the draft notification of the Government of India, relating to the composition of the Legislative Assembly, I have the honour to submit the following representation on behalf of the Council of the Benares Hindu University.

In the Scheme proposed for the constitution of the Provincial Legislative Councils under the Government of India Act, passed in December last, every University existing in British India, except the Benares Hindu University, has been constituted a constituency for returning a member to the Legislative Council of the province in which it is situated. In Bengal it has been provided that the Dacca University also will, when constituted, have the right to send a representative to the Provincial Legislative Council.

The Council understand that the privilege of electing a representative to the Provincial Legislative Council has not been conferred on the Benares Hindu University because this University is an all-India University. But they submit that for that very reason the franchise should be conferred on the Benares Hindu University in respect of the Legislative Assembly of India.

It is scarcely necessary to dwell upon the all-India character of the University. The Government is aware that His Excellency the Viceroy is the Lord Rector of the University, His Highness the Maharaja of Mysore, the Chancellor, His Highness the Maharaja Scindia of Gwalior, the Pro-Chancellor, the Governor of every province of British India and the Rulers of a number of Indian States are its patrons, and other representatives of learning and wealth belonging to various provinces of India are its supporters and therefore members of its Court and its Senate. In moving for leave to introduce the Benares Hindu University Bill, the Hon'ble Sir Harcourt Butler, the then Member for Education, truly observed as follows :—

“It (the Benares Hindu University) is open to students from every province and Native State in India. Schools preparing for admission in it may be situated in any province or Native State in India. Its governing body is recruited from the length and breadth of India. It will send forth its *alumni* to every quarter of India. It will number among its patrons Governors and Heads of Provinces, Ruling Chiefs and other eminent benefactors in all parts of India. If ever there was an all-India University, it is this.”

As the Benares Hindu University represents the first non-official venture in the field of University education and has been organised with the full approval and support of the Government of India—with a view to give the University the status and privilege so essential to its success, the Government was pleased to lay down in section 16 of the Benares Hindu University Act (XVI of 1915) that—

“the degrees, diplomas, certificates and other academic distinctions granted by the University, shall be recognised by the Government to the same extent and in the same manner as the corresponding degrees, diplomas, certificates and other academic distinctions granted by any other University incorporated by an Act of the Governor General in Council.”

In the case of the Provincial Legislative Councils the Joint Select Committee of the two Houses of Parliament on the Government of India Bill have recommended that “the franchise for the University seats should be extended to all graduates of over seven years' standing.” The Council respectfully submit that it will be a great discouragement to the scholars and students who have joined, and to those who may wish to join, the Benares Hindu University if a privilege similar to that which has been extended to every University in respect of Provincial Legislative Councils is not extended to the Benares Hindu University in respect of the Legislative Assembly. It is essential for maintaining the status of the University and for attracting the best scholars

and students to it that they should have an opportunity for taking part in the expanding public life of the country, particularly in the direction of promoting public education, similar to what their compeers belonging to other Universities will have. The Council earnestly hope that in conformity with the spirit of the generous provision of law referred to above and with the policy of encouragement which the Government has pursued towards this University since its inception, the Government will be pleased to extend the franchise to the graduates of the Benares Hindu University, to be exercised by them along with the members of the Court and the Senate of the University, by allowing them to return a representative to the Legislative Assembly of India.

The Council of the University feel grateful that when deciding that education as a whole should, with certain reservations, be a transferred subject, the Government reserved the Hindu University as a Government of India subject. In view of the all-India character of the University this was the only decision which could justly be arrived at. But as a natural result, legislation relating to the Hindu University will have to be dealt with by the Legislative Assembly and the Council of State. In view of this fact also representation should be provided for the Hindu University in the Legislative Assembly.

The Council beg to submit that if the franchise had been based on a territorial basis only, they might not have urged the claim of the University for representation. But as the schemes which have been adopted justly provide for the representation of special interests, and the franchise has been conferred on every other University, it should be extended to the Benares Hindu University also.

The Council earnestly hope that this representation will receive the favourable consideration of the Government.

Demi-official, dated 4th February 1920.

From—Hon'ble Dewan Bahadur M. RAMA CHANDRA RAO AVARGAL.

To—The Hon'ble SIR WILLIAM MARRIS, K.C.I.E., I.C.S., Commissioner Reforms.

Many thanks for your letter of the 28th January. I am greatly obliged to you for the very early intimation of the decision of the Government of India. Lord Willingdon told me, after his return from Delhi, that I have to go to Delhi and I may be called up any day. I was, therefore, making arrangements for the transaction of my business during my absence and your letter arrived quite in time.

I am enclosing herewith a note on the subject of the Indian Legislative Assembly and the Council of State.

Is there any intention of undertaking legislation similar to the Ballot Act in England? With a large extension of the electoral system I think that something on the lines of the Ballot Act is necessary. Is it proposed to deal with these matters in the regulations?

Note on the proposals of the Government of India in regard to the Indian Legislative Assembly and Council of State.

I am in general agreement with the proposals for the constitution of the Indian Legislative Assembly. This Assembly will have to deal with questions of the widest importance relating to trade and commerce, customs and tariffs, and inter-provincial questions, emigration, currency, financial and similar questions affecting India as a whole. There is, therefore, no necessity in the Assembly of any sectional or communal interests. I am saying this not at all to object to the representation of the Muslim interests or to the representation of the land-owning interests as suggested in present proposals, but to point out that all attempts to further extend the communal principle to the Indian Legislative Assembly and the Council of State is unjustifiable. The non-Brahmins of Madras have now put forward such a claim after the publication of the proposals of the Government of India. They have not put forward any such claim before the Joint Committee and their whole case was confined to representation in the local councils. I hope, therefore, that the Government of India will not entertain these proposals or any other proposals having for their aim the further extension of the communal principle.

2. I suggest that the ten general seats may be distributed as follows among ten groups of districts :—

- | | |
|--|---|
| (1) Ganjam.
Vizagapatam. | (6) Chingulput.
North Arcot.
South Arcot. |
| (2) Godavari.
Kistna. | (7) Salem.
Coimbatore.
The Nilgiris. |
| (3) Guntur.
Nellore. | (8) Malabar.
South Canara. |
| (4) Cuddapah.
Chittore. | (9) Tanjore.
Trichinopoly. |
| (5) Bellary.
Anantapur.
Kurnool. | (10) Madura.
Ramanad.
Tinnevelly. |

I would also suggest another seat may be allotted to the city of Madras and that the total for this Presidency should be raised from 16 to 17.

3. As regards the franchise to the Legislative Assembly I have a feeling that under the proposals of the Government of India the Indian Legislative

and students to it that they should have an opportunity for taking part in the expanding public life of the country, particularly in the direction of promoting public education, similar to what their compeers belonging to other Universities will have. The Council earnestly hope that in conformity with the spirit of the generous provision of law referred to above and with the policy of encouragement which the Government has pursued towards this University since its inception, the Government will be pleased to extend the franchise to the graduates of the Benares Hindu University, to be exercised by them along with the members of the Court and the Senate of the University, by allowing them to return a representative to the Legislative Assembly of India.

The Council of the University feel grateful that when deciding that education as a whole should, with certain reservations, be a transferred subject, the Government reserved the Hindu University as a Government of India subject. In view of the all-India character of the University this was the only decision which could justly be arrived at. But as a natural result, legislation relating to the Hindu University will have to be dealt with by the Legislative Assembly and the Council of State. In view of this fact also representation should be provided for the Hindu University in the Legislative Assembly.

The Council beg to submit that if the franchise had been based on a territorial basis only, they might not have urged the claim of the University for representation. But as the schemes which have been adopted justly provide for the representation of special interests, and the franchise has been conferred on every other University, it should be extended to the Benares Hindu University also.

The Council earnestly hope that this representation will receive the favourable consideration of the Government.

Demi-official, dated 4th February 1920.

From—Hon'ble Dewan Bahadur M. RAMA CHANDRA RAO AVAREAL.

To—The Hon'ble Sir WILLIAM MARRIS, K.C.I.E., I.C.S., Commissioner Reforms.

Many thanks for your letter of the 28th January. I am greatly obliged to you for the very early intimation of the decision of the Government of India. Lord Willingdon told me, after his return from Delhi, that I have to go to Delhi and I may be called up any day: I was, therefore, making arrangements for the transaction of my business during my absence and your letter arrived quite in time.

I am enclosing herewith a note on the subject of the Indian Legislative Assembly and the Council of State.

Is there any intention of undertaking legislation similar to the Ballot Act in England? With a large extension of the electoral system I think that something on the lines of the Ballot Act is necessary. Is it proposed to deal with these matters in the regulations?

Note on the proposals of the Government of India in regard to the Indian Legislative Assembly and Council of State.

I am in general agreement with the proposals for the constitution of the Indian Legislative Assembly.* This Assembly will have to deal with questions of the widest importance relating to trade and commerce, customs and tariffs, and inter-provincial questions, emigration, currency, financial and similar questions affecting India as a whole. There is, therefore, no necessity in the Assembly of any sectional or communal interests. I am saying this not at all to object to the representation of the Muslim interests or to the representation of the land-owning interests as suggested in present proposals, but to point out that all attempts to further extend the communal principle to the Indian Legislative Assembly and the Council of State is unjustifiable. The non-Brahmins of Madras have now put forward such a claim after the publication of the proposals of the Government of India. They have not put forward any such claim before the Joint Committee and their whole case was confined to representation in the local councils. I hope, therefore, that the Government of India will not entertain these proposals or any other proposals having for their aim the further extension of the communal principle.

2. I suggest that the ten general seats may be distributed as follows among ten groups of districts:—

- | | |
|--|---|
| (1) Ganjam.
Vizagapatam. | (5) Chingalpet.
North Arcot.
South Arcot. |
| (2) Godavari.
Kistna. | (7) Salem.
Coimbatore.
The Nilgiris. |
| (3) Gunter.
Nellore. | (8) Malabar.
South Canara. |
| (4) Cuddapah.
Chittoor. | (9) Tanjore.
Trichinopoly. |
| (5) Bellary.
Anantapur.
Karnool. | (10) Madras.
Ramanad.
Tinnevely. |

I would also suggest another seat may be allotted to the city of Madras and that the total for this Presidency should be raised from 16 to 17.

3. As regards the franchise to the Legislative Assembly I have a feeling that under the proposals of the Government of India the Indian Legislative

Assembly will be essentially a house of the representatives of the land-holding classes. I am not, however, in a position to suggest any better scheme of direct representation than the one suggested by the Government of India and accept it as generally satisfactory.

The Council of State.

4. In their report on clause 18 of the original Bill the Joint Committee state "Under the scheme which the Committee propose to substitute for this procedure there is no necessity to retain the Council of State as an organ for Government, Legislation. It should, therefore, be reconstituted from the commencement as a true Second Chamber. The Franchise Committee advise that the non-official members should be elected by the same group of persons as elect the members of the Legislative Assembly and in the same constituencies. This is the plan which the Committee could, in no circumstances, accept. They hope and believe that a different system of election for the Council of State can be devised by the same time the constitution embodied in the Bill comes into operation." The Joint Committee have not pronounced any opinion on the method of election as to whether it should be direct or indirect. In their despatch of the 5th March 1919, the Government of India proposed the constitution of the Council of State by a system of direct election and they have adhered to that view now. The Government of India propose an electorate of 2,000 persons for the Council and I feel very great hesitation without knowing more of the process by which these two thousand persons will be selected to express an opinion as to whether such an electorate will be a suitable one for the Council of State. If these two thousand men are to be chosen on the basis of higher property qualifications than those possessed by the voters for the Indian Legislative Assembly, the Council of State will be a house of property owners in permanent opposition to the popular body. I do not think it is desirable to constitute a Second Chamber representative of the most wealthy in the country as a counterpoise to the Indian Legislative Assembly. I consider that the Second Chamber needs to be composed of persons of ripe wisdom and judgment, not representative of any one class or interest and also inclusive of legal and administrative training and experience. In present circumstances, I do not think that a satisfactory Council of State can be constituted on the lines proposed by the Government of India. The electorate will be too largely composed of very wealthy individuals. Under these circumstances I feel that the elected members of the Provincial Legislative Councils will be a better electorate for choosing the four representatives of the Council of State. There should not be any objection to this course now. The Indian Legislative Assembly is, under the present proposals, to be constituted by a system of direct election and the objection raised by the Joint Committee is to some extent removed by this proposal.

5. In regard to the constitution of a Second Chamber for the whole of India the question may have to be considered as to whether the Council of State should be a body representative of the people of the provinces, or of the provincial legislatures, or of the provincial governments. I think the Council of State should be represented by the provincial legislatures and of the provincial governments and not of the people, the members to be partly elected by the provincial legislatures and partly nominated by the provincial governments. The example of the South African Union is in point where the Central Government was reconstituted for the first time on a bicameral basis, it was the provinces that were asked to elect the members of the Senate and not the people of the provinces.

In the United States, in Switzerland as well as in South Africa, the electorate is the provincial legislature. Direct representation is limited to the Lower House, and the Upper House is recruited by indirect representation. It is true that in Australia we have a system of direct election and a common electorate sends representatives to the Upper as well as the Lower House of the Federal Legislature. Presumably following this plan, the Franchise Committee recommended that the same body that returns the members of the Indian Legislative Assembly, should also return the members of the Council

of State. The consequences of the Australian system, as has been pointed out by the Earl of Selborne, is that not frequently it has been found that the Senate is less conservative than the Lower House. For this very reason presumably the Joint Committee, presided over by Lord Selborne, resisted the proposals of the Franchise Committee and have declared that plan proposed by them could, under no circumstances, be accepted. I am not, therefore, prepared to support the proposal for the constitution of Upper Chamber with an electorate of 2,000 wealthy men in a presidency having an area of 1,42,000 square miles and a population of 42 million. The elected members of the Provincial Legislative Council are a better representative body and in every way competent to elect representatives to the Upper Chamber. An electorate of 2,000 in the whole presidency would necessarily be limited to men of the highest wealth who may prove to be a clog to all progressive legislation. The only feasible course would be to follow the system in vogue in the countries above mentioned and to constitute the Provincial Legislative Council as the electorate in the case of the Council of State. I would also suggest that the Provincial Government as a whole should be allowed to nominate a member of the Council of State, out of the 26 nominated seats at the disposal of the Government of India.

16
Government of India,
Reforms Office.
Delhi, February 10, 1920.

D.O.No. 198-7

Dear *h. Sastri*

In continuation of my letter No. 186-F, dated February 9, 1920, I am desirous to forward herewith draft rules under section 7(4) of the Act, together with exemplar rules for the guidance of local Governments in the framing of their subsidiary regulations, and to say that these also will be discussed at the meeting of the informal advisory committee.

