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[Confidential.] POLITICAL. **GOVERNMENT OF** DEPARTMENT. AR AND ORISSA BRANCH SPECIA] [File No. 309 of 1918.] Part III.

tions of non-official Members of the Legislative Council and of Associations consulted on the Report on Indian Constitutional, Reforms.

# LIST OF

Nos.

1.—Letter No. 751-8 C., dated the 23rd July 1918, to all Secretaries of Associations in Bihar and Orissa.

2.—Letter No. nil, dated the 10th August 1918, from the Secretary, Bihar Provincial Association.

3.-Letter No. nil, dated the 24th August 1918, from the Secretary, Bihar Provincial Moslem League.

-Letter No. 723-49-C., dated the 27th July 1918, to all non-official members of the Bihar and Orissa Council.

5.-Letter No. 429-18, dated the 19th August 1918, from the Hon'ble Raja Kirtyanand Sinha

6.-Letter No. nil, dated the 25th August 1918, from the Hon'ble Rai Bahadur Purnendu Narayan Sinha.

7. Demi-official letter, dated the 27th August 1918, from the Hon'ble Mr. Adit Prashad Sinha.

8.—Demi-official letter, dated the 26th August 1918, from the Hon'ble Babu Braja Sundar Das.

9.-Letter No. 1263-C., dated the 2nd September 1918, to the Hon'ble Mr. Adit Prashad Sinha.

10.—Letter No. 1264-C., dated the 2nd September 1918, to the Hon'ble Babu Braja Sundar Das.
11.—Letter dated the 29th August 1918, from the Hon'ble Babu Bishun Frashad.

12.—Letter No. 403, dated the 29th August 1918, from the Hon'ble Rai Bahadur Sarat Chandra Sen.

13.—Letter dated the 31st August 1918, from the Hon'ble Mr. S. K. Sahay.

14.—Letter dated the 2nd September 1918, from the Hon'ble Mr. Watson Smyth.

### LIST OF PAPERS-concld.

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Nos.

15.-Letter dated the 1st September 1918, from the Hon'ble Mr. J. V. Jameson.

16.—Demi-official letter, dated the 31st August 1918, from the Hon'ble Mr. Saiyid Muhammad Naim.

17.— Demi-official letter No. njl, dated the 28th August 1918, from the Hon'ble Maharaja Sir Ravaneshvar Prashad Singh Bahadur, K. C. I. E. of Gidhaur.

- 18.—Letter No. C-156, dated the 30th August 1918, from the Hon'ble Maharaja Sir Ravaneshvar Prashad Singh Bahadur K. C. I. E, of Gidhaur.
- 19.—Letter dated the 31st August 1918, from the Hon'ble Khan Bahadur Khwaja, Muhammad Nur.
- 20.—Letter No. 132, dated the 31st August 1918, from the Hon'ble Raja Harihar Frashad Narayan Singh, O. B. E. of Amawan.
- 21.—Demi-official lefter, dated the 3rd September 1918, from the Hon'ble Rai Bahadur Lachmi Prashad Sinha.
- 22.—Letter No. 110, dated the 3rd September 1918, from the Hon'ble Babu Maheshvar Prashad, Muzaffarpur.
- 23.—Letter dated the 3rd September 1918, from the Hon'ble Maulavi Saiyid Nurul Hasan.
- 24.—Letter No. nil, dated nil, from the Hon'ble Babu Dvarika Nath.
- 25.—Note dated the 3rd September 1918, by the Hon'ble Mr. J. V. Jameson.
- 26.—Letter dated the 4th September 1918, from the Hon'ble Kumar Shivanandan Prashad Singh, O. B. E., of Mongbyr.

27.—Letter dated the 3rd September 1918, from the Hon'ble Khan Bahadur Saiyid Ahmad Husain.

28.—Letter dated the 5th September 1918, from the Hon'ble Babu Braja Sundar Das.

29.—Letter No. 20-18, dated the 28th August 1918, from the Secretary, Bhumihar Brahman Sabha.

30.—Letter dated the 9th September 1918, from the Secretary, Maithil Mahasabha.

31.—Letter dated the 5th September 1918, from the Scoretary, Tirhut Landholders' Association.

- 32.—Letter No. 175, dated the 2nd September 1918, from the Honorary Secretary, District Muslim League.
- 33.—Letter dated the 17th August 1918, from the Hon'ble Mr. P. Kennedy.

54.—Letter No. 31, dated the 1st October 1918, from the Secretary, Domiciled Bengalis' Association, Orisa.

35.—Letter dated the 29th September 1918, from Rai Sahib Janak' Dhari Lal, Dinapore.
36.—Letter Nd. 162, dated the 28th September 1918, from the Honorary Secretary, Bihar Landholders' Association Patna Association, Patna.

S7.—Letter No. 61, dated the 7th September 1918, from the Joint General Secretary, Pradhan Bhumihar Brahman Sabha, Patna.

38.-Letter dated the 17th September 1918, from the Honorary Secretary, Village Panchayat Association, Gaya.

39.—Resolution dated the 1st September 1918, passed at a meeting of the Muslim League, Gaya.

40 .- Opinion dated the 10th August 1918, of Saiyid Khairat Ahmad of Gaya.

-Letter dated the 23rd August 1918, from Khan Bahadur Qazi Farzand Ahmad of Gaya. 41.-

42.—Letter dated the 23rd August 1918, from Maulavi Ghulam Haidar Khan, Vakil of Gaya.

43.—Letter dated the 20th August 1918, from Babu Chattarbhuj Sahay of Shahabad.