Yours sincerely,

J. P. S. Sastri

The Hon. Mr. Srinivasa Sastri, Avargal.

I. The Legislative Council of
shall consist of—

Composition
of Legisla-
tive Council.

- (a) members of the Executive Council
ex-officio;
- (b) elected members;
- (c) members nominated by the Governor of whom (1) not more than may be officials, and (2) shall be persons nominated to represent the following classes or interests:—

Elected Members.

II. The elected members shall be ^{Constitu-} elected by the constituencies set out ^{encies.} below, and the number of members to be elected by each constituency shall be as respectively stated against that constituency:—

III. (1) No person shall be eligible for ^{General} election as a Member of the Council if ^{disqualifica-} such person— ^{tions for} ^{being elected.}

- (a) is not a British subject; provided that the Government of may direct that subject to such conditions as it may prescribe, a Ruler of any State in India or the Rulers of any such States or a subject of any such State or any class of such subjects, shall be eligible for election; or
- (b) is a female; or
- (c) is already a member of another Legislative Council in India or of either chamber of the Indian Legislature; or
- (d) has been dismissed or is under suspension from practising as a legal

practitioner by order of any competent court :

Provided that the last mentioned disqualification may be removed by an order of the Governor in Council in this behalf.

- (e) has been adjudged by a competent court to be of unsound mind ; or
- (f) is under 25 years of age ; or
- (g) is an undischarged insolvent.

(2) A person who has been sentenced by a Criminal Court to imprisonment for a period of more than six months (such sentence not having been reversed or the offence pardoned) shall not be eligible for election for five years from the date of the expiration of the sentence.

Special qualifications for election in case of certain constituencies.

IV. A person shall not be eligible for election as a Member of the Council to represent

(Here will be inserted qualifications for election to represent certain constituencies, e g., in Madras,

(1) An urban or rural constituency, unless such person is registered as an elector in an urban or rural constituency within the Presidency ; or

(2) a European, Anglo-Indian, Indian Christian, zamindars', landholders' (other than zamindars), university, planting, or Commerce and Industry constituency, unless such person is registered in the constituency for which he seeks election).

The Right to elect.

General conditions of registration and disqualifications.

V. Every person shall be entitled to have his name registered on the electoral roll of a constituency who has the qualification prescribed for an elector of that constituency and who is not subject to any of the disqualifications hereinafter set out : Namely,—

- (a) is a female, or
- (b) is under 25 years of age, or
- (c) is not a British subject, or
- (d) has been adjudged by a competent court to be of unsound mind :

Provided that the Government of may direct, subject to such conditions as it may prescribe, that a Ruler of any State in India or the Rulers of any such States or a subject of any such State or any class of such subjects shall not be disqualified for registration by reason only that he or they are not British subjects.

Provided further that if a resolution is passed by the Legislative Council recommending that the sex disqualification for registration should be removed either in respect of women generally or any class of women, the Government of..... shall make regulations providing that women or ^{that/} class of women ^{2/} (as the case may be) shall not be disqualified for registration by reason only of their sex.

VI. The qualifications for registration as an elector for (Here will be entered the qualifications prescribed for the various constituencies). Qualification in respect of particular constituencies.

VII. (1) An electoral roll shall be prepared for every constituency, on which shall be entered the names of all persons appearing to be entitled to be registered as electors for that constituency. It shall be published in the constituency together with a notice specifying the mode in which and the time within which any person whose name is not entered in the roll, and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of the name of any other person on the roll may prefer an objection to the Revising Authority. Electoral roll.

(2) The local Government shall make regulations providing for

- (1) the authority by whom the electoral roll shall be prepared and the particulars to be contained in the roll,
- (2) the time at which the roll shall be prepared,
- (3) the publication of the roll in a manner to give it wide publicity in the constituency to which it relates,
- (4) the mode in which and the time within which claims and objections may be preferred,
- (5) the constitution and appointment of Revising Authorities, to dispose of objections to the roll,
- (6) the manner in which notices of claims or objections shall be published,
- (7) the place, date, and time at which and the manner in which claims or objections shall be heard ;

and may make such regulations to provide for other matters incidental or ancillary to the preparation and revision of the roll as it may consider desirable.

(3) The orders made by the Revising Authority shall be final and the electoral

roll shall be amended in accordance therewith and shall as so amended, be republished in such manner as the local Government may prescribe.

(4) The electoral roll shall come into force from the date of such republication and shall continue in force for a period of three years when a fresh roll shall be prepared in accordance with these rules.

(5) If a constituency is called upon to elect a member or members after an old electoral roll has ceased to have force and before the completion of the new electoral roll the old electoral roll shall for the purposes of that election continue to operate as the electoral roll for the constituency.

right to
vote.

VIII. Every person registered on the electoral roll for the time being in force for any constituency shall while so registered be entitled to vote at an election of a member or members for that constituency. Provided that (here will follow provisions regarding plural voting).

nomination
of candidates.

IX. (1) Any person not ineligible for election and having the special qualifications (if any) prescribed for a constituency may be nominated as a candidate for election by that constituency.

(2) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

election.

X. (1) If the number of candidates who are duly nominated and who have not withdrawn their candidature before the time fixed for holding the election exceeds that of the vacancies a poll shall be taken.

(2) If the number of such candidates is equal to the number of vacancies, all such candidates shall be declared to be duly elected.

(3) If the number of such candidates is less than the number of vacancies all such candidates shall be declared to be elected, and the Governor shall by a notification in the Gazette call for fresh nominations for the remaining vacancies and if any such are received shall call upon the constituencies concerned to elect members to fill these vacancies.

(4) Votes shall be given by ballot and in territorial constituencies in person. No votes shall be received by proxy.

(5) In plural member constituencies every elector shall have as many votes as there are candidates, and shall be entitled to accumulate all of them upon one

candidate or to distribute them amongst the candidates in such manner as he pleases.

(6) Votes shall be counted by the Returning Officer in the presence of any candidates or their agents who may be present at the time of counting.

(7) When an equality of votes is found to exist between any candidates, the Returning Officer whether an elector or not, shall give a deciding vote. *a/*

(8) The Returning Officer shall without delay report the result of the election to the Secretary to the Council, and the name or names of the candidate or candidates elected shall be published in the Gazette.

XI. (1) Subject to the provisions of the foregoing rules the Government of shall make regulations providing for— Government to make regulations regarding the conduct of elections.

- (1) the form and manner in, and the conditions on, which nominations may be made, and for the scrutiny of nominations;
- (2) the appointment of a Returning Officer for each constituency and for his powers and duties;
- (3) in the case of a territorial constituency the division of the constituency into polling areas in such manner as to give all electors such reasonable facilities for voting as are practicable in the circumstances, and the appointment of polling stations for these areas;
- (4) the appointment of officers to preside at polling stations, and the duties of such officers;
- (5) the checking of voters by reference to the electoral roll;
- (6) the manner in which votes are to be given, and for special provision in this respect in the case of illiterate voters, or voters under physical or other disability;
- (7) the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors;
- (8) the scrutiny of votes;
- (9) the safe custody of ballot papers and other election papers, the period for which such papers shall be preserved, and for the inspection and production of such papers; and may make regulations in regard to any matters ancillary or incidental to these purposes,

(2) In the exercise of the foregoing power regulations may be made as to elections generally or any class of elections or in regard to constituencies generally or any class of constituency or any particular constituency.

Multiple elections.

XII. (1) If any person is elected by more than one constituency, he shall by notice in writing signed by him and delivered to the Secretary to the Council within seven days from the date of the publication of the result of such election in the *Gazette* choose for which of these constituencies he shall serve and the choice shall be conclusive.

(2) When any such choice has been made the Governor shall call upon any constituency or constituencies for which he has not elected to serve to elect another person or persons.

(3) If the candidate does not make the choice referred to in clause (1) of this rule the elections of such person shall be void and the Governor shall call upon the constituencies concerned to elect other persons as members.

Nominated Members.

General dis-qualifications for nomination.

XIII. (1) No person shall be nominated to the Council who

- (a) is not a British subject: Provided that the Government of may direct that subject to such conditions as it may prescribe, a Ruler of any State in India or the Rulers of any such States or a subject of any such State, or any class of such subjects shall not be disqualified for nomination by reason only that he or they are not British subjects;
- (b) is a female; or
- (c) has been adjudged by a competent court to be of unsound mind; or
- (d) is under 25 years of age; or
- (e) is an undischarged insolvent; or
- (f) is a member of another council in India, or of either Chamber of the Indian Legislature; or
- (g) has been dismissed or is under suspension from practising as a legal practitioner by order of any competent court:

Provided that the last mentioned disqualification may be removed by an order of the Governor in Council in this behalf.

(2) A person who has been sentenced for a period of more than six months (such sentence not having been reversed or the offence pardoned) shall not be eligible for nomination for five years from the date of the expiration of the sentence.

XIV. (1) A nominated non-official member shall hold office for the duration of the Council to which he is appointed. Term of office of nominated members.

(2) Official members shall hold office for the duration of the Council to which they are nominated or for such shorter period as the Governor may, at the time of nomination, determine.

Obligation to take oath.

XV. Every person who is elected or nominated to be a member of the Council shall before taking his seat make, at a meeting of the Council, an oath or affirmation of his allegiance to the Crown in the following form, namely, I, A. B. having been ^{elected}/_{nominated} a member of this Council do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His heirs and successors and that I will faithfully discharge the duty upon which I am about to enter.

Vacation of seat.

XVI. If any person having been elected or nominated subsequently becomes subject to any of the disabilities stated in rules III or XIII or fails to make the oath or affirmation prescribed by rule XV within such time as the Governor considers reasonable, the Governor shall by notification in the Gazette, declare his seat to be vacant. Effect of subsequent disabilities or failure to take oath.

(2) When any such declaration is made, the Governor shall, by notification as aforesaid, call upon the constituency concerned to elect another person within such time as may be prescribed by the notification or shall nominate another person, as the case may be.

XVII. (1) When a vacancy occurs in the case of an elected member by reason of absence from India, inability to attend to duty, death, acceptance of office or resignation duly accepted the Governor shall, by notification as aforesaid, call upon the constituency concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by such notification. Casual vacancies.

(2) If a vacancy occurs in the case of a nominated member, the Governor may

nominate any person eligible under these rules to the vacancy.

Constitution
of Council.

XVIII. (1) As soon as conveniently may be after these rules come into force a Council shall be constituted in accordance with their provisions.

(2) For this purpose the Governor shall, by notification as aforesaid, call upon the constituencies referred to in rule II to elect members in accordance with these rules within such time as may be prescribed by such notification and shall make such nominations as may be necessary to complete the Council before the date fixed for its first meeting.

(3) If any difficulty arises as to the preparation of the first electoral roll or the holding of the first elections after the commencement of these rules, the Government of may by order do any matter or thing which appears to it necessary for the proper preparation of the roll or the proper holding of the elections.

Publication
of result of
general
election.

XIX. As soon as may be after the expiration of the time fixed for the election of members at a general election, the names of the members elected for the various constituencies at such elections shall be notified in the Gazette.

APPENDIX REFERRED TO IN
PARAGRAPH III OF LETTER
No. 200-F., DATED FEBRUARY
11, 1920.

Nomination of candidates.

1. (1) Nomination shall be made by means of a nomination paper in Form I which shall be supplied by the Returning Officer to any elector concerned asking for the same.

(2) Every nomination paper shall be subscribed by two such electors as proposer and seconder and shall be signed by the candidate as assenting to the nomination.

(3) The same elector may subscribe as many nomination papers as there are vacancies to be filled. Each candidate shall be nominated by a separate nomination paper.

(4) Every nomination paper shall be presented for attestation on the date, and at the time and place appointed to the Returning Officer.

2. Nomination papers which are not received by the Returning Officer before the date and time appointed for the scrutiny of nomination papers shall be rejected.

3. (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the Returning Officer not less than fourteen clear days before the date fixed for the recording of votes; or if the period between the dates fixed for the scrutiny of nomination papers and the recording of votes is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The Returning Officer shall forthwith notify any such withdrawal and shall remove from the voting paper the name of the candidate who has withdrawn his candidature.

Scrutiny of nomination papers.

4. (1) On the date and at the time appointed for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend at the place appointed, and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.

(2) The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any

nomination paper" on the ground that it is not valid under rule I and may reject either of his own motion or on such objection; any nomination paper on such ground; the decision of the Returning Officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given.

Voting.

5. The Presiding Officer shall keep order at the station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time and shall exclude all other persons except his clerks, the candidates or any agent whom the candidate may have appointed by a duly stamped power of attorney to appear in his stead at the polling station, the Police on duty, and such persons as may be admitted for the purpose of identifying the electors.

6. The Returning Officer shall provide for each Presiding Officer such number of clerks as he may consider desirable and shall supply to him a copy of the electoral roll for his polling area, a list of the nominations and such other papers and forms as may be necessary.

7. (1) When a person presents himself to vote, but not afterwards, the Presiding Officer, or any clerk appointed to check the voters by a reference to the electoral rolls, may of his own accord and shall, if so required by a candidate or his agent, put to the person either or both of the following questions:—

- (a) Are you the person enrolled as follows (reading the whole entry from the roll) ?
- (b) Have you already voted at the present election ?

(2) The vote of the person required to answer either of these questions shall not be given until he answers.

(3) The name of every person presenting himself to vote and his number on the electoral roll shall be entered in a list maintained in Form II and the voter shall thereafter, if he is literate, sign his name in the column provided for that purpose, or if he is illiterate, shall fix his thumb impression thereto. Any signature or thumb impression so made shall be attested by any candidate or his agent who may be able to recognize the voter or by the Presiding Officer or one of his clerks or by any other person who may be admitted by the Presiding Officer for the purpose of identifying voters. Lists should be maintained in separate sheets and shall be consecutively numbered but

it is not essential that only one such sheet shall be used at the same time.

(4) The voter shall then present the list mentioned in the preceding clause to the Presiding Officer who, after satisfying himself that the list has been duly signed or impressed, shall state the number of votes which may be given and shall give to the voter the outer-foil of a ballot paper bearing on each side an official mark, at the same time noting on the corresponding counterfoil the number of the voter in the electoral roll and making a mark against the entry of the voter's name in the electoral roll to denote that the elector has received a ballot paper. This mark shall not indicate which ballot paper he has received.

8. The voter on receiving the ballot paper shall forthwith proceed to the place set apart for the purpose and there mark a cross against the name of the candidate or candidates for whom he intends to vote. He shall then fold the ballot paper so as to conceal his vote and shall put his ballot paper so folded into a box hereinafter called the ballot box.

9. (1) If the voter is unable to read the ballot paper or to make a cross thereon, the Returning Officer shall mark the vote on a ballot-paper according to the direction of the voter and shall cause the ballot-paper to be placed in the ballot-box.

(2) If more than one cross is placed against any candidate's name, the vote shall be invalid.

10. The ballot box shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being unlocked. Just before the commencement of the poll the Presiding Officer shall show the ballot box empty to such persons as may be present at the polling and shall then lock it up and place a seal upon it in such manner as to prevent its being opened without breaking such seal and place it in his view for the receipt of ballot papers and shall keep it so locked and sealed.

11. Any ballot paper which is not duly marked or on which votes are given to more candidates than there are members to be elected or on which any mark is made by which the voters may afterwards be identified shall be invalid.

12. If a person representing himself to be a particular elector named on the electoral roll applies for a ballot paper, after another person has voted as such elector, the applicant shall, after duly

answering such questions as the Presiding Officer may ask, be entitled to mark the ballot paper in the same manner as any other voter. The ballot paper (called in these rules a tendered ballot paper) shall be of a colour different from the other ballot papers and instead of being put into the ballot box shall be given to the Presiding Officer and endorsed by him with the name of the voter and his number on the electoral roll and set aside in a separate packet and is not to be counted by the Presiding Officer. The signature or thumb impression of the voter shall not be made in the list prescribed by rule 7 (3) but shall be made in the separate list maintained in a similar form which shall bear the heading "tendered votes list".

13. The Presiding Officer of each polling station as soon as practicable after the close of the poll shall in the presence of the agents of the candidates make up into separate packets and seal with his own seal and the seal of such agents of the candidates as may desire to affix their seal—

- (1) each ballot box in use at each station unopened but with the key attached;
- (2) the unused ballot papers;
- (3) the tendered ballot papers;
- (4) the marked copies of the electoral roll;
- (5) the counterfoils of the ballot papers; and
- (6) the tendered votes list.

14. The packets shall be forwarded by the Presiding Officer to the Returning Officer accompanied by a statement showing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers in the ballot box and "tendered ballot papers."

Counting of votes.

15. On the receipt of all the packets above referred to from all the polling stations, the Returning Officer shall appoint a date for the counting of votes and shall give notice thereof to the candidates.

On the day appointed in the presence of such candidates or their agents, if any, as may be in attendance the Returning Officer shall—

- (a) open the ballot box and separate the ballot papers which

he deems valid from those which he rejects endorsing on the latter the word 'rejected' and the ground of rejection ;

- (b) count the ballot votes given to each candidate and declare the election of the candidates to whom most valid votes have been given ;
- (c) upon the completion of the counting, seal up in separate packets the counted and rejected ballot papers, but shall not open the sealed packets of the tendered votes, the marked copies of the roll and the counterfoils, but shall proceed to verify the ballot paper account given by each Presiding Officer by comparing it with the number of ballot papers recorded by him as aforesaid and the unused ballot papers in his possession and the tendered votes list and shall reseal each sealed packet after examination and record on each packet a description of its contents and the date of the election to which it refers ;
- (d) prepare and certify a return setting forth
 - (1) the result of the verification referred to in the preceding clause,
 - (2) the names of the persons for whom the valid votes were given,
 - (3) the number of valid votes given for each person,
 - (4) the names of the persons elected,
 - (5) the number of votes declared invalid, and
 - (6) the number of tendered votes given,
- (2) permit any candidate or his agent to take a copy or an extract from the return.

Disposal of ballot papers.

16. The Returning Officer shall, after reporting the result, forward the return and the packets referred to, to (the authority would be prescribed by the local Government.)

17. While in the custody of (such authority) the packets of ballot papers whether counted, rejected or tendered and of the counterfoils thereof shall not be opened and their contents shall not be inspected or produced except under the orders of an election Court having jurisdiction in respect of the election concerned to be granted by it only on its being satisfied by affidavit or otherwise that the inspection or production of the ballot papers or counterfoils is necessary for the purpose of a petition questioning an election or return or for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers and any such order may be subject to such conditions as to persons, time, place and mode of opening, inspection or production as the Court may think expedient.

18. All other documents in such custody shall be open to public inspection. (Conditions would be prescribed by the local Government.)

19. (Such authority) shall retain the packets for a year and shall then unless otherwise directed by the orders of an election Court cause them to be destroyed.

FORM I.

Nomination Paper.

1. Name of candidate.
2. Father's name.
3. Age.
4. Address.
5. Signature of proposer.
6. Signature of seconder.

Returning Officer.

Instruction.

Nomination papers which are not received by the Returning Officer before the _____ day of _____ 192____ shall be invalid.

FORM II.

Form of Ballot Paper.

Book No.....	Book No.....
Serial No.....	Serial No.....
Election for members for the constituency of..... held on.....192 .	Election for member or members for the constituency of..... held on.....192 .
Number of elector in electoral roll.....	Number of elector in electoral roll..

Serial No.	Name and description of candidate for election.	Column for cross (+ or x) of voter.
1	A.	
2	B.	
3	C.	
4	D.	

FORM III.

Signature Sheet No. _____

Number on electoral roll.	Name.	Signature of voter of literate or thumb impression of voter if illiterate with signature of witness.

Supplementary note on the composition of the Council of State, by the Hon'ble Raja Sir Muhammad Ali Muhammad Khan, K.C.I.E.

In the meeting of the informal Advisory Committee of Saturday, the 21st February, 1920, it was decided to request the Government of India to increase the proposed number of elected seats from 34 to 36 in order to provide 3 seats to European Commerce, as well as one to Indian. I forgot to tell the Hon'ble Sir William Marris that the number of seats provisionally decided by Government of India for Mohamedans will have to be proportionately increased in case the Government of India approves of the proposal of increasing elected seats. I would suggest the distribution of 36 elected seats as follows:—

Provinces.	General.	Moslem.	Sikh.	Indian Commerce.	European Commerce.	TOTAL.
Madras	4	1	...	...	...	5
Bombay	3	2	...	...	...	5
Bengal	3	2	...	...	...	5
United Provinces	3	2	...	...	...	5
Punjab	1	2	1	...	...	4
Bihar	3	1	...	...	...	4
Burma	1	...	...	...	...	1
Central Provinces	1	1	...	...	} will share alternately.	1½
Assam	1	1	...	...		1½
Indian Commerce	...	...	...	1	...	1
European Commerce	...	...	...	...	3	3
TOTAL	20	11	1	1	3	36

In case Government of India do not approve of the proposal of seats to be increased, I will suggest the following distribution of 34 elected seats as the Congress-League compact has been deviated from in seats provisionally decided by Government of India:—

Provinces.	General.	Moslem.	Sikh.	Indian Commerce.	European Commerce.	TOTAL.
Madras	4	1	...	...	...	5
Bombay	3	2	...	...	...	5
Bengal	3	2	...	...	...	5
United Provinces	3	2	...	...	...	5
Punjab	1	2	1	...	...	4
Bihar	3	1	...	...	...	4
Burma	1	...	...	...	...	1
Central Provinces	2	...	...	...	...	2
Assam	1	...	...	...	...	1
European Commerce	...	...	...	...	3	3
TOTAL	31	10	1	...	3	35

The number of Indian elected seats being 32 the Congress-League compact would demand $10 + \frac{2}{3}$ (i.e., $10\frac{2}{3}$) Moslem seats which might reasonably be taken for 11 as the fraction exceeds $\frac{1}{2}$, but I am prepared to forego my claim for the fraction and accept 10 seats instead. The said compact would give a ratio of $3\frac{1}{2} : 1\frac{1}{2}$ of General to Mohamedan seats in United Provinces. I have already left out $\frac{2}{3}$, I cannot lose another $\frac{1}{3}$, which in aggregate comes to $1 + \frac{1}{3}$.†

† $1\frac{1}{2}$.

There is no justification in adding that $\frac{1}{3}$ to any other province except the United Provinces of Agra and Oudh as the proportionate number of seats given out by other provinces from complete integrals. Moreover, while suggesting alternative composition for the Legislative Assembly, I have yielded one Moslem seat against the decision provisionally made by Government of India for the United Provinces of Agra and Oudh. It makes the addition of $\frac{1}{3}$ seats in the seats of United Provinces of Agra and Oudh as provided in the Council of State all the more justifiable. My foregoing the claim of $\frac{2}{3}$ of Moslem seat in the Council of state generally and one seat out of seats allotted by the Government of India in the Legislative Assembly for the United Provinces of Agra and Oudh should compensate those who are likely to raise an objection to my suggestion of adding $\frac{1}{3}$ a seat more to the number of seats fixed for United Provinces of Agra and Oudh.

Dated Jorhat, the 11th February 1920.

From—MAULAVI DARAJUDDIN AHMED, Secretary, Assam Valley Mahomedan Association, Jorhat,

To—The Reform Commissioner to the Government of India, Simla.

I have the honour to enclose herewith a copy of a letter to the Chief Secretary to the Hon'ble the Chief Commissioner of Assam with its enclosures.

Dated the 2nd February 1920.

From—MAULAVI DARAJUDDIN AHMED, Secretary, Assam Valley Mahomedan Association,

To—The Chief Secretary to the Hon'ble the Chief Commissioner of Assam, Shillong.

I have the honour to submit herewith the views of my association, on the Government Scheme for constituting the Legislative Assembly and the Council of State and request that you would be good enough to place the same before His Honour the Chief Commissioner for consideration.

VIEWS OF THE ASSAM VALLEY MAHOMMEDAN ASSOCIATION ON THE PROPOSED CONSTITUTION OF THE LEGISLATIVE ASSEMBLY AND COUNCIL OF STATE.

Legislative Assembly.

1. The Government of India proposes to give one seat for Mahomedans of Assam.

2. But inasmuch as in many respects the Mahomedans of this Valley differ very much from those of the other, one Mahomedan member can not adequately represent the interests of the entire Mahomedan community of the Province.

3. The association therefore suggest that the number of Mahomedan member may be increased to 2.

4. In case Government finds it impracticable to follow this suggestion 2 members may be given to the 2 Valleys one by election and another by nomination alternately.

Council of State.

The total number of members in the Council may be increased /and one seat may be given to the Mahomedans of this Province to be filled by the 2 Valleys alternately.

Demi-official, dated the 11th February 1920.

From—The Hon'ble Maharaja MANINDRA CHANDRA NANDI, of Kasimbazar, 4, Commissioners Lane, Delhi,

To—The Secretary to the Government of India, Reforms Office.

In reply to your demi-official no. 189-F, dated the 9th instant, I have got the following suggestions to make:—

(1) It appears to me that only 1 seat out of the 17 reserved for Bengal in the Indian Legislative Assembly would be a very poor and inadequate representation of the great land-owning interest of the province. While 6 out of 17 seats are reserved for Mohammedan representation and three for European, it is a matter of great surprise and disappointment to my community that no more than only one seat should be reserved for the landlords of Bengal. I hope you will be able to see your way to give the landlords of Bengal at least three seats in the Indian Legislative Assembly.

(2) In the Council of State, I notice with great surprise that my community has no representation whatever. The Council of State is evidently intended to be an upper chamber, as it will be "composed of men of wealth and position", and the absence from it of any territorial landlords *per se* would rob this institution of its senatorial character. I may also be permitted to point out to you that it would appear very unjust to my community if they should have no representation in it whatever, while the Mohammedans of Bengal should have three seats reserved for them in it and even the Bengal Chamber of Commerce would have one for them. I need hardly mention the fact that even the Southborough Committee did not overlook the claims of my community for special seats in the Council of State, I would, therefore, suggest that at least two seats should be reserved for the Zamindars of Bengal in the Council of State.

(3) As regards the subjects to be reserved for the Central Government, I note that you desire "stores and stationery" to be included in it. I am sorry I cannot approve of this idea and should very much like this head to be treated as a transfer subject for the provinces.

Regarding the draft rules and standing orders which you have so kindly submitted to me for my opinion, I regret I cannot offer any suggestions or criticism without very careful consideration of them. I shall be happy, however, to send you my considered opinion on them after I have been able to go through them very carefully.

Demi-official, dated the 11th February 1920.

From—The Hon'ble Maharaja MANSYRA CHANDRA NARAI, of Kasimbazar, 4, Commissioners Lane, Delhi,

To—The Secretary to the Government of India, Reforms Office.

In reply to your demi-official no. 183-F, dated the 9th instant, I have got the following suggestions to make:—

(1) It appears to me that only 1 seat out of the 17 reserved for Bengal in the Indian Legislative Assembly would be a very poor and inadequate representation of the great land-owning interest of the province. While 6 out of 17 seats are reserved for Mohammedan representation and three for European, it is a matter of great surprise and disappointment to my community that no more than only one seat should be reserved for the landlords of Bengal. I hope you will be able to see your way to give the landlords of Bengal at least three seats in the Indian Legislative Assembly.

(2) In the Council of State, I notice with great surprise that my community has no representation whatever. The Council of State is evidently intended to be an upper chamber, as it will be "composed of men of wealth and position", and the absence from it of any territorial landlords *per se* would rob this institution of its senatorial character. I may also be permitted to point out to you that it would appear very unjust to my community if they should have no representation in it whatever, while the Mohammedans of Bengal should have three seats reserved for them in it and even the Bengal Chamber of Commerce would have one for them. I need hardly mention the fact that even the Southborough Committee did not overlook the claims of my community for special seats in the Council of State, I would, therefore, suggest that at least two seats should be reserved for the Zamindars of Bengal in the Council of State.

(3) As regards the subjects to be reserved for the Central Government, I note that you desire "stores and stationery" to be included in it. I am sorry I cannot approve of this idea and should very much like this head to be treated as a transfer subject for the provinces.

Regarding the draft rules and standing orders which you have so kindly submitted to me for my opinion, I regret I cannot offer any suggestions or criticism without very careful consideration of them. I shall be happy, however, to send you my considered opinion on them after I have been able to go through them very carefully.

Demi-official, dated the 16th February 1920.

From—The Hon'ble SINGANGADHAR CHITNAVIS, 6, Sri Ram Lane, Delhi,

To—The Secretary to the Government of India, Reforms Office.

I herewith beg to send my note in the shape of a letter in reply to the scheme (draft) you sent me. I am sorry I could not find time to get it typed. In case you get it typed, I shall be very much obliged if you can kindly send one typed copy or printed copy to me. If you can't have it typed then if you send the letter back again to me I will send it to you well-typed, but I fear there is no time and I may be late.

Demi-official, dated the 12th February 1919.