44.-Scheme proposed by the Hon'ble Raja Harihar Prashad Narayan Singh of Amawan,

45.-Resolution dated the 2nd September 1918, passed at a meeting of Landholders held at Monghyr.

## NOTES

### POLITICAL DEPARTMENT.

### SPECIAL BRANCH.

#### A PROCEEDINGS POL 1918, Nos in line d

#### [File No. of 1918.]

1

Associations consulted on the Report on Indian Constitutional Reforms. ł

> lon Blag Plainter Association To the Bitar Provincial Marken Largen, No. 751-8-C., dated the 23rd July 1918. Bitar Provincial Association detion

From the Secretary, Bihar Provincial Association, letter dated the 10th August 1918.

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· · .• From the Honorary Secretary, Bihar Provincial Moslem League, letter dated the 24th August 1918. 2

Telegram, dated the 2nd September 1918, and the September 1918, and the sector to the 1, 4 From-President, Maharaja Bahadur; From-Gidhaur, To-Government Camp.

From-Gidhan, At a Conference of Landholders of Bihar held to-day at Monghyr the following reso-lations were unanimously adopted .-First resolution gratefully welcomed the reform proposals as the substantial step in advance towards responsible Government. The second resolution prays for grant of special electorates for landbolders, particularly for Bihar landbolders constituted under permanent settlement; and third resolution prays for extension of time of submission till its January 1919 to enable the Local Government a fuller donsileration and modification of soheme in the light of suggestions received from all sections of the public. Requests laying these resolutions before His Honour. Proceedings follow, \$

To non-official Members of the Bihar and Orissa Legislative Council, No. 723-49-C., dated the 27th July 1918.

From the Hon'ble Raja Kirtyanand Sinha, B.A., No. 429-18, dated the 19th August 1918.

From the Hon'ble Rai Bahadur Purnendu Narayan Sinha, letter dated the 25th August

From the Hon'ble Mr. Adit Prashad Sinha, letter dated the 27th August 1918.

From the Hon'ble Babu Braja Sundar Das, letter dated the 26th August 1918. Rest of the second 

To the Hon'ble Mr. Adit Prashad Sinha, Darbhanga, No. 1263-C., dated the 2nd September 1918.

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To the Hon'ile Babu Braja Sundar D	a3, Cut'a-k, N 1318.	io. 1264-C., date	l the 2nd S	eptembor
From the Hon'ble Babu Bishun I	Prashad, Gaya,	letter dated the 22	th August 19	18.
From the Hon'ble Rai Bahadur	S. C. Sen, No	. 403, datel the 29	th August 19	18.
From the Hon'ble Mr. S. K. S	ahay, Ranchi,	letter dat d the 31	st August 19]	18.
From the Hon'ble Mt. Watso	n Smyth, lett:	r dited the 2nd Se	ptember 1918	i.
From the Hon'ble Mr. J. V.	Jameson, lett	er dat d the 1st Sc	ptember 1918.	,
From the Hon'ble Mr. Saiyid Mr	ubammad Naii	n, letter dated the	31st August 1	918.
From the Hon'ble Maharaja Sir Rav	aneshvar Pras	had Singh Bahadu	r, k.c.1.e., of C	Fidhaur.
From the Hon'ble Maharaja Bahadur dat	Sir Ravanesh ed the 30th Au	var Prashad Singl Igust 1918.	i, K.C.I.E., No.	C—156,
From the Hon'ble Khan Bahadur I	Khwaja Muhar	nmal Nur, dated t	he 31st Augus	ıt 1918.
From the Hon'ble Raja Haribar Pra	shul Nariyan August 191	Singh, O.B.B., No. 18.	132, dated 1	the Slat
From the Hon'ble Kai Bahadur Lach	mi Prashad Si	nha, letter dated th	e 3rd Septemb	bor 1918.
From the Hon'ble Babu Maheshv	ar Prashad, N	o. 110, dated the 3	rd September	1918.
From the Hon'ble Maulavi Saiyid	Nur-ul Hasar	, letter dated the 3	rd September	191 <b>8.</b>
'From the Hon'ble Rai ]	Bahadur Dvari	ka Nath, letter dal	ed 1918.	
Note by the Hon'ble Hr.	J. V. Jameson	dated the 3rd Sep	tember 1918.	
From the Hon'ble Kumar Shivananda	an Prashad Sir 1918.	igh, о.в. <b>г.,</b> letter d	ated the 4th S	September
From the Hon'ble Khan Bahadur Sa	iyid Ahmad 1915.	Hussin, letter dat	d the Srd S	leptember
From the Hon'ble Babu Braja	Sundar Das, I	etter dated the 5th	September 19	18.
From the Secretary, Bhumihar Brahn	nan Sabha, lei 1918.	iter No. 20-18, da	ted the 23th	ı August
From the Secretary, Maithil 1	Mahasabha, let	ter dated the 9th S	eptember 191	8.
From the Secretary, Tirbut Lundhel	ders' Associat	ion, letter dated th	e 5th Septemb	oer 1918.

From the Honorary Secretary, District Muslim League, Muzaffarpur, letter No. 175, dated the 2nd September 1918.

From the Hon'ble Mr. P. Kennedy, letter dated the 17th August 1918.

### POLITICAL DEPARTMENT.

### SPECIAL BRANCH.

#### of 1918.] [File No. 3.

Opinions of non-official Membérs of the Legislative Council and of Associations consulted on the Report on Indian Constitutional Reforms.

[No. 1.]

#### 'No. 751-8-C., dated Ranchi, the 23rd July 1918.

From-The Hon'ble Mr. H. McPREBSON, I.c.S., Chief Secretary to the Government of Bihar and Orissa,

-The Secretary, the Bihar Landholders' Association, Patna; the Bihar Planters' Association, Muzaffarpur; the Bihar Provincial Muslim League, Patna; the Bihar Provincial Association, Patna; the Orissa Association, Cuttack; the Orissa Landholders' Association, Cuttack. To

The Government of India have invited Local Governments to consult official and un-official opinion on that portion of the Constitutional Reforms Scheme which is contained in paragraphs 212 to 295 of the Montagu-Chelmsford Report. If your Association desires to offer any observations on the proposals, I am to request that they may be submitted to me not later than the 10th September and that the order of arrangement followed in the report. may be followed as far as possible in forwarding the opinions of the Associa-tion.

[No. 2.]

#### Dated Patna, the 10th August 1918.

-Babu RAJENDRA PRASHAD, M.A., M.L., Secretary, Bihar Provincial Associa-From tion, Patna,

### To-The Chief Secretary to the Government of Bihar and Orissa.

To-The Chief Secretary to the Government of Bihar and Orissa. In reply to your letter No. 751-8-C., Political Department, dated Ranchi, the 26th July 1918, I have the honour to forward a copy of the Resolutions adopted at the session of the /Bihar Provincial Conference held on the 3rd and 4th August under the Presidentship of the Hon'ble Mr. Mazhar-ul Haqq, which had been specially convened for the purpose of considering, discussing, and focussing the public opinion of the educated Bihari community on the Reform Scheme. These resolutions deal with the reform of the India Office, the Government of India and the Provincial Governments. The resolutions do not require any explanation embodying, as they do, in the clearest language the views and sentiments of the politically minded classes in Bihar. in Bihar. . (

### Resolutions adopted at the session of the Bihar Provincial Conference held on the Brd and 4th August.

I. That this Conference on the occasion of the Fourth Anniversary of the Great War offers its respectful homage and loyalty to the person and Throne of His Majesty the King-Emperor and prays that victory may soon attend his arms in the fight between freedom and despotism in order that the right of self-determination for all countries and nationalities may be firmly established.

II. That this Conference re-affirms the principle contained in the resolutions relating to self-Government adopted at the sessions of the Indian National Congress and the All-India Muslim League held at Lucknow in

### Bihar Provincial Association.

December 1916, and at Calcutta in December 1917, and declares its conviction that nothing short of a scheme vesting the Government of the country in the Indian people will satisfy their just demands.

III. That this Conference, while thanking the Right Hon'ble the Secretary of State and the Viceroy for the pains taken by them in preparing the scheme of reforms, records its opinion that their proposals display an unwarrantable distrust in the people of this country and that unless the proposals are modified to a considerable extent in at least many material respects, they will not constitute any substantial step in the direction of responsible Government even as laid down in the announcement of the 20th of August 1917.

IV. Parliamentary control.—(a) That in the opinion of this Conference it is desirable that the control exercised by the British Parliament over the Government of India should not be relaxed except in so far as the same may be transferred to the people of India.

(b) That in the opinion of this Conference it is absolutely necessary that the Council of the Secretary of State for India should be abolished, and not only the salary of the Secretary of State for India as proposed but also the whole of the costs of his establishments in England should be placed on the British estimates.

V. Government of India.—(a) That this Conference regrets that the proposals do not suggest any changes in the Government of India such as are calculated to effect a transfer of power to the people.

(b) That this Conference is of opinion that the proposal to constitute a Council of State is a retrograde one and being calculated to hamper the growth of responsible Government in India should not be adopted.

(c) That this Conference is of opinion that all Departments in the Government of India except those relating to the Army and Navy, foreign relations including those with the Indian Princes, and law and justice should be placed in the hands of Ministers responsible to the Legislature with a substantial majority of elected members.

(d) That all legislation and money bills should be passed by the Legislative Assembly provided that the supplies be fixed on such a basis as would not be detrimental to the proper administration of the transferred subjects.

(e) That not less than half of the members of the Executive Council shall be Indians.

(r) That the proportion of Musalman representatives on the Legislative Assembly as fixed in the Congress League Scheme should be maintained provided that no Musalman shall participate in any of the other elections to the Legislative Assembly save and except those by electorates representing special interests.

VI. Public Services.—That in the opinion of this Conference it is necessary that it should be recognized that Indians have a preferential claim to the services in their own country and as a first step all restrictions, theoretical as well as practical, on Indians joining the various services and attaining the highest ranks therein should be abolished forthwith and facilities offered to Indians to enable them to enter them.

VII. Provincial Government.— $(a)^{\circ}$  That this Conference places on record its sense of disappointment at the proposals relating to the Provincial Government and is of opinion that the following changes amongst others are absolutely necessary to fulfil the promise contained in the Declaration of the 20th August 1917.

(b) That all departments except those of law and justice should be transferred to the control of the Legislative Council.

(c) That the Ministers should be responsible to the Legislative Council, being removable by it by an adverse vote and their salary being voted upon by the Council.

(d) That except with regard to the reserved subjects the Ministers should be bound to carry out the policy laid down by the Legislative Council.

### Bihar Provincial Association.

(e) That the Budget should be discussed and voted upon by the Council provided that the supplies be fixed on such a basis as would not be detrimental to the proper administration of the transferred subjects.

(f) That in the opinion of this Conference the proposed Grand Committee will in its operation prove mischievous and is calculated to hamper the growth of true responsibility in the Government and such a Grand Committee should not therefore be constituted.

(g) That in the opinion of this Conference it is essential that it should be laid down in the Act that after five years the reserved subjects shall be transferred automatically to the control of the Legislative Council.