From—The Hon'ble Sir GANGADHAR CHITNAVIS, C, Sri Ram Lane, Delhi,

To—The Secretary to the Government of India, Reforms Office.

Your demi-official no. 189-F., dated the 9th February 1920 (inviting my opinion on the proposed scheme of distribution of elected seats in the Legislative Assembly and the Council of State and of the division of reserved and transferred subjects contained in the communiqué and the statement which form the enclosure thereof, as also on the draft Manual of Business and Procedure in local Legislative Councils), I have to make one suggestion for the consideration of Government and the Advisory Committee. The scheme of distribution of seats has clearly been prepared with great care, but it is open to certain obvious defects. The large body of landowners, who have never swerved from their path of duty and loyalty, who have never hesitated in their support of Government, and who contribute to the general funds of the State over £21 million pounds sterling (at Rs 15 per £1) in land revenue,—a sum representing over 25 per cent. of pre-war revenue,—have been shown scant consideration in the allotment of elected seats in the Legislative Assembly, and have been simply ignored in the constitution of the Council of State. Government knows full well they have done nothing in the past to merit this treatment. The considerations which influenced Government in giving them comparative prominence in the Morley-Minto scheme of reforms have lost nothing of their force in consequence of their restraint, sobriety and helpful criticism in the various Councils and their whole hearted co-operation with Government in the prosecution of the war. If anything, the history of the past few years has strengthened their case. And yet, for some unaccountable reason, they are the persons whose claims have been neglected. Even the uncertainties of election will be corrected by nomination in the case of unrepresented minorities. But that method, besides being unsatisfactory, is hardly applicable to the case of landowners. These are not a minority, and the rule for minorities is wholly inapplicable to them. The decision of the Joint Committee of the two Houses of Parliament and of the Government of India in this matter has evidently been largely upon the Lucknow compact between the Indian National Congress and the Indian Moslem League. But it is wrong to dispose of the case of the landowners on the strength of that compact. Neither of the two bodies has any right to pose as representative of landed interests. As a matter of fact the landowners, as a class, have never supported either. Whatever ratio may therefore be maintained between Hindus and Mohammedans in the distribution of the "General" seats on the basis of the Lucknow compact, landowners cannot be deprived of their due share in increased representation under the Reforms Scheme. It is a mistake to assume that landowners will have no difficulty in getting themselves elected in sufficient numbers through the general electorate. The experience of the past elections supplies incontestable proof on the point. It may be broadly stated that the class would have been in a hopeless position but for the special electorates. In the altered conditions their prospects at elections will not be brighter. They are neither vociferous, and pushing like some of the landless classes, and they have no control over the Press. They likewise lack the energy, the leisure and the familiarity with western methods of electioneering so very necessary for success at these elections. Unless therefore the extraordinary happens, for which the grounds for hope are absent, the landowners, as landowners, will fare ill in the Legislative Assembly if their representation in adequate numbers is not secured by the allotment to them of a larger percentage of seats. Their larger representation is of paramount importance to them for a special reason. The new Administration will necessarily require larger resources, and for a certainty, additional revenue will be sought to be raised by placing upon land extra heavy burdens. Industry and commerce, with their powerful influence the strong representation secured to them in the Legislative Assembly, will not readily submit to additional taxation, and the weakest party—the landowners—who are already viewed with some degree of jealousy

by others—will be easy victims. This is neither just nor fair nor expedient. The object of the Reforms is certainly not to weaken the influence of landowners in the Legislative Assembly and to place them at the mercy of the other sections of the community; nor does Government gain in strength by such a course. It may be contended that some landholders will come in through the Moslem electorates, if not the "General," but that is only a chance which, as often as not, will disappear in competition between the new type of pugnacious, and clamant Moslem leader, and the quiet, unobtrusive, old type Moslem landlord, content to live in his village working among his tenantry, to whom politics is not a profession. Far better it would be for even the Moslem landlord to be classed with the general body of landlords and to take his chance along with these through the special electorates for landowners. How to find more seats for landowners, without prejudicing the other classes, is a problem which can be solved by Government better than by any body else. It may, however, be suggested that a re-adjustment of the seats on the following lines would not be detrimental to the interests of the general community:—

	General.	Moslem.	Landowners.
Madras	9	2	3
Bombay	6	3	3
Bengal	5	4	4
United Provinces	7	4	4
Punjab	3½	4	2
Bihar and Orissa	5	2	3½
Central Provinces	2	1	2

A re-arrangement on these lines would be far more equitable than the scheme contained in the communiqué. It would conform more to the proportionate importance of the different interests. Landowners represent the most important interest. The reduction in the number of seats for Moslems would furthermore be justified by their numerical strength in population to the general population.

The distribution of elected seats in the Council of State is even more inequitable. Landowners, as landowners, are nowhere, and all the seats have been divided between the general population and Moslems, except in the Punjab where one seat goes to the Sikhs. Now the Council of State is just the body in which landed interests should be more strongly represented. The sober influence of the landowner is more wanted there than in the Legislative Assembly. The arrangement proposed is likewise opposed to precedent. In all bicameral legislatures in the civilised world the landed interests are strongly represented in the higher chamber. Why this deviation from the general rule in India, an agricultural country, it is difficult to understand. Landowners are entitled to have a reasonable number of seats thrown open to them. A re-distribution on more equitable lines is absolutely necessary.

The division of central subjects and provincial subjects proposed by Government does not call for comment at the present stage.

The procedure laid down in the draft Manual is likewise not open to criticism. But the Rules regarding Questions and Resolutions in the Legislative Assembly will have to be a little more liberal.

Demi-official, dated the 16th February 1920.

From—The Hon'ble Sir GANGADHAR CHITNAVIS, Delhi,

To—The Secretary to, the Government of India, Reforms Office.

I herewith beg to send a supplementary portion of my note to make it clear that I do not mean to use the word landholder in its restricted sense but that I have used it in the sense that it must include the tenants also. I shall be obliged by your kindly arranging to have this attached to my note, the typed copy of which you kindly sent me and for which I am grateful.

The use of the word "landowner" instead of "landholder" or "zamindar" in the table showing the distribution of the elected seats is fully warranted by the facts. Any other word would be liable to serious misconstruction. The underlying idea of the scheme is to bring together into the political machinery as large a body of the agricultural population as possible. It would be clearly wrong to restrict the right of election to the large proprietors. On behalf of the bulk of the landed proprietors, the suggestion may be repudiated once for all that there is a disposition on their part to deprive these prosperous tenantry of their legitimate rights of election. We all, on the contrary, look forward to a large extension of the franchise in the near future. We must and we want to carry the whole country with us, and a restricted right of election is almost the last thing that can be thought of for the success of the reforms which we all so devoutly wish.

Demi-official, dated the 12th February 1920.

From—The Hon'ble Nawab Syed NAWAB ALI Chaudhury, Khan Bahadur, C.I.E.
Delhi,

To—The Secretary to the Government of India, Reforms Office.

With reference to your demi-official no. 189-F, dated the 7th February 1920, I have the honour to submit my opinion about the Representation in the Council of State, as also on the Rule of Procedure of the Reformed Councils. I am afraid the time allotted for submitting my views is too short for any detailed consideration of the scheme and so I shall confine myself to some of the more important points only.

The absence of provision for Mohammedan representation in the Council of State from the Provinces of Central Provinces and Assam, I consider to be a very regrettable omission. That the entire Moslem population of two provinces should be debarred from sending in their representatives to the highest popular Assembly is a decision, which the public will not be prepared to accept without protest. Besides, this disenfranchisement is hardly merited. The Mohammedans in these two provinces are not less enlightened, less cultured, than their co-religionists in other parts of India. Out of 21 elected seats the Southborough Committee allotted half a seat to the Mussalmans of each of these provinces. The Government of India proposes the increase of elected seats to 32 an increase of over 50 per cent; and it was naturally expected that the Mohammedan seats in these provinces would be raised to one at least. But such is the irony of fate that while other parts of India secured an increment of their seats, the representation of the Assam and Central Provinces Moslem suffered a proportionate decrease till even the niggardly "half" that was allotted by the Southborough Committee vanished to nonentity. In the earlier days of civilisation, the strong and the mighty used to aggrandise themselves at the expense of the weak and the undefended. But the re-adjustment of seats in the Reformed Councils should have been based on a worthier principle than what guided the actions of the potentates of the past. The Mussalmans have always relied on the Government for the safeguards of their rights, privilege and interests against the incursion of their political adversaries who are adepts in the modern art of political agitation; and the Government, too, have often boldly and courageously championed their cause, as in their emphatic protest against the unfair distribution of Bengal seats according to Congress-League Scheme which has, unfortunately, been adhered to by the Home Government. It is, therefore, all the more painful in a constitution emanating from the Government itself that the Moslem rights have been totally ignored. To starve the Mussalmans of Assam and Central Provinces for the benefit of other provinces, is a curious method of reconciling the competing claims of province and of interests. Out of 244 millions of the total population of British India, the Mussalmans of Central Provinces and Assam comprised over 24 lakhs. If 30 seats are to be distributed throughout India, on the ground of justice and equity, the Mussalmans of these two provinces have every right to claim over 3 seats for them. But they have been refused even a single one. When so much is being said about broadening the electorate, it is difficult to comprehend on what principle should the 24 lakhs of His Majesty's subjects be excluded from the privilege of returning their representative in the Council of State. I hope the Government will carefully reconsider the matter and allow at least one seat each to the Mussalmans of Central Provinces and Assam.

As regards the proposed transfer of subjects, I have no suggestion to offer except what I had placed before the Subjects Committee, but one minor detail needs some modification. For a period of five years from the date the Reform Scheme comes into operation, the Calcutta University and the control and organisation of secondary education in Bengal have been made the subject of Indian legislation. I would suggest that "or such further time till the Calcutta University Reconstitution Bill is passed" be added after "five years".

As regards the Manual of Business and Procedure the provision in section 11, chapter 2, that if a member fails to attend the duties of his office for two months, the Government may declare his seat vacant, will, I think involve great hardship. I would extend the time-limit to six months. Further the words "without sufficient reason" may be added after "two consecutive months".

Dated the 18th February 1920.

From—The Hon'ble Raja MOHAMMAD ALI MOHAMMED, of Mahmudabad, 1, Court Road, Delhi.

To—S. P. O'DONNELL, Esq., C.I.E., I.C.S., Secretary, Reforms Office.

I am sending herewith suggestions I wish to make in regard to the Council of State and the composition of the Legislative Assembly.

Suggestions for the Council of State—

The suggestion made by the United Provinces Liberal Association, Allahabad, and the Hon'ble Dewan Bahadur M. Ram Chandra Rao Avargal regarding the direct election of the Council of State by Provincial Legislative Councils, instead of direct election on the basis of popular franchise on as broader a scale as possible, is not in keeping with the spirit of reforms. I would, therefore, submit that the principle of direct election should be maintained and the electoral roll should be so constituted as to give at least 20,000 voters, and not 2,000 as proposed by the Government of India. The increase in the number of voters will do away with the objections raised by those who advocate indirect election, for the excessive representation of the wealthiest section of the community, as apprehended, will thereby be diluted to a very great extent by the representatives of other class of people thus returned.

I would oppose the suggestion of the Hon'ble Dewan Bahadur M. Ram Chandra Rao Avargal that "the Provincial Governments as a whole be allowed to nominate a member of the Council of State, out of the 26 nominated seats at the disposal of the Government of India", and propose that the Governor-General be given power to nominate all the 26 seats without any external interference

Note on the composition of Legislative Assembly.

I take objection to the distribution of seats in the Legislative Assembly as provisionally decided by the Government of India as well as to the alternate composition suggested by the private agencies, for they have failed to comply with the Congress-League compact. Tabular statement showing the proportion of General to Mohamedan seats, that follows, would show how far they have departed from it:—

Province.	General.	Moslem.	Sikh.	Land-owners.	Euro-pean.	Indian Com-mission.	Total.
Madras	10	3	...	1	1	1	16
Bombay	6	5	...	1	2	2	16
Bengal	6	6	...	1	3	1	17
United Provinces	9	6	...	1	1	...	18
Punjab	3	6	2	1	...	...	12
Bihar	3	3	...	1	...	...	12
Central Provinces	3	1	...	1	...	...	6
Assam	1	1	...	...	1	...	3
Barma	2	...	...	...	1	...	3
Total	48	30	2	7	9	4	100

The Congress-League scheme provides that in the Imperial Council "one-third of the Indian elected members should be Mohamedans elected by separate Mohamedan electorates in the several provinces, in the proportion, as nearly as may be, in which they are represented on the Provincial Legislative Councils by separate Mohamedan electorates," therefore, the ratio of General to Mohamedan seats in Madras is taken as 10 : 3 instead of 11 : 2 as ought to have been according to 15 per cent. of the Indian elected members, in order to obtain a total of 30 seats for Moslems.

Dated the 14th February 1920.

From—The Hon'ble Raja MOHAMMED ALI MOHAMMED of Mahmudabad, 1, Court Road, Delhi,

To—S. P. O'DONNELL, Esq., C.I.E., Secretary, Reforms Committee.

I am enclosing my note of dissent against the admission of Native States to Legislature of British India. Rights and duties are co-relative terms. If they are given some rights in the affairs of British India they should take upon themselves the duties of British subjects.

Note of dissent from the Hon'ble Raja of Mahmudabad in regard to the inclusion of Native States into the Legislature of British India.

The question of admitting the Native States into the Legislature of British India can be discussed :—

- (1) in relation to Rulers and subjects of Native States who have got no interests proprietary and otherwise in British India ;
- (2) in relation to those subjects of Native States who reside in British India with which their interests are identified, but are technically subjects of Native States.

Dealing with the first part of the question it should be noted that relations between the Rulers of States and the Government of India are that of a suzerain. To admit them to the legislature of British India would mean to bring them down their positions of special rights and dignities to the status of subjects of British India, which in face of existing Treaties would lead to serious complications. Besides, if Rulers and subjects of Native States were allowed to interfere in the internal affairs of British India, such action would be reasonably questioned, unless representatives of British India were given a corresponding right of representation over the Chiefs' Conference to influence the affairs of British States.

In regard to the second part of the question it would be appropriate to quote from the fifth despatch of Government of India in support of this contention. "No one is entitled", reads the despatch, "to assist in the making laws of a country, but citizens of that country, and if subjects of Indian States who are settled in British India desire either to vote or to stand for the provincial legislature, they should first, in our opinion, acquire the status of British Indian subjects."