( $\hbar$ ) That the proportion of Musalman representatives in the Legislative Council as fixed in the Congress League Scheme should be maintained provided that no Musalman shall participate in any of the other elections to the Provincial Legislative Councils save and except those by electorates representing special interest.

(i) The head of every Provincial Government shall be a Governõr who shall not ordinarily belong to the Indian Civil Service or any of the permanent services.

(i) That in the opinion of this Conference the Santal Parganas District. and the Chota Nagpur Division, although mentioned in the Schedules of the Scheduled Districts Act, 1874, should not be excluded from the jurisdiction of the reformed Provincial Governments and should have the same franchise as the other parts of the Province.

VIII. That the freedom of speech and liberty of person be ensured to Indians by a special provision in the Parliamentary Statute.

[No. 3.]

### Dated Bankipore, the 24th August 1918.

From-Maulavi Saiyid NUR-UL HASAN, Honorary Secretary, Bihar Provincial Muslim League,

To-The Private Secretary to His Honour the Lieutenant-Governor of Bihar and Orissa.

I have the honour to submit herewith a copy of the resolutions passed by the Bihar Provincial Muslim League in its meeting held on the 18th of August 1918. I hope you will be kind enough to lay the same before His Honour the Lieutenant-Governor.

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Resolved that the Local as well as the Imperial Government be moved to secure the representation of the Muslim community on the Committees, if any, which may be appointed under clauses 53 and 54 of the summary of the Montagu-Chelmsford Report by placing one member of that community on each of those Committees, and for the purpose of ensuring this, the number of members of the Committee to be appointed under clause 53 be raised to 5 of which two shall be officials and 2 Indian non-officials and one to be Chairman to be brought from England. [No. 4.]

## Roja Kirtyanand Singh.

### No. 723-49-C., dated Ranchi, the 27th July 1918.

From-The Hon'ble Mr. H. McPHERSON, 1.0.S., Chief Secretary to the Government of Bihar and Orissa,

o-All non-official Members of the Bihar and Orissa Legislative Council.

The Government of India have invited Local Governments to consult 'official and unofficial opinion on that portion of the Constitutional Reforms Scheme which is contained in paragraphs 212 to 295 of the Montagu-Chelmsford Report. If you desire to offer any observations on the proposals, I am to request that you will be good enough to send them to me not later than the 1st September. Your opinion is particularly invited on the question of the distribution between "reserved" and "transferred" subjects, discussed in paragraph 238 of the report.

I am to ask that the order of arrangement followed in the report may be followed as far as possible in your reply.

[No. 5.]

### No. 429-18, dated Banaili, the 19th August 1918.

From-The Hon'ble Raja KIRTYANAND SINHA, B.A., Proprietor, Raj Banaili, To-The Chief Secretary to the Government of Bihar and Orissa.

In compliance with your wishes expressed in your letter No. 723-49-C. (Political Department), I have the honour to forward to you my observations on the Reforms Scheme contained in paragraphs 212 to 295 of the Montagu-Chelmsford Report.

The Reform Scheme is on the whole a genuine advance towards the realization of resposible Government in India and we cannot be too thankful to His Excellency Lord Chelmsford and the Right Hon'ble Mr. Montagu for the troubles they have taken on this behalf. Much no doubt, will depend on the Committee proposed to decide the question of franchise and we are, glad to know from the recent speech of the Secretary of State that the question of communal and special representation is still an open one. We are, however, unable to follow all the arguments in the report against these representations, and I dare say the landholders as an important class in the country will be specially represented in all the Provincial and Imperial Councils and legislative assemblies. They have important stakes in the country and their interests must be adequately safeguarded.

country and their interests must be adequately sateguarded. With regard to the general recommendations of the report I have not much to say as the steps proposed to be taken are wholly new and we have yet to see how they work in practice. It appears to me, however, that the proposal to separate the Ministers from the rest of the Government is open to the objections urged in the report against what is known as the Curtis' Scheme and it should be considered whether it would not be proper for the Ministers to be also members of the Executive Government and the responsibility for fresh taxation should be shared by the whole Government instead of the ministers of the transferred subjects only. Divided responsibility is hardly consistent with good Government, and when a measure of responsibility is being granted to the people, I think that part too should form part of the Government as a whole and be not isolated from the rest.

The principles of an enlarged Legislative Council with a substantial elected majority, elected by direct election on a broad franchise with such communal and special representation as may be necessary, are very much to be commended, though much will depend, as I have said, upon the special Committee which is proposed to be appointed to settle details. The report recognizes the fear of confusion and friction and it occurs to me that if the elaborate machineries proposed to secure the passing of such legislation which the executive Government considers absolutely necessary is simplified a little, it would be better. Mistakes of the legislature should be corrected by the Governor's power of veto or ordinance or both. The legislature will hardly deserve to be entrusted with the work of legislating for the good Government

### Rai Bahadur Purnendu Narayan Sinha.

of the country if it refuses reasonable demands of the Executive Government and the machineries and safeguards suggested create unnecessary suspicion in the minds of the people that they are not being trusted. I dare say we have enough correctives in the form of powers vested in the Governor or the Governor General. Arguing on these lines the idea of the appointment of Grand Committees is also repugnant as well as those of the certificate by the Government. I would suggest that the machineries be made simple and the legislature may be made to realize the 'responsibilities of their, position and should not be delegated to the ranks of irresponsible critics.

The same remarks apply to the Government of India and the legislation by the Legislative Assembly. The Council of State seems to be the real legislative machinery and the legislative assembly is proposed to be an assembly of irresponsible critics having influence but no power. This will cause unnecessary friction which should be avoided.

Other recommendations do not, in my opinion, call for much comment. On the whole the scheme is the real step towards responsible Government and has been hailed with delight by the majority of the people of India.

KIRTYANAND SINHA.

### The 19th August 1918.

[No. 6.]

### Dated Bank pore, the 25th August 1918.

From-The Honible Rai Babadur PURNENDV NARAYAN SINHA, Tq-The Chief Secretary to the Government of Bihar and Orissa.

With reference to your letter No. 723-49-C. of the 27th July 1918, I beg to send herewith my opinion on the Reform Scheme.

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### Minister not responsible to the Assembly.—The principle of reform in. Provincial Governments is thus stated in paragraph 189 :—

"Our objective is the realizing of responsible Government. We understand this to mean first, that the members of the executive Government should be responsible to, because capable of being changed by their constituents; and secondly that these constituents should exercise their power through the segency of their representatives in the assembly .....

There must be a period of political education which can only be achieved through the gradual but expanding exercise of responsibility. We must proceed therefore by transferring responsibility for certain functions of Government while reserving control over others. From this starting point we look for a steady approach to the transfer of complete responsibility."

This means that at the start, responsibility should be given only it transferred subjects. That responsibility means that the members of the executive Government, so far as the transferred subjects are concerned, should be responsible to their constituents through the agency of their representatives in the assembly. The members of the executive Government here referred to are such as may be changed by their constituents. So with reference to the transferred subjects, we may take them to be the ministers. The objective of reform in the Provincial Council therefore is that the ministers should be responsible to their constituents. through the agency of their representatives in the assembly, i.e., the ministers should be responsible to the assembly.

Now this objective has not been gained and the minister has not been made, responsible to the assembly, as will appear from the following grounds :----

(1) Paragraph 218 says the ministers would be appointed for the lifetime of the Legislative Council. "As we have said, they would not hold office at the will of the legislature, but at that of their constituents." This means

### Rai Bahadur Purnendu Narayan Sinha.

the minister may scout popular opinion for five years or three years, whateven may be the life-time of the assembly, and yet draw his pay all this time. He may be utterly incompetent, may have no initialive and no power of organization or administration. But yet he may carry on his work to the satisfaction of Government, as the following ground will show :--

2. Paragraph 219 says :--- "The portfolios dealing with the transferred subjects would be committed to the ministers, and on these subjects the ministers together with the Governor would form the administration. On such subjects their decisions would be final, subject only 'to the Governor's advice and control."

advice and control." This means, there would be no responsible Government, in any shap<sup>9</sup> whatever, except that the selection of the minister may be a really good one, and he may be a popular man, and he may respect popular opinion, though he is not bound to do so. But many people shine in false colours before that authorities and the selection may not after all be of a really good man When there is no need for fearing public opinion, and when it is urgent to act under the Governor's advice and control, the average man will find it 'so very easy to act always as the Governor wishes. Practically it comes to this that the transferred subjects will be administered by the Governor and not by the people.

3. Paragraph 219 also says that the Governor will not be bound to accept the decisions of his ministers. A power of control is reserved to the Governor, as it is said that he is "generally responsible for his administration". This power of control is only consistent with the position of a minister responsible to the assembly. The minister can only go against the Governor, when the assembly is at his back.

When there is this power of control, what object can there be in not making the minister responsible from the outset ?

No doubt, as paragraph 221 says, the additional members will not take part in the decisions, but they will take part in the discussions. This is, however, distinction without difference for decisions after all are only the result of discussions.

5. The responsibility of the minister to the constituency does not practically mean anything. No one ordinarily expects to be a minister twice, unlessone is conspicuous by his unselfish public service. After all it will have a very remote effect upon him, and if he be backed by some powerful landlords he may be always hopeful of his next election.

6. The obvious injustice, and I would say anomaly, of not making the minister responsible to the assembly from the very beginning will appear from the provisions made in paragraph 260, under the heading of Future Development.

After five years' time from the first meeting of the Reform Councils; the Government of India should hear applications from either the Provincial Government or the Provincial Council for the modification of the reserved and transferred lists of the province, and after considering the evidence loid before them, the Government of India should recommend for the approval of the Secretary of State the transfer of such further subjects to the transfarred list as they think desirable, or if certain functions have been seriously maladministered, it will be open to the Government of India with the sanction of the Secretary of State to retransfer subjects from the transferred to the reserved list.

Now during all these five years, the assembly who form the only chosen representatives of the people have never administered the transferred subjects,

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### Bai Bahadur Purnendu Narayan Sinha,

have never had a voice in that administration, and no control, they have never been in any-way responsible for that administration. What enquiry is then the Government of India to make? The only enquiry that can be made is whether the minister has faithfully followed the advice of the Governor and his advisers. No other enquiry is possible. But this enquiry, may show the fitness or otherwise of the minister only and not of the assembly. The assembly has not been given any responsible Government during the five years and there can be no enquiry as to the fitness of the seembly for the exercise of responsible power.

7. Paragraph 260 also says that after five years, the Government of India may direct that the ministers' salaries, instead of any longer being treated as a reserved subject and therefore protected in the last resort by the Governor's order from interference, should be specifically voted each year by the Legislative Council; or failing such direction by the Government of India, it should be open to the Council, at that time or subsequently to demand by resolution that such ministers' salaries should be so voted, and the Government of India should thereupon give effect to such request. "The ministers' would" then " in fact become ministers in the parliamentary sense 1

I admit that this, and this only, can be the beginning of responsible Government in the Provincial Councils, as regards transferred subjects. But this beginning may come about, not certainly in the sixth year, but it may be in the seventh or the eighth year. Here again we have got another gross injustice and anomaly.