In order to acquire the status of British Indian subjects, they will have to contribute something to the Indian Exchequer. I would, therefore, suggest that sections relating to admission of Native States into the legislature of British India may be amended as follows (sections 3, 5, 13 of draft rules framed under section 7-4 of the Act) :—

"No person shall be eligible for election, nomination or vote to legislative bodies, if such person—

- (a) is not a British subject ; provided that Government of _____ may direct that, subject to such conditions as it may prescribe, subjects of Native States who reside in British India and contribute their quota to Indian Exchequer either in the form of land revenue, income-tax or some other tax, shall be eligible for election, nomination or vote to legislative bodies."

Council of State.

§ Proposals regarding the Council of State are contained in paragraph 277 of the Joint Report. These proposals contemplate a council of 50 members, exclusive of the Governor General, consisting of not more than 25 officials including the members of the Executive Council; 4 non-officials nominated by the Governor General; and 21 elected members. Of the elected members it is suggested that 15 shall be chosen by the non-official members of the provincial legislative Councils, each council returning two members, save the Councils of Burma, the Central Provinces and Assam, which are to return one each. The remaining six seats are intended to supplement the representation which the Muhammadans and the landed classes would otherwise secure, and also to provide for the representation of chambers of commerce. It is proposed that each of the three latter interests should return two members directly to the Council of State.

§ We have experienced great difficulty in framing a scheme which would provide for the different interests mentioned, while preserving the proportion of seats between the provinces. We have therefore ventured, at the risk of going outside the terms of reference, to recommend an increase from 21 to 24 in the number of elected seats. This increase will involve a total strength of 56 ~~in the Council~~, or including the Governor General 57. The details of

the.....

the constitution which we propose are given in Appendix _____ and the proposals for the elected seats may be summarized as follows:-

Province.	General seats.	Muhammadian seats.	Sikh.	Landholders.	Total
Assam	2	1	-	-	3
Bihar	2	1	-	-	3
Bombay	2	1	1	1	5
Madhya Pradesh	1	1	-	1	3
Madras	1	1	1	-	3
Orissa	1	1	-	1	3
Punjab	1	1	1	-	3
United Provinces	1	1	-	-	2
West Bengal	1	1	-	-	2
Total	11	7	1	2	21

Add for European Chamber of Commerce

Reserved for Burma

Total -

In the Joint Report it is proposed that the election should be by the members of the provincial legislative councils save in the case of six seats (for Muhammadans, landholders and chambers of commerce) where direct election is contemplated. We have already explained the difficulties which have made it impossible for us to recommend any method of direct election for the Indian Legislative Assembly. The difficulty is obviously greater in the

CASE.....

case of election to the Council of State; and it is no matter for surprise that we have not received from any quarter any practical suggestion for meeting the difficulty. Nor have we succeeded in formulating any method for obtaining direct election by the Muhammadans of India (who number, it must be remembered, ^{in all cases include men whose} over ~~50~~ ^{200 million} millions) to the two seats specifically allotted to them by the Joint Report. It would be ^{possible} ~~easy~~ to arrange for direct election to the two landholders' seats ^{on the C. P. S.} by the landholders to whom in the various provinces, we propose to give the privilege of electing landholders' representatives in the provincial councils. We shrink, however, from adding one more election to the two elections (to the provincial councils and to the Indian Legislative Assembly) in which the landholders will have to participate. It appears to us that the least inconvenient course, if we are to adhere at all closely to the proposals in the Joint Report, will be to ^{in all cases credit to the two European communal seats} provide for election to the Council of State by the ^{non-official} six elected members (for landholders or other constituencies ^{as the case may be}) of the provincial council. ^{and we have formed our scheme on these lines} If ~~the choice is to lie~~ ^{the choice is to lie} between some method of direct election on the one hand, and this method of ^{indirect} ~~direct~~ election on the other hand, we have no hesitation in preferring the latter. We are however fully alive to the substantial disadvantages of having practically the same electors for the Indian Legislative Assembly and for the Council of State, and we therefore venture to bring a further proposal to Your Excellency's notice. We desire to suggest that a solution of these difficulties may be found by providing that the representatives.....

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representatives of the provinces should be elected to the Council of State not by the members of the provincial councils, but by the ^{non-official members} elected representatives of the provinces of the ^{Indian Legislative Assembly} ~~Municipal Legislative Council~~. If this suggestion were approved the scheme which we propose in Appendix — could, we believe, be easily modified in the required direction. As however in making the suggestion we are, we fear, travelling outside the terms of our reference we have not ~~the~~ thought it proper to work this alternative suggestion in detail.

Whatever method of election to the Council of State is finally adopted, it should, we think, be left open to the electors to choose the members of the Council of State from any persons who would be qualified to sit in the Provincial Councils or in the Indian Legislative Assembly, and the selection should not be confined to members of those bodies.

In concluding our ^{report} labours we desire to take this opportunity of expressing our deep regret at the death of Sir Walter ~~Frederick~~, while he ^{on his journey} was travelling out to India with a view to acting as Chairman of this Committee. His unique experience in regard to all questions relating to Franchise and the electoral matters generally would have been invaluable in conducting our enquiries and in solving our problems.

We desire also to take leave to record the ~~our~~ great obligations that we are under to the many officers of Your ~~Excellency's~~ Government who, in a time of ^{great} unusual strain, have ungrudgingly undertaken

additional labour involved in collecting the information without which our task ^{could} ~~would~~ ^{of} never have been completed. We must also record our indebtedness to Mr. P.C. Talents, I.C.S. of the Home Department of the Government of India who has throughout acted as Secretary of the Committee for the exceptional ability which he has applied to the business of the Committee and for the skill he has displayed in making all the arrangements for our tour and in organising the necessary enquiries in the various provinces which we have visited.

Dalhi,

February 1919.

Dated Guntur, the 10th February 1920.

From—The Hon'ble Mr. KONDÀ VENKATAPPAYYA PANTULU, secretary, Andhra Conference Committee, Guntur,

To—The Secretary to the Government of India, Reforms Office, Delhi.

(Through the Government of Madras.)

In forwarding herewith the resolutions relating to the rules under the New Reform Act adopted by the Andhra Conference Standing Committee at its meeting held at Bezvada on the 25th instant, I have the honour to submit for favour of consideration also the memorandum by the same Committee in support of the resolutions,

RESOLUTIONS.

1. (a) That for affording facilities for the non-Brahmin representation in the Legislative Councils and to avoid the inconvenience due to vast district areas being grouped together into single electorates, this Committee is of opinion that there should be not less than two seats reserved for each district.

(b) Having regard to the area and revenue of the Telugu districts, this Committee prays that not less than half out of the total elected seats of the Legislative Council, after deducting those reserved for the South Canara and Malabar, may be allotted to the Telugu districts.

(c) That two seats should be assigned to the University of Madras and that one should be allotted to the Northern districts and the other to the Southern districts.

2. This Committee deprecates the method adopted by His Excellency Lord Willingdon for the settlement of non-Brahmin representation in the Legislative Council as the said method is summary and unsatisfactory and is lacking in the necessary authorisation from the people on this behalf.

(b) This Committee apprehends that any conclusion that may be reached by the above method is apt to be questioned by the people and therefore.

(c) This Committee suggests that a Conference be called of the Executive committees of the following provincial political organisations, viz., The Madras Presidency Association, The South India Liberal Federation, The Madras Provincial Congress Committee, The Madras Mahajana Sabha, The National Home Rule League, The Madras Branch of the all-India Home Rule League, The Andhra Conference Standing Committee and the Andhra Provincial Congress Committee and that settlement so arrived at, before it is embodied in the rules, be placed for approval before the several political bodies which the said Executive committees represent.

3. This Committee protests against the provision of special representation to Europeans of this Presidency in the Indian Legislative Assembly.

4. This Committee expresses its opinion that the Mahomedan representation in the Legislative Assembly should, according to the Lucknow compact, be only two and the additional seat so liberated be added to "general".

5. That the general seats be distributed as follows:—

(1) Ganjam and Vizagapatam	1
(2) Godavari and Kistna	1
(3) Guntur and Nellore	1
(4) Cuddapah and Chittore	1
(5) Bellary, Anantapur and Kurnool	1
(6) Madras	1
(7) Chingleput, North Arcot and South Arcot	1
(8) Coimbatore and the Nilgiris	1
(9) Malabar and South Canara	1
(10) Tanjore and Trichinopoly	1
(11) Madras, Ramnad and Tinnevely	1

6. That the franchise for the Indian Legislative Assembly should be prescribed on the following basis:—

- (1) All Rs. 50 pattadars.
- (2) All those paying an income-tax on Rs. 3,000 per year.
- (3) All those paying a profession tax of Rs. 6 per year.
- (4) All graduates of 10 years standing and that no qualifications should be prescribed for a candidate as is the case at present.

(b) That a proportion of the nominated officials should be selected by the Executive Governments of the Province (Ministers and the Governors in the Council).

7. (a) That the elected members of the Council of State should be elected by the elected members of the Provincial Legislative Councils after the system of representation that obtains in the United States of America and South Africa.

(b) That in any event, out of the four seats allotted to the Madras Province, two should be given to the Northern districts of the Presidency.

8. This Committee deplores the attempts now being made by His Excellency Lord Willingdon to go behind the provisions of the Reform Act in endeavouring to make the Governor, the President of the Legislative Council, condemn the conduct of the gentlemen who supported the proposal as they do not represent the opinion in the country in the matter and appreciates the attitude of those who made a timely protest.

MEMORANDUM.

BY THE ANDHRA CONFERENCE STANDING COMMITTEE.

Resolution 1 (a).

When the Southborough Committee framed its scheme of franchise, the question of reservation of seats for the non-Brahmins was not before it. Such a reservation is now decided upon and cannot be effected except by plural representation constituencies. But in the Franchise Report, there are seven districts provided each with a single seat. This must be altered. Each district shall have a minimum of two representatives. Two districts cannot be grouped together as an alternative plan, for then the territory would be too vast and the feelings of jealousy would be too patent to permit of proper representation.

Resolution 1 (b).

We have the apportionment of seats between the northern and southern districts to deal with. The Southborough scheme has been virtually scrapped. Nevertheless that provides the only basis on which all discussions may be conducted. In that scheme, the Andhra districts have suffered. The eleven districts north of Madras are given a territorial representation of twenty-three seats, while the remaining enjoy so many as twenty-nine. Even if S. Canara with its one and Malabar with its two representatives be excluded, the Tamil districts will still have twenty-six representatives assigned to them. This is clearly inequitable considering the fact that the Telugu districts pay greater land revenue than the Tamil districts. Again of the nine 'non-Muhammadan urban' seats, not one is allotted to a Telugu district and it is doubtful whether in the City of Madras to which is assigned a representation of five, even one Andhra has a chance of being returned. It will be seen then that the Tamil districts will, at the lowest, have a representation of 26 + 9 or 35 against the 23 of the Telugu districts, and if the Northern districts are compared with the Southern portion of the Presidency, the proportion will be 23 : 35. This disparity must be set right. The interior (ceded) districts which are now assigned a single representative each should be given at least two. The inequality arising from the grant of special representation to urban areas such

as Madras, Madura, Trichy and Sreefanganam, Calicut and Tinnevely and Palamcotta should be rectified. Unto this end the cities of Cocanada and Waltair should be given a seat each.

Resolution 1 (c).

Is clear. The preponderance of graduates for the Tamil districts makes it impossible otherwise for the Telugu districts to have a counterbalancing representation.

Resolution 2.

The resolution requires no elaboration. The Lucknow compact was arrived at by pourparler being conducted as first between the all-India Congress Committee and the Council of the Moslem League and then their being notified by the Congress and the League in open session. The sacredness of that compact is due to this procedure.

Resolution 3 is obvious.

Resolution 4.

According to the Lucknow compact, the moslems are entitled to $\frac{15}{100} \times 16$ or $2\frac{1}{2}$ seats. This cannot be worked up to three. It must be two.

Resolution 6 (b).

The nominated official members of the Indian Legislative Assembly should be recruited not wholly by the choice being exercised by the Viceroy, but partly by, the Executive (councillors and ministers) of the Provincial Governments so that the provinces may be represented on the official—no less than on the non-official side.

Resolution 7 (a).

THE COUNCIL OF STATE.

The Joint Committee in their report declare that the Council of State should be 'reconstituted from the commencement as a true second Chamber.' But they have not pronounced any opinion as to whether the election of members to the second chamber should be direct or indirect.

Although the constitution of India has not been planned on a federal basis, yet it will be seen that it approaches a federal plan, considering the position of the provincial governments in India in relation to that of the Central Government and in their relations to each other or to the Secretary of State. In such a constitution the second chamber must represent the provinces and not the people thereof. For example, in the United States of America, the senate is constituted by the States, returning two representatives elected by their respective legislatures. The same system obtains in Switzerland and within the Empire, in South Africa. The object of this method is to establish the equality, in the eye of constitution, of all the States or provinces whether they are big or small. Again such representation of the provinces would secure the interest of each province against those of another in the joint concerns of the country.

In Australia the electorate is the same both for the Lower and Upper Houses. But the consequence of such a system has been found not infrequently to render the Upper House less conservative than the Lower. It would appear that for the same reason the Joint Committee has not accepted the proposal of the Franchise Committee recommending a similar electorate for the constitution of the Council of State.

To constitute an upper chamber with an electorate of two thousand wealthy men, in a presidency with an area of 142,000 square miles and a

population of 42 millions, will be very ill-suited both to the needs of country and the ideals of representation. The Council of State is no doubt a revising body but that does not obviate the need for progressive tendencies and talented intellect. The representatives returned by such an electorate will necessarily be limited to men of highest wealth in the land, more likely to prove a clog to all progressive legislation if they could at all take sufficient interest in the affairs of the country and attend the sittings of the Upper House with any regularity or interest. The elected members of the Provincial Legislative Council are a better representative body and every way competent to elect proper representatives to the Upper Chamber.

Resolution 7 (b).

Is self-evident. We want our share marked out. This can be done by specific instructions. Else the existing system of cumulative voting or proportional representation on the basis of a single transferable vote must be adopted.

**Minutes of the proceedings of the Reforms Informal
Advisory Committee at a meeting held on the 16th
February.**

(I) Draft Electoral Rules.

These were approved with the following modifications :—

Rule III (1) (d) and XIII (1) (g).—The Committee considered that the wording should be recast as follows, “being a legal practitioner has been dismissed, etc.”

Rule IV (1).—The Committee considered that to remove a possible ambiguity “A territorial (urban or rural) constituency” should be substituted for “an urban or rural constituency.”