The periodic Commission to be appointed by the Parliament is to come onten years after, the first meeting of the new Councils (paragraph 261). This Commission is to consider, "whether by the end of the term of the legislature then in existence, it would be possible to establish complete responsible Government in any province or provinces, or how far it would be possible to approximate to it in others".

<sup>22</sup> Now out of ten years, the assembly may have exercised real power of, responsible Government only for two or three years. In every constitution, errors may be expected in the first few years. Is the Council to be judged in the exercise of responsible powers by its two or three years' work only. This is obviously unfair and unjust to the assembly.

It is therefore of the utmost importance to the success of the scheme that from the very outset, the minister should be made responsible to the assembly.

11.—Select Committee of Grand Committee.—The procedure of a Select Committee to be appointed by the Grand Committee (paragraph 253) is a cumbrous and useless procedure.

III.—Landholders' Special Electorate.— Paragraph 252 of the Report says:—"Where the great land owners form a distinct class in any province we think that there will be a case for giving them an electorate of their own".

I There is undoubtedly such a case in Bihar. The landlords form in Bihar a strongly distinct class and are powerfully organized. It is not only in their own interests, they should have a special electorate, but also in the interests of the goueral electorate. For if the territorial magnates in Bihar, with their power, influence and wealth mean to control the general electorate, they can easily do so. If the tenants go against their will, they may make matters hot for them.

IV.—List of transferred subjects.—I generally agree that the subjects mentioned in the Illustrative List II, as showing transferred subjects (Appendix II of the Report) should be accepted for the province of Bihar and Orissa. In my opluion the Executive Council should not have the power of suspending local bodies. There should be, a Central Board consisting of some elected members of the assembly with the Minister of Self-Government as President which should have the final control and supervision of local bodies and the said Board should have the power of suspension in extreme cases.

### Babu Biehun Prashad.

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V.-Indian Government.-At least some subjects should be transferred to the Legislative Councils in the Indian Government. There is a strong general Indian feeling in the matter.

### PURNENDU NARAYAN SINHA.

[No. 7.]

### D.-O. dated Darbhang1, the 27th August 1918.

From-The Hon'ble Babu ADIT PRASHAD SINHA, Darbbanga,

To-The Hon'ble Mr. H. McPHERSON, I.C.S., Chief Secretary to the Government. of Bihar and Orissa.

I write to acknowledge the receipt of your letter No. 723-49-C., dated the 27th July, and say that, as I have been on heavy touring since the last month, and as I expect I shall continue to be on tour for some time more, I shall be in a position to send in my note giving my remarks and observations on the scheme by the end of the first week of September instead of the 1st September. I hope the Local Government will not mind this small delay.

#### [No. 8.]

D.-O- dated Cuttack, the 26th August 1918.

From-The Hon'ble Babu BEATA SUNDAR DAS, Cuttack,

To-The Hon'ble Mr. H. McPHERSON, I.C.S., Chief Secretary to the Government of Bihar and Orissa.

I am glad to learn that His Honour has been pleased to discuss the Reform Scheme informally with us on the 13th September. I think it would be better if His Honour allows us to submit our opinions on the scheme after discussion.

I am still open to conviction on many points and so I ask His Honour's leave to submit my notes on my doubts and difference of opinion four days later (4th of September) than the date you appoint for submission.

I shall be thankful if you kindly intimate to me His Honour's wish on my request.

[No. 9.]

No. 1263-C., dated Ranchi, the 2nd September 1918.

From-W. B. BUBTT, Esq., t.c.s., Under-Sceretary to the Government of Bihar and Orissa, Political Department,

To-The Hon'ble Babu ADIT PRASHID SINHA, Darbhanga.

I am directed to acknowledge the receipt of your letter dated the 27th ultimo, and to inform you that there is no objection to your giving your remarks and observations on the scheme by the end of the first week of September.

### [No. 10.]

No. 1264-C., dated Ranchi, the 2nd September 1918.

From-W. B. BRETT, Esq., I.c.s., Under-Secretary to the Government of Bihar and Orissa, Political Department,

-The Hon'ble Babu BRAJA SUNDAR DAS, Cuttack. To-

I am directed to acknowledge the receipt of your letter dated the 26th ultimo and to inform you that there is no objection to your submitting your opinions on the Reform Schemes on the 4th September.

#### [No. 11.]

Dated Gaya, the 29th August 1918.

From-The Hon'ble Babu BISHUN PRASHAD, Gaya,

To-The Chief Secretary to the Government of B har and Orissa.

With reference to your No. 723-49-C., dated Ranchi, the 27th July 1918, I have the honour to offer the following observations on the proposals for Constitutional Reforms in India. λ.,

### Babu Bishun Prashad,

1. I am of opinion that speaking generally the Reform Scheme presents a real and definite stage towards the progressive realization of a responsible Government in India, but it is very difficult for me to give a decided opinion on the subject in view of the fact that we labour under certain disadvantages, one of which is that the proposals are not complete in themselves and are to be supplemented by the views and recommendations of two Committees to be hereafter appointed. In my opinion the success of the, scheme and its acceptance by the people-will depend largely upon the nature of the franchise and a liberal transfer of the Departments to popular control. This will necessitate the vesting in the Legislative bodies larger powers over the budget and other matters than what are proposed in the report.

2. I therefore confine my criticisms in accordance with the views of the announcement of the policy of His Majesty's Government on the 20th of August last. It consists of three parts : (a) A recognition of our right as part of the British Empire to responsible Government. (b) A statement as to the mode of attaining the same. (c) A declaration as to the gradual and increasing Indianization of the services of the country. The last may be left out of consideration for the present as it is no portion of the structural plan for the reform of the political machinery of the country with a view to convert it into a responsible Government. As regards the other two parts this great pronouncement is rightly taken by the country as heralding the dawn of our political freedom and England is entitled to our eternal gratitude for this recognition of our rights.

3. But we must respectfully protest against the appointment of periodic Commissions upon whose decision will depend the future advance of political freedom and national autonomy in India. I would respectfully-propose that the Parliamentary Statute should contain definite provisions for self-government within the Empire within a definite period of time.

4. The proposals have been so thoroughly criticized in the public press' and by the various political institutions throughout the country that it is needless for me to recapitulate the same argument in this letter. But I<sup>1</sup> am inclined to believe that if the principles of the modifications and improvements that are suggested below be, accepted, the scheme would be more in accordance with the main principle of the announcement of August 20th than it is now.

5. And first of all I would beg to point out that Article 5 of the Summary of Recommendation of Appendix I of the Report must go and with it the "certificating" power of the Governor General in Council in the Government of India and the Governors in the Provinces; because to my mind they are in conflict and inconsistent with the main principles of the aforesaid announcement. I would suggest that instead of the said it may be provided that any executive action taken by the Governor General in Council in regards to (a) Naval and Military matters, (b) foreign relations, including relations with Indian princes, and for the next ten years in regard to (c) Departments of Law, Justice and Police (Prisons excluded), provided further that all legislations affecting (a) prerogatives of the Crown, (b) relations with Indian Princes, (c) Army, Navy and Air, service, (d) differential legislation prejudical to (e) foreign capital already wested in India, (f) foreign religious missions, (g) existing members of the Indian Civil Service and other services hitherto recruited for in Europe, (h) civil rights of Britishborn subjects, resident of or settled in India or of "minorities", shall be beyond the jurisdiction of the Indian legislatures.

6. There are several other necessary modifications which can be reasonably suggested in the constitution of the Government of India, but I would like to mention only one, namely, that one-half at least of the members of the Council of the Governor General may be appointed by the Governor General from the elected members of the Legislative Assembly.

7. As regards the provinces I would respectfully submit that it would be only consistent with the announcement of the August 20th if the scheme be somewhat on the following lines :---

I. Executive :-- (a) The Provincial Executive to be composed of, (i) a Governor and (ii) a Cabinet.

#### Rai Bahadur S. C. Sen.

(b) The Cabinet to be formed in the manner hereinafter provided :---(i) not more than one-half of the members to be appointed from outside the elected members of the Provincial Legislative Council and one-half of these must be non-official Indians. (ii) The remaining half to be appointed from the elected members of the Legislative Council. (iii) All members of the Cabinet to be appointed by the Governor and they must resign or vacate their office with the resignation of the Governor or with the close of his term of office. (iv) The members of the Cabinet appointed from the elected members of the legislature to be in charge of "transferred" subjects. The "reserved" subjects to be in charge of such members as the Governor may appoint. (v) All members of the Cabinet to be called by the same name receive the same order of presidence in all State functions. (vi) Members in charge of "reserved" subjects and those in charge of "transferred" subject, to act together in all matters and from one and undivided executive and deliberate upon all subjects "reserved" or "transferred" to gether, and jointly decide the common policy of the Government. (vii) The division into "reserved" and "transferred" to refer only to the control of the legislature and not to create any division of responsibility within the Executive Government itself.

II. Legislative.—(i) The Provincial Legislative Council to have full control over the Executive except for the first five years in regard to its administration of Law, Justice and Police which are to be treated as "reserved subjects". At the end of five years these to be automatically transferred to the control of the Provincial Legislatures.

(ii) Provincial executive to be subject to the direction and control of the Provincial Legislature immediately with regard to "transferred" subjects and with regard to all subjects after five years.

(*iii*) The control of the legislature to be exercised (a) through the vote on the budget. The Provincial Council to have full right to alter, amend or reject it in regard to "transferred subjects "now and in regard to all subjects after five years, (b) through "resolutions which must be binding on the executive.

Thus it will be quite clear that in my opinion all departments except those of Law, Justice and Police in the provinces should at once be transferred to the control of the Legislative Council.

[No. 12.]

### No. 403, dated Purulia, the 29th August 1918.

From-The Hon'ble Rai Bahadur S. C. SEN, Purulia,

To-The Chief Secretary to the Government of Bihar and Orissa.

With reference to your letter No. 723-49-C., Political Department, dated the 27th July 1918, I have the honour to make the following observations :---

1. I consider the Reform Scheme prepared by His Excellency Lord Chelmsford and the Right Hon'ble Mr. Montagu and published for criticism a very comprehensive one. It embraces all possible questions of reform of the Indian administration.

2. The scheme, in my opinion, embodies a substantial portion of reforms for which the people had been very anxious and as such I welcome it very heartily as an earnest and honest effort to grant to the people of this country larger share in the administration of the Government.

3. The scheme, however, is far short of a substantial step towards the responsible Government in India, inasmuch as the Government of India remains indisputable authority on matters adjudged by it to be essential. It does not appear from the scheme that the Government of India or the Local Government is made responsible to the people for good Government. Too much power has been kept in the hand of the Governor. Moreover, a definite period should have been stated within which complete self-government should be attained.

4. The complete separation of the finances between Indian and Provincial heads of revenue is one of the reforms for which the Indian National

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### Mr. S. K. Sahay.

Congress has been agitating for the last 33 years : every right-thinking Indian should welcome this reform.