Rule VII (2) (5).—Mr. Banerjee thought the Provinces should receive guidance in the selection of Revising Authorities, and considered that the latter should, if possible, be judicial officers or Barristers of 10 years’ standing. After discussion of the practical aspects of the matter it was agreed that local Governments should be informed that the Central Advisory Committee hoped that so far as possible, judicial officers would be selected to constitute the Revising Authority.

Rule VII (2) 3.—It was resolved to insert after “manner” “and in such language as.”

Rule X (5).—Sir Dinshaw Wacha took strong exception to the proposal to allow cumulative voting, which, he urged, inevitably gave rise to wholesale corruption. The Committee were of opinion that in accordance with the recommendation of the Southborough Committee the cumulative vote should be allowed in Bombay city only. The rule as amended would read “but shall not be entitled to give more than one vote to any one candidate” and a proviso would follow with regard to Bombay.

Rule X (7).—Mr. Sastri and Mr. Sinha urged the adoption of decision by lot, in preference to a casting vote by the Returning Officer, in the case of an equality of votes. The Committee as a whole supported this amendment.

Rule XVII.—At the instance of Mr. Sarma, Sir William Marris undertook to examine the necessity of altering the language in such manner as to make it clear that members elected or nominated to fill casual vacancies would sit only for the lifetime of the Council. The Appendix, attached to the Draft Rules, was agreed to on the understanding that it represented only explanatory regulations which the various local Governments would be at liberty to modify in a manner suitable to local conditions.

(II) Proposed alterations to the classification of subjects in Appendix F to the Report of the Joint Committee.

These were all accepted after the principle of the proposals in regard to 20-C, Central (Stores and Stationery), 5-B, Provincial (Roads, etc., in relation to military requirements), and 3-A, Provincial (Pilgrimages within British India) had been explained.

AN APPEAL TO THE LEADERS TO URGE THE QUESTION OF COMMUNAL REPRESENTATION.

I have made this attempt of placing before you the reasons for recognition of the principle of Communal representation to the Non-B Community. I have endeavoured to show that such recognition is absolutely essential for the devising proper electoral system to suit the needs and requirements of the country and that without such electoral system the Reforms, whatever they be, will not be as effective as they will be expected to be. It is my earnest hope that you will lend your support in demanding that this principle be enunciated in the Reform proposals.

The electoral system is the real basis on which representative institutions rest. Unless the system is properly devised to suit the conditions and requirements of the country, any reform will fail to benefit the people at large.

Representative institutions, as distinct from other political systems, have two objects in view, one of which is the prevention of mis-government, the other and by far the more important is the prevention of government, good or bad, without the consent of the governed. To write only on the more important of the two objects—to get the consent of the governed with a view to answer fully the true ends of government, we resort to the representation of many governed by the few representatives. In order that the sense of the governed may be known by that of the representatives, it is absolutely essential that the electoral system must be so devised that the mode of representation is tolerably adequate and proportionate, in other words, to rationalise the franchise.

Mr. Locke says in his treatise on civil government: 'Things not changing equally and private interests often keeping up customs and practices when the reasons of them are ceased, it often comes to pass, that in government where part of the legislature consists of representatives chosen by the people in tract of time the representation becomes very unequal and disproportionate. The one crucial test by which we can discover when representation becomes equal and disproportionate is when the power is left too long in the hands of the same persons, or in the hands of one community; it is then the education is not allowed to reach all to whom it is intended, but only to the favoured few. In all progressive countries, it is in the nature of things therefore, that representation once adequate and proportionate becomes, in tract of time, inadequate and disproportionate; and that as often as representation becomes unequal and disproportionate, there must arise necessity for making changes in the electoral system. A study of the different stages in the history of Parliamentary elections from the time of the Reform Act of 1832 will bear out the truth of the above statement and will also show that, when once changes in the electoral system are suggested they would suggest and pave way for further changes. There is no finality in the provisions. As it is admitted that the electoral systems have to be changed to suit the changing needs and requirements of the country, so it will have to be admitted that different countries have different methods, and our country being different from other countries, needs unique methods.

Because India has more of communal jealousy than other countries, that fact ought not to deter us from thinking that the introduction of communal institutions is not possible. It only requires greater circumspection in the arrangements and greater safeguards.

Without taking heed of the actual conditions prevailing in India, if we did adopt in India the system adopted in other countries, we would only find free institutions have the faculty of reacting on the adverse conditions in which the start had to be made. But at the very start in the year 1892, when the system was devised, what was still worse that did actually happen was, that the system was devised on a principle which is prevalent in no part of the world other than India—'the principle of supporting a rising interest and of depressing a falling one.' Under the councils Act of 1892, there were only general electorates, and the actual working of the Act resulted in a great preponderance of one community. In no other country in the world is it attempted to lay down that elections should be confined to those who represent education. Take England: for a long time property was the basis of all representation. Gradually the basis has been extended and we now have the democracy in its present form; now we find educational centres forming, so to say, special constituencies. It is only but natural that in India representative institutions have been made, under the circumstances, the cause of separatist tendencies between the different communities. There is therefore genuine apprehension felt by the Non-Brahman that without proper safeguard any reform would give too much power in the hands of the Brahman.

We are aware that our country does contain a population that is not homogeneous; that there runs through the whole body politic, a series of divisions of sect and race, which still affect the mind of the educated Indians. We are aware that the great obstacle to India's political development is not only the lack of education among the people taken as a whole, but mainly in the uneven distribution of educational advancement. We are also aware that the view that the educated classes do not represent the masses is based on correct information and, adequate appreciation of the real structure of Indian life. Under the circumstances, the only course which reasonably safeguards the interests of all communities, and prevents injustice to any one of them is the adoption of special separate electorates. The two stock objections levelled at against the system are that the system proves to be a disintegrating factor, and that if applicable, it can be only in the case of minorities and not in the case of the Non-Brahman community who form an overwhelming majority. It has been urged by some that any special separate treatment of minorities militates against the idea of the union of all communities in public matters. Such union is no doubt the goal towards which we have to strive; but it cannot be denied that it does not exist in the country today. Not only this, but unless the feeling of soreness in the minds of the minorities is removed by special treatment, the advance towards a real union will be retarded rather than promoted. So much for the first objection. As for the second objection, we admit it is unusual to make special arrangements for the protection of an immense and overwhelming majority, but it is also unusual for a numerically small caste to enjoy a decisive ascendancy over most other classes in culture, in social and political influence. The framers of the Congress League scheme failed to see this contingency. But some way must be found of overcoming it. The people must bend their mind to something new; must accept some anomaly; must admit something out of the way. We have to consider what is the minimum of anomaly which will be sufficient for our preservation. The plan of representation which we have to propose does include an anomaly; and we have to propose the plan even because it includes an extraordinary uncommon element which will achieve the work which there is to do. We demand the exceptional nature of the scheme, and we believe that something exceptional is necessary and that communal system is the minimum of exception.

Now I shall proceed to consider the criticism of the Secretary of State the Viceroy, and offer my own view on the question of Communal representation. This Communal system is no new problem. We have had a large volume of opinion that no other method is feasible. Any criticism that generally takes form of an appeal to abstract principles of liberty and inalienable rights of citizenship does not take heed of the actual conditions under which we live. Any criticism cannot therefore be correct. It is this sort of criticism that the authors of the Reform proposals indulge in, only when they take up the question of the electoral system. In considering the question of electoral system, the crucial point to which all reform proposals should be brought is whether they will or will not help to carry India towards Responsible Government. At the same time all suggestions have to be brought to a touchstone which characterizes the Indian society, and the extent and kind of political consciousness which it has attained. I shall endeavour to show that the authors of the Reform proposals have seriously blundered in their criticism.

It is never disputed that responsible government rests on an essential sense of common interests. The history of self-government among the nations has developed it and spread it throughout the world is decisively against the adoption by the state of any divided allegiance.

It is where communities are enjoying equal status, if any preferential treatment is shown to any one community as against another, that a division of opinion by the state of divided allegiance—because it amounts to treating unequally. It is also where there exists wide disparity in education and upbringing between the communities, if equal treatment is accorded to them, that a division of opinion by the state of divided allegiance—because it amounts to treating unequally.

But it will not be an admission by the state of any divided allegiance, if preferential treatment is shown to the *weak* and the *backward* as against the *strong* and the *forward*—because it amounts to treating unequals, as they are entitled, unequally. It is only then, when the weaker is under every inducement to educate and qualify itself, that it can make good the ground which it has lost.

As matters at present stand, all concession is shown to the *forward* community and they are therefore encouraged to think that, in the body politic, they are all in all, and all others are out of place. It is only when concession is shown to the members of the backward community and it is only when they are thus encouraged to think of themselves primarily as citizens of a smaller unit than itself, that there will be a great deal of effectiveness of communal interests secured. It is therefore indisputable that to accord preferential treatment to the backward is far better than encouraging the forward to develop exclusive tendencies.

The Government had to adopt the policy of religious neutrality for the reason that they would be accused of dividing men in order to govern them, with the result that the Government had to countenance their religion inflicted on the community by the tyranny of the perished. Hence the loss of all feeling of *fraternity* among the people. The Government now wishes to adopt, what I would call political neutrality for a similar consideration, with the only result that it will bring about loss of *equality*.

* Please read 'the Irreligion'.

That the Government will, when they concede the communal system of electorate, be accused of following the divide and rule policy-presupposes that the Government thereby do a matter of favour and not of duty. On the other hand it is only when the Government do not recognise the principle, the Non-Brahman will be tempted to depend upon the protection and impartiality of the Government from the arrogant ascendancy of the Brahman Oligarchy. It is only when he has thus to lean for support on the Government, there is room, though there is not justice, that the Government will have to be accused of adopting 'the divide and rule policy.'

If the Government is really to lead India towards self-Government, it must do all it can to call forth the citizen spirit among the people. India has not yet acquired it. It is only the system of communal electorate that can work and apply the principle of democracy over the widest extent. Without communal representation it is difficult to see how national representation is ever to occur in our country.

It is only among equals 'the give and take' is to be considered as the essence of political life. On the other hand under the conditions in which we are placed *the giving* cannot but be all on the side of the weak, and *the taking* all on the side of the strong—the very thing that we want to guard against.

It is said that communal system is opposed to the teaching of history. It may rather be said that the history of the world does not furnish an instance. If so, we may supply the example for the first time. The history of the world has not come to an end, and there are more chapters to be added. Therefore we must not be discouraged by these lessons which some profess to draw from history.

After all the question is not a new one to us in India. The experiment has been tried in the case of the Muhammadans and found not wanting.

We are glad that along with the Muhammadans the Communal representation is extended to the Sikhs. While the Muhammadans who are burdened with fewer divisions and whose social structure rests on a democratic basis, and who, therefore have more cohesion among them, are allowed Communal representation, the Non-Brahmans who are hampered by caste are entitled to demand the same treatment. Irrespective of the intrinsic merit of the system, we base our claim on the fact that British rule is based on equal treatment for all Communities.

To enable India to achieve nationhood, is the trust laid on the Government of India. In conceding the establishment of Communal representation to the Non-Brahman Community, the Government will, I hope, be true to that trust.

Poona, }
27-8-1918. }

P. L. RAMASWAMI
Mittadar, Pagulpatti
Salém Dist.

Dewan Bahadur P. Ramarayanan garu.

1. You say, (1) The conditions of the Presidency are badly in need of Communal Electorates and people pray for them. There is no justification whatsoever to reject the prayer. What is it that you refer to when you say that the people pray for this

Do you mean to say that the people have asked for Communal Electorates such as you have suggested. Does your scheme of non-brahmins include Kshatriyas and Vysyas? Who are those people and where and when did they ask?

2. Are you aware that many addresses were presented in December 1917 to Mr. Montague and Lord Chelmsford? Did the Kshatriyas ever present an address asking for separate electorates or separate representation for themselves or by being clubbed with other non-brahmin communities?

What position do the Kshatriyas occupy in the ordinal caste divisions of the Hindus. Do they not form one of the four?

Is it not a fact - (are you aware) that they stated --- expressed that they did not want any such separate representation

at

Are you also aware that the Vysyas in their address for a separate electorate and separate representation. And do not the Vysyas

besides being one of the four great castes, also form the great commercial community of South India.

Did the Vysyas ever join in the so-called non-brahmin conferences of Bezwada and Biccavole, Ramachandrapur, Coimbatore or Madura?

Did they not believe to join

They have a separate all presidency annual conference of their own. Have they not by a resolution of that conference declined to join your movement?

Did not the following communities also in their addresses to Mr. Montague plead each for a separate electorate and --- separate representation?

Panchamas, Yadavas (1½ millions), Oppressed classes of South India, Adi Andhras, Lingayets (500,000), Indian Christians, Indian Catholic Association, Viswabrahmans, Viswakarma's of Madura etc., Nathukotichettis, Vyghansas, Ezzhuvass (palm tappers), Tiyyas, Nadars, Chittada Sri Vyshnavas, Indrukuladeepas, Marvars (360,000) and Jains.

Have any of these communities, or the Arya Vysyas or the --- for all of whom you now suggest a scheme, ever, subsequent to our Montague's visit, sought to be clubbed together as a non-brahmins for purposes of representation.

3. They have done nothing to improve the non-brahmin position in public service, or in removing their educational backwardness. Their advocacy of competitive examination as the only test for public services, their opposition ~~the~~ to the attempt of the Hon'ble Mr. Dadabhai to better the prospects of depressed classes etc. The non-brahmins have no confidence in their brahmin representatives. They want their own men to represent them.

(page 3 and 4).

Regarding these statements,

(1) advocacy of competitive examinations.

What is it you refer to and to whom and where? Do you refer to anything that has happened in the Councils or outside? If the former, what is the occasion? If the latter how do you remember that many non-brahmins also including Muhammadans have likewise advocated competitive examinations?

What is the alternative to competitive examinations - nomination - Is this better designed to advance the interests of the State. Is it not?

(2) Improve the non-brahmin position in public service.

Do you say that all the 100 castes of South India should have proportionate appointment of the posts in the State?

What is the proportion of brahmins to the non-brahmins in

What is the literacy of the brahmins. (65 %) and of the non-brahmins.?

And considering this proportion, have you any reason to grudge the proportion of the two different (as you make them) in the higher posts of the Land Revenue Department.

3. During the last nine years there were non-brahmin members of the Legislative Council. What did they do to serve the non-brahmin interests in the services.

They are the following non-brahmin members:-

Chidambara nath Mudaliar.

Muppili Nair.

Annamalai Chettiar.

Subbarayulu Reddiyar.

K. Sooryanarayana moorthy Naidu.

Sergada.

Raja of Ramnad.

Venkatapathy Raju.

Was it not open to all these gentlemen to do anything like to promote non-brahmin interests for the depressed classes in the services. What did they do? Did you give any constructive ~~xxxx~~ scheme in regard to the improvement? Did they ever refuse to put it forward?

3. Educational backwardness.

What branch of education do you refer to?

(a) Are you aware that the Yriyas are admitted to half school fees on the matter of the late Mr. Ganjeru Venkataratnam in Secondary schools and Colleges.

(b) What is the present progress in regard to the question of Free and Compulsory or Free or Compulsory Primary education in so far as the Madras Legislative Council is considered?

Are you aware of the following resolutions moved by brahmin councillors and bills introduced by Brahmin members -- regarding Primary Education?

Are you aware too that they have all been registered by the Madras Government and that if the progress is slow or none, the blame does not rest on the Legislative Council or its brahmin thereof.

4. Depressed classes. Was not resolution moved in the Madras Legislative Council by brahmin members advocating changes in the darakshast rules in regard to grant of land, model dwellings, building society, admission to schools without fees and without distinction of castes, appointment of Panchamas to the Inspectors and the grant of disafforested lands? Was it not a --- brahmin who suggested that stocks should be abolished?

5. What was it that was opposed by the brahmin members in regard to Dadabhai resolution? What did you yourself do for the promotion of the services when you were in the Legislative Council?

6. Was any resolution proposed or discussed in regard to the Board Standing Order? Was it not dropped without being moved?

7. Tirupathi Devasthanam Bill. Was it not a validating measure to sanction expenditure which was being incurred for ~~xxxx~~ year

Was it not undertaken at the instance of the Mahant (who is a non-brahmin)?

"The non-brahmins have no confidence in their brahmin representatives. They want their own men." Since when? What is the ~~xxxx~~ reason for the distrust and since when has this arisen and on what grounds?

You object to plural constituencies? (page 4) "Pro-brahmin non-brahmin" will simply say "Yes" to what the Brahmin leaders say.

Who are these?

Missionary representation? Why?

Petty Indians? Why?

Why nomination for panchamas?

Rai Bahadur K. Venkata Reddy waidu garu.

You are reported to say on page 9 of the proceedings of the Informal Conference held in this chamber on the 16th and 17th of December 1918, as having said ~~that~~ at that conference that "The differences among non-brahmins were not strong." Do you adhere to that view still?

sects
How many ~~sects~~ are there among the non-brahmins in the Madras Presidency?

To what sect do you belong?

Do you inter-marry with people of the Balji sect, Adivelamas?

Do these numerous sects interdine or intermarry with one another?

Do you use (for drinking purposes) the water touched by or

brought by any of these sects, except the Gollas (Shepherds)?

From what sect do you select your cooks?

So you do not interdine or intermarry amongst yourselves (rather amongst these numerous sects) just as the Brahmins and yourself

do not interdine or intermarry? *How do you reconcile this state with that which occurs in page 4 of the Memoranda by S. J. F. in it is said "the non-brahmins are not organized and there are no bonds. On page ~~10~~ 10 of the same report. at present between one class*

You further say that a non-brahmin member representing your -- community would have proposed legislation to remedy the unreasonable social custom which makes the presence of a brahmin priest obligatory in non-brahmin marriages.

Are you aware of the fact that before the reconstitution

and since the reconstitution Mr. Varada Kameswara Rao Naidu, Kristnan Nair, Raman Menon, Ramaswami Chetti, Sunbada Mudalia Shunmugam Pillai, Dr. Nair, Kesava Pillai, Narasimharaju, --- Rangayya naidu - and the present non-brahmin members of the Council- have all sat on the council. Could they ~~have~~ not have ~~an~~ attempted such legislation? Did they attempt? Did you ever instruct any of these gentlemen to move a Bill in this behalf? Did you ever move this question before your Kapu Mah Jana Sabha - an organization that you have for your social and educational welfare?

On page 9. You say that the non-brahmins represent not merely a community, but a school of thought. "They are conservative representing vested interests.

And on page 10 (last). You say that Self Government is not of your seeking."

1. Who are the conservatives - the English Educated non-brahmins or others or all?
2. Do you include yourself among them? Are there many like you in the non-brahmin community?
3. And you say that Self Government is not of your seeking.

How long is it since you became a conservative?

Do you mean to say you never associated yourself with constitu

Were you a member of the Congress at any time? Had you been taking for some time active parts in the proceedings of the Indian National Congress?

And you are a speaker on the Congress platform too? Did you not speak on Indian volunteering at the Bombay Congress of 1915?

Did you attend the Lucknow Congress? Were you not elected a member of the subjects Committee at Lucknow? And is it not at

the subjects Committee that the real work of the Congress is done while in the open session the work done is mainly educative and spectacular? And you participated in the discussions relating

to the Congress League Scheme and you passed it? Is that not a scheme of self-government in which the entire anxiety over the

legislature was to exercise the fullest control over the purse the services and the Executive Council and according to which

no Indian Civil Servant could aspire to the place of the Executive Councillor or to any place beyond a Departmental Headship?

Since when then did you become a conservative?

You are not opposed to Self Government in which there are no reserved and transferred subjects if you get communal representation without separate electorates vide page 2 of the proceed

What do you mean by conservative then? Do you mean that he is a conservative who asks for self government with communal ---

territorial electorates?

Likewise you were present at the Special Andhra Conference at Bezwada held in October 1917 - on the eve of Mr. Montague's visit to India and voted for the proposition - almost the first on the agenda - your faith to the Congress League Scheme once again?

I put it to you to tell me whether you did not pass that --- resolution unanimously - though the question was raised - of coupling it with the resolution on separate representation.

Did you not ^{after} waive the right offered to you to insist on their being taken together and vote for the first independently and unanimously?

So you were not a conservative till October 1917?

Did you preside over a district conference in Nellore some time in 1917? Did you not use in your address the expression - "We of the Congress."

V.S. Varaswami Rao

Did your Community ask for Communal representation
in one of its gatherings?
no. Vote against

Confidential

THE COUNCIL OF STATE.

In response to the *Communique* issued from Delhi on the 8th January 1920, I take the liberty of making the following observations on the composition of and the manner of election to the proposed Council of State. A copy of this Memorandum has also been submitted to Mr. F. B. Evans, Secretary to the Government of Madras (Reforms Department) with whom has been associated an informal Advisory Committee for the purpose of ascertainment of unofficial opinion on such topics.

At the outset, I may be forgiven for referring to the evidence given by me before the Joint Select Committee on the Government of India Bill. At p. 91 of the Minutes of Evidence, I have stated "I would say that personally I am in favour of a system of two Chambers of which one Chamber is a popular and the other a revising body." In answer to the Right Honourable The Earl of Selborne at p. 93, I have developed this point and have stated as follows: "I venture to say that a direct election by persons of superior qualification, proprietary and literary, may be devised in course of time which would have all the elements of conservative yet not unprogressive thought which ought to characterise a revising chamber". My only objection to the constitution of such a chamber was on account of possible delay (p. 93—answer to Major Ormsby-Gore). The Report has now recommended to the Government of India to make suggestions to which effect can be given without delaying the inauguration of the new constitution.

I adhere to my former opinion and it is apparent that the report of the Joint Select Committee at p. 9 proposes to constitute the Council of State not as an organ for Governmental Legislation but as a true second chamber. The Report of the Joint Committee thus adopts the views of the Government of India in its Despatch on Franchise and supersedes the ideas contained in the Montagu-Chelmsford Report at pp. 178 & 179 and the Southborough Committee Report, Indian Edition, pp. 24 & 163.

In the discussion of this topic there is, in my humble opinion, no advantage to be gained by relying too closely on the analogy of the

British Houses of Parliament. Nevertheless, it must be conceded that the Parliamentary system works best when there are two or more organised political groups competing for power each having a clear-cut administrative and legislative programme. In respect of the lower or popular house the function of the elector is chiefly the determination of the question as to which of these rival parties shall be put in power. Thus the Provincial Legislative Council and the Indian Legislative Assembly would represent the electors' choice (however imperfect at the present stage) as between such competing parties. This circumstance is not of itself a reason for dissatisfaction: for, not otherwise can solidarity of effort be obtained and certainty of support guaranteed to the Ministry. The duty of the party or parties in opposition would be to keep up a steady criticism tending towards public control and public education obtained by constant discussion. According to this theory of Government, the revisional power of the upper or second chamber must fall short of the right to refuse supplies and in any case, the ordinary routine of taxation and expenditure must be in the hands of the lower or popular house. The lower or popular house, from this point of view cannot represent adequately the political outlook of the various component parts of the people but can only be indicative of the general preference of the majority of electors as between one party and another. For instance, many varieties of opinion on comparatively subsidiary or non-party matters will not be reflected in the policy of the popular house. Moreover, many of the electors may believe in or be strongly opposed to parts of the programme of both parties. The function, therefore of a revising or second chamber would be to ensure the discussion from all party and non-party aspects of the measures initiated in the lower house. There must, therefore, be a representation in the Council of State of all organised parties which are present in the Legislative Assembly. In addition, the Council must find a place or room for those thinkers who do not accept the entire programme of any party or who dissent from such a programme in one or two respects and (what is even more important) must include those standing for a cause which may not come within the reach of party politics. The essence, according to me, of the Council of State is that it should not as in the case of the British House of Lords, be considered as one-sided in its character and it must not be assumed that this council by its composition confers an undue advantage on certain partisans.

The next and equally important requisite of the members of the Council of State must be their independence. They must not be penalised for utter frankness and non-conformity with the prevalent modes of thought. To be of real utility, the members must serve for comparatively long terms and be recruited from the ablest and most judicially minded men in the country. If these contentions are accepted as sound, the following classes of persons must find a place in the Council of State. (1). Representatives of the parties existing in the Legislative Assembly. (2). Members qualified by service in great offices of State who have thereby acquired valuable administrative experience. This element, though important, ought not to be given undue weight. (3). Scholars, Captains of industry and others who have rendered different kinds of service to the country.

The principle of indirect election by existing local bodies and organisations has, if I may say so, been wisely eschewed by the Government of India as that principle tends to introduce into such smaller bodies the undesirable results of party conflict.

The solution indicated by these arguments seems, apart from the nominations which would be made from the classes of persons referred to above, to lie in the combination of the two elective methods noticed supra, namely, (1). the constitution of an electorate based upon comparatively high literary and proprietary qualifications and (2). election by the Provincial Legislative Councils for the purpose of accurately reflecting the popular point of view. I choose the latter method as being on the whole less cumbrous and complicated than any other that can be devised for the purpose, at all events, in the transitional period.

Being a member of the Advisory Committee constituted in Madras in respect of the Reforms Act, I have had the advantage of becoming acquainted with the proposals of the Government of Madras in regard to the Council of State. The Madras Government proposes that an electorate should be constituted composed of title-holders, past and present members of the Legislative Council, Chairmen of Municipalities and District Boards, Pensioners, ordinary and honorary Fellows of the University and certain classes of Zamindars, ryotwari holders and incometax payers aggregating to about 2,000. Such a body of electors, though valuable from the point of view of

representing the conservative and no doubt mature opinion of vested interests in the country would not, in my view, be adequate to secure the objects outlined by me. I would, therefore, use such an electorate only for the purpose of electing about half the number of elected members of the Council of State ; the remaining half, according to my suggestion, would be elected in respect of each Province by the Provincial Legislative Council. This recommendation has the additional advantage of leading up to the federal theory should such an evolution of political institutions in this country be thought feasible at any later stage. In all these elections I would advocate the choice to be made on the principle of proportional representation with a single transferable vote as obtains in South Africa.

For the purpose of convenience, I annex hereto as an Appendix a short *resume* of the methods adopted in the various countries of the world for the purpose of constituting an Upper or Second Chamber. It will be noticed that the combination of the two systems indicated by me is, by no means, a novel or untried device.

C. P. RAMASWAMI AIYAR,

10—2—1920.

APPENDIX.

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The Canadian Senate consists of 96 members nominated for life by the Governor General. These, in the language of President Wilson, are in effect appointed by the Dominion Ministers, for in the composition of the Senate as in the creation of Peers in England, the advice of the Ministers is decisive. The qualification for members of the Senate rests on a minimum holding of property of the value of 4,000 dollars.

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Whilst the Chamber of Deputies is elected by suffrage the term being 4 years, the Senate consists of 300 members chosen by electoral colleges specially constituted for the purpose in several departments and colonies, the term being 9 years. The electoral college is composed in each department of the deputies the members of the general council of the department who are apparently chosen adhoc and the members of the Councils of the several *arrondissements* (electoral districts for the Chamber of Deputies).

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The Council of State is constituted on the federal basis and consists of 44 members, 2 chosen from each of the 22 Cantons. In most of the Cantons they are elected by the popular vote and in 7 Cantons they are elected by the *Legislative Body of the Canton*. (Vide, Woodrow Wilson on the state, Revised 1919 Edition, p. 411)

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Australia.

The Australian Senators whose term is 6 years are *directly chosen by the people of each State.*

South Africa.

At present, the Senate is composed of a certain number of Senators nominated by the Governor-General in Council for a period of ten years and for each Province 8 Senators are elected. Half the Senators appointed by the Governor-General are selected on account of their acquaintance with the wants and wishes of the coloured races. The elected senators of the Union are chosen by the *Two Houses of Parliament of each Colony sitting together as one body on the principle of proportional representation with a single transferable vote.* The senator must own property of not less than £ 500 irrespective of mortgages.

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**Note by the Hon'ble Mr. C. P. Ramaswami Aiyar, Member,
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MADRAS :

The 10th February 1920. }

C. P. RAMASWAMI AIYAR.

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Term of Senators 10 years.

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C. P. RAMASWAMI AIYAR.

10th February 1920.

STATEMENT FOR THE FUNCTIONS COMMITTEE.

SUBMITTED BY

Mr. N. M. Joshi,

Member, Servants of India Society; Joint Secretary, Social Service
League Bombay; Joint Secretary, the Bombay Presidency
Social Reform Association.

I have no remarks to offer on the specimen list, attached to the reforms report, of the departments which may be handed over to provincial Governments.

But of the second list, *viz.*, of the subjects that may be transferred to the popular part of provincial Governments, I will say generally that all the subjects mentioned therein should be transferred and also all those which do not relate immediately to the maintenance of law and order. According to this test, the most prominent omissions are (1) Land Revenue Administration, (2) Higher Education, (3) Major Irrigation, (4) Civil Justice, (5) Factories, &c. With regard to the last three subjects, one fails to see why they should not be transferred to ministers just as other subjects. Major irrigation works are certainly a subject "in which Indians have shown themselves to be keenly interested" and "which stands most in need of development," and therefore it really ought to find a place on the transferred list. It has for long been the complaint of the people that irrigation is being neglected by Government in favour of railway expansion, although the former is likely to do more lasting good to the country than the latter. This complaint cannot be remedied except by throwing on to the popular representatives themselves the responsibility of developing the country's resources to such an extent as to find adequate means to undertake heavy and steadily growing outlay on irrigational works. No apprehension need be felt that ministers will not administer this department as efficiently as at present. These remarks are also true of the other departments under the heading "Public Works." The department of "Civil Justice" may equally well be transferred. It is emphatically one of those departments "in which mistakes which may occur, though serious, would not be irremediable." Indians have always shown a marked capacity in this department, and it need not be withheld from their control. The heading of "Factories, etc.," again represents a group of subjects "which afford most opportunities for local knowledge and social service," and which are worthy of being transferred.

"Higher education," besides being a subject in which Indians are keenly interested and which is in need of rapid extension, is a subject that should naturally be entrusted to those who are in charge of the primary and secondary education. The bifurcation of education which will otherwise result will introduce into its administration complexities which will be a great hindrance in actual practice. Furthermore, it is the universal complaint that in higher education patriotism is always at a discount, and the national point of view is apt to be ignored. If the indigenous civilization is to receive its due recognition in the curricula, the control over educational policy must be in Indian hands, and that control can now be safely committed to Indians, for there is no danger of western ideals losing their hold on the Indian mind.

The difficulties of handing over land revenue administration to Indian ministers can easily be appreciated, but there is no reason why even this department need be reserved by Government. It is no doubt expressly excluded from popular control in the reforms report, but the reason on which the exclusion is based loses its force when we have a truly representative council. Matters vitally affecting the well-being of the masses are proposed to be reserved on the ground that "the masses may not be adequately represented in the new councils." But I claim that my proposals in this behalf make the council representative and that there is no risk of the council being manned by people hostile to the interests of the masses. The fact of the matter is that on agrarian questions the leaders of the educated classes who have made entrance into the councils have shown themselves as a rule more ready to champion the rights of the masses than Government themselves. In Bombay this has been demonstrated on very many occasions. The complaint of the ryots rather is that the grievances voiced by popular members are not promptly redressed by Government. Whatever it is, the councils of the future will be, and are designed to be, representative of the masses of the people, and even if the provisions in regard to this are thought to be defective, Indians will be ready to amend them in such a way as to democratise the composition of the councils to a greater extent rather than to let land revenue administration be out of their control. The fact that there is mostly *ryotwari* tenure in this presidency is an additional reason why the transfer should take place. There are no difficulties about tenant rights, etc., to deal with. Apprehension may be felt in official quarters that land assessment may be drastically reduced or permanently settled. But it may be said in reply that people's representatives are sufficiently alive to the fact that popular government generally adds to the total expenditure and will not recklessly undertake a reduction of revenue. Even if they do, they will soon find out that they will themselves suffer thereby. The transfer of land revenue administration will conduce to the well-being and contentment of the ryots as nothing else will.

Of the subjects included under the heading "maintenance of law and order," the superintendence of prisons and criminal tribes affords very great opportunities to the people to do social service, and by the canons laid down in the report itself they should be transferred. The lower magistracy and police service, as also the railway police, may also be placed under popular control; for they do not vitally concern themselves with the maintenance of law and order in the higher sphere. I am content to leave the higher police to the control of the non-popular part of Government, under proper safeguards. But I maintain that this should be the only limitation. The Viceroy and the Secretary of State contemplate a variation in the transferred list from province to province, and no province offers a more promising field for experiment in this direction than Bombay. Here the transfer should therefore be on the most generous scale. It should also be remembered that such an experiment, to be successful, must be carried on a sufficiently big scale.

With regard to the control of provincial services, it seems to be under contemplation to keep that a reserved subject. Here I would insist that these services should be under the control of the popular or non-popular part of Government according as they are in charge of transferred or reserved subjects.

STATEMENT FOR THE FRANCHISE COMMITTEE.

SUBMITTED BY

Mr. N. M. Joshi,

Member, Servants of India Society; Joint Secretary, Social Service League, Bombay;
Joint Secretary, Bombay Presidency Social Reform Association.

THE PROVINCIAL COUNCIL.

(1) *Number of Members* :—I would suggest that the Congress-League recommendation as regards the total number of members in the provincial councils and the proportion of elected to nominated members among them be adopted. I would therefore propose that the Bombay Legislative Council should consist of 125 members, no more than 25 of whom to be nominated by Government.

(2) *Nomination* :—I would not insist upon a definite proportion being observed between the official and non-official members among the nominated, because the composition of the grand committees, proposed in the reforms report, makes it necessary to leave a certain amount of latitude to Government in this matter. But I am firmly persuaded that the method of nomination will not at all answer, to give representation to important minorities or other large classes of the population requiring special protection. All important interests and groups must, wherever possible, be represented by election, either through general or communal electorates, as may be suitable in each case, nomination being resorted to only where the peculiar circumstances of the interests or classes make election impracticable.

In the Bombay Presidency there are three interests, the representation of which may well be provided for by nomination. I would therefore propose that Government should nominate one member each to represent, (1) Jains, (2) Indian Christians, and (3) factory workers, etc., or the labouring classes generally, the last on the recommendation of some recognised institution doing social service among the labouring classes or working in their interest, till they have a well established organisation of their own. The Jains and Indian Christians are not numerically strong enough in any district or a group of contiguous districts to form an electorate or to justify the reservation of a seat for them in mixed constituencies, and their representation can thus be secured only by nomination. I would make a special claim on behalf of the labouring population, for they will be excluded, both in Bombay City and in the mofussil, by any franchise which it is possible to devise in the present circumstances of the society, but as their interests do not always coincide, but are apt on occasions to come into violent conflict, with those of factory owners and others who will be represented in large numbers in the territorial electorates, it would be highly advisable to have at least one member in the Council who can speak for the toiling masses. The question of industrial advancement will assume an ever increasing importance in the future, and it cannot be a good arrangement to trust a just-minded member, returned on too high a franchise, to constitute himself a spokesman of the large classes who will be affected by the legislation undertaken by the Council. In Bombay, Ahmedabad and Sholapur the mill operatives form compact and large groups, and it is easy to knit them into a solid organisation, strong enough to look after their special interests. A beginning may well be made in that direction, in the reformed councils, by some such method as I have suggested.

(3) *Elective Seats.—Special Communal Electorates.*—Now to turn to the distribution of elected members. I advocate the representation of the non-official European and Anglo-Indian community, the Mahomedans and the so-called depressed classes among the Hindus through special communal electorates: the first and the third because their interests, in the present state of things, are entirely different from those of the rest, and the second because the Congress-League proposal, whatever the rights or wrongs of it, has committed a large section of the politically-minded people in the country to separate Moslem representation.

(4) *Non-official Europeans:*—I would give two members to the Europeans and Anglo-Indians, either through Chambers of Commerce as at present or through other electorates, as they may choose.

The Congress-League recommendation allows one-third of the India elected members to Mahomedans in the Bombay Presidency, and this proportion, though in itself palpably unjust, must now be acquiesced in. I would give to Mahomedans 32 representatives out of 98, after deducting the two European representatives.

(5) *Depressed Classes:*—And I would give three representatives to the depressed classes or untouchables, one for each division, through separate communal electorates, and I would provide that the Marathi-speaking people belonging to these classes in Bombay city should be grouped with those in the Central Division and the Gujarati-speaking people with those in the Northern Division. For the present we have to be content with what is in fact miserably poor representation for these classes, but just because the representation is so inadequate, I would insist that their representatives should be their real spokesmen and should therefore be returned by their own electorates. These will no doubt be small, to begin with, but it is better to secure their representation through their electorates, however small, than through co-option by elected members, as is proposed in certain quarters.

(6) In considering the claims of the different parts of the Presidency for representation, it is best to divide the province into the natural divisions of Gujarat, Deccan, Karnatak and Konkan than the administrative divisions in current use.

(7) *Distribution of Mohmedan Seats:*—I would allot the 32 Moslem representatives in the following way:—

Bombay City	...	...	...	...	4
4	{	Ahmedabad city	...	...	1
		" district	...	...	1
Gujarat 6	...	{	Kaira	} to be grouped	...
			Panch Mahals		
			Surat		
			Broach		
Deccan 4	...	{	East Khandesh	...	1
			One for each group of two districts	...	3
Karnatak 3	...	{	Dharwar	...	1
			Belgaum	...	1
			Bijapur	...	1
Konkan 2	...	{	Ratnagiri	...	1
			Kolaba	} to be grouped	...
			Thana		
Sind 13	...	{	Karachi city	...	1
			Districts in Sind	...	12

(8) *Special Representation of Cities*:—Then I would give special representation to large cities having a population of a lakh and over, and I am of opinion that if this is allowed no special representation is needed for the commercial or the educated classes. I consider that the city interests will be adequately represented if they are given representation in the following proportion:—

Bombay City	...	...	8
Karachi City	...	...	2
Ahmedabad City	...	...	2
Surat City	...	...	1
Poona City	...	...	1
			—
			14
			—

These are exclusive of the Moslem representatives, proposed above for Bombay, Karachi and Ahmedabad.

On the principle that whoever enjoys special representation should cease to participate in the general election, it follows that the Mahomedans and Europeans should be excluded from the electorates of either cities or districts.

(9) *Seats for District Electorates*:—Now there remain 49 seats to be distributed among the non-urban tracts of the Presidency. I would allot them thus:—

	{	Poona	...	...	3 (Of whom one to be earmarked for a person belonging to either of the backward classes to be hereafter specified).
Deccan	{	Satara	...	...	3 (One for backward classes).
		Sholapur	...	...	2
		Ahmednagar	...	...	3 (One for backward classes).
		East Khandesh	...	...	3 " "
		West Khandesh	...	...	2
		Nasik	...	...	2
					—
					18 (Four for backward classes).
Konkan	{	Kanara	...	...	2
		Kolaba	...	...	2
		Ratnagiri	...	...	3 (One for backward classes).
		Thana	...	...	2
					—
					9 (One for backward classes).
Karnatak	{	Belgaum	...	...	3 (One to be earmarked for a Lingayat representative).
		Bijapur	...	...	2 (One for Lingayats).
		Dharwar	...	...	3 (One for Lingayats).
					—
					8 (Three for Lingayats).
Gujarat	{	Ahmedabad	...	...	3
		Kaira	...	...	3
		Panch Mahals	...	...	1
		Broach	...	...	2
		Surat	...	...	2
					—
					11
Sind (Non-Mahomedan)			...	...	3
					—
					49
					—

(10) *Principle of Distribution*:—In determining the number of members for each district, I have taken the population for my basis, but tempered it by the number of voters that will be yielded by the franchise proposed by Government. I am therefore inclined to think that, though mathematical accuracy cannot be attained, the result will be fair in the gross. I do not provide for special representation for landlords, because I am confident that they will not be under-represented in the general constituencies.

(11) *Backward classes*:—It will be seen that in the Deccan, Konkan, and Karnatak I reserve eight out of the total 38 seats for backward classes and Lingayats, and I think this will be regarded as a fair representation. Apparently no need for such earmarking is felt in Gujarat, and consequently I have not provided for it. Leaders of the backward classes in the Deccan and Karnatak are content to give a trial to the method of reserving a certain number of seats for them in the general electorates and to waive their demand for communal electorates pending the results of this trial, and it is but fair, alike in the interest of those classes and in that of the society in general, that representatives in the proportion I have suggested should be allowed to them.

It will have to be determined, on an examination of statistics not now available to me, as to who are to be classed among the backward classes. Perhaps those among whom the percentage of literacy is less than 5 may be regarded as backward. This arrangement has the great advantage that the reservation of seats for a community automatically vanishes as education spreads among it and is not open to the objection that it will stereotype existing caste distinctions.

(12) *The Franchise*:—On the subject of franchise I have not much to say. The qualifications proposed by the Bombay Government are calculated to give satisfactory results. They lower the franchise as much as it can be lowered for the present, without lowering it again beyond the margin of safety. I would only insist upon retaining the qualification of an annual income of Rs. 250 or over, as its deletion would exclude many persons on whom franchise deserves to be conferred. I also approve of the payment of Rs. 10 as house-rent being made a qualification in Bombay City, and if house-rent is to be the basis in other cities, I would have the figure lowered correspondingly or the qualification of an annual income of Rs. 250, extended to urban areas also, will serve equally well, and will make the other qualification of the house-rent superfluous. The voter should be at least 21 years of age, and may be of either sex.

(13) *Women's Franchise*:—The present sex disqualification must not be maintained against women, either as voters or as candidates. Even if the franchise is thrown open to the women on equal terms with the men, I am afraid a very inadequate proportion of women will make their way to the voter's list, but it is not possible, in the present circumstances, to give franchise to women in virtue of the qualifications of their husbands, as is done in certain western countries, and even the present arrangement will be a gain inasmuch as the principle of the equality of sexes will have been recognised though the tangible and immediate advantage to women will be comparatively little.

(14) *System of Voting*:—I am opposed to plural voting; but cumulative voting may be allowed.

(15) *Qualifications for candidates*:—There need be no special qualifications for candidates; any one should be allowed to stand as candidate, and for any constituency whatever, provided he or she is a voter in any constituency of the Presidency.

should be required (1) of voter (2) of candid

The Chairman said he would bring up a containing the practice of advanced constitutions

Should subjects of Native States, ~~who are~~ who have votes in our constituencies, be allowed to tan candidates? The majority answered no minority yes.

Should landlords having special electorates be allowed to join the general electorates

Mr. Banerjee + Sarki were as others were for. The former then proposed their representation thro' their special elect should be reduced in consideration of their tion in the general constituencies. Even opposed.

Plural voting

i We don't favour it in the general constitu

ii To prevent it, elections all over a ds should be held on the same day

iii ~~The electoral law should include for~~ against it.

The registers should be so framed as to have the same name entered on once in the same constituency.

The same name may be entered of us

Only the necessary should be

degree and qualification.

Not so. The most exigent, some
how large the elements would be, (counting the
work become a more qualified or better) (1)
the reputation for the qualification education
prescribed should be (1) the method (2) the
method (3) the other things.

manus stand at present, the Committee is not prepared to recommend a scheme of women suffrage. Evidence on the subject, however, will be received with respect.

the election for the University seat, should recent graduates be added to the electorate? Sir Frank Sly, Mr. Hailey & Mr. Hagg raised the question. Is the representative to represent University interests especially, or to represent a class of highly cultured voters? It was decided to take evidence on the subject from some University authorities.

evidence in the province enough for a candidate or is it necessary that he should be a voter in the locality?