5. The Budget Rules contained in paragraph 256 of the report appear, to present great difficulty in my mind so far as the allotments to the trans-ferred subjects are concerned. It appears to me that after the contribution to the Government of India and the supply for the reserved subjects' very little will be left for the ministers to meet the charges on the transferred subjects. They will therefore be compelled to introduce new taxation and thus become unpopular. The apportionment of revenue should be made in such a way as to give ample fund in the hands of the ministers to manage the transferred subjects without fresh taxation at least for the first term of their office. In my opinion the review by a periodic Commission is not an adequate safeguard against the difficulty that the ministers are likely to meet for funds to menage the transferred subjects. for funds to manage the transferred subjects.

6. So far as the local bodies are concerned they should be under complete popular control. The expression "so far as possible" in the first formula enunciated in paragraph 188 may be liable to misinterpretation as it has often been the case with regard to the expression "so far as may be" in the Queen's Proclamation.

7. I beg to suggest that in addition to the 15 subjects appended to the report, administration of civil and criminal justice and police excepting Criminal Investigation Department should be included in the transferred subjects. The ministers should be invested with powers to appoint, to determine the condition of service of, and to control all the officers employed in their respective departments subject to any existing privileges enjoyed by those now in service.

### [No. 13.]

Dated Ranchi, the S1st August 1918.

From-The Hon'ble Mr. S. K. SAHAY, Ranchi,

To-The Chief Secretary to the Government of Bihar and Orissa.

With reference to your letter No. 723-49, dated the 27th July 1918. I have the honour to submit herewith my observations on the Reform Scheme. But I would like to add that I submit this opinion with the reservation of my rights to modify it in light of the decision of the Congress League (I am bound to abide by their decision).

### Observations on the proposals of the Beform Scheme.

Observations on the proposate of the Leform scheme. Emerson said that there are two Englands, the England of justice, of liberty, of humane ideas and England of narrowness and unreason. It was the first that gave India the great Victorian Proclamation of 1858; it is the second that has during the last 60 years kept the word of promise to our ear and broken it to our hopes and has reduced that noble document to a dead letter. It is a matter for congratulation that we have now at the head of our Government men who are honest champions of justice and who are ready, over in the storm and stress of a terrible war to declare their adherence to Government men who are honest champions of justice and who are ready, even in the storm and stress of a terrible war, to declare their adherence to a policy of trust and conciliation. It is absolutely true in Government as in private life that more flies are caught by honey than by vinegar. Our Secretary of State and our Viceroy have evidently adopted the prudent political dictum of Francis Bacon—" Not to undertake things beyond the strength of Government, not to row against the stream, not to wait for occasions always, but sometimes to challenge and induce them." The scheme before us is the greatest measure of justice which England has offered to India since the obsolete proclamation of 1858: and if only it is worked out in a liberal spirit it will effectually change the old order and prove one of the greatest land marks in the World's History. This is how it is regarded by the majority of my educated countrymen and this is how I look at it. As regards the scheme taken as a whole I think I am expressing the opinion of my intelligent constituents when I say that we receive it with the opinion of my intelligent constituents when I say that we receive it with grateful thanks. It shows the great pains that the Right Hon'ble the Secretary of State and His Excellency the Viceroy have taken over the matter and the sincerity of their purpose. ÷

#### Mr. S. K. Sahay.

2. Provincial.—The Executive.—The constitution of this body is to be of two members of the Executive Council and the ministers. Of the Executive Councillors one is to be a European qualified by long official experience and the other an Indian. In this nothing is said whether the Indian who would be selected is to be an official or non-official or either. In my humble opinion selected is to be an official or non-official or either. In my humble opinion it should be distinctly laid down that he should be a non-official, in the strictest sense of the word. As for the ministers, I am afraid their position is most anomalous. They are to be members of the Executive Government but not of the Executive Council: they would be responsible to the Legislative Council but will not hold office at the will of the legislature. They will be given the control of the transferred subjects, but may not be given enough funds to introduce improvements or necessary changes, for which they will have to devise new taxation. They would thus he responsible to two meeters and I four they would he able to please none be responsible to two masters and I fear they would be able to please none. Another great defect in the introduction of the appointment of ministers by nomination is that it may have a demoralizing effect (218). And the same thing might happen in the case of the appointments that are to be analogous to that of the Parliamentary Secretaries referred to in paragraphs 224 and 275.

In paragraph 219 it is suggested to give the Governor a peculiar power of control over the ministers. I respectfully submit that there should be very clear directions in the Instrument of Instructions to be issued to Governors by the Secretary of State in Council as to the circumstances in which this special power is to be used. But why not trust the ministers to respect the Governor's trained advice. I believe there will not be found in the whole history of the association of Indians with high officials any instance in which the opinion of the officials has been wantonly slighted. On the other hand, it is a notorious fact that Indian members in their anxiety to please the officials often act contrary to their own convictions. We do not merit this distrust. And then the introduction of additional members without portfolios is not at all desirable or necessary when the ministers have at their disposal the advice of all heads or necessary when the ministers have at their disposal the advice of all heads of departments (220). It would be very easy for these additional memb rs with their official knowledge to force their opinions on the ministers. I the e-fore think that there should be no additional members (221). The direct system of election is really the best system of democratic Government. But I fear that the present condition of my country may not supply a good electoral college. If the franchise is to be given on property have mithant their a sensition the literance of the laterance of the la

basis without taking into consideration the literacy of the voters, it is not likely to be judiciously and properly exercised.

I therefore respectfully submit that literacy should be declared to be a necessary qualification for the right of voting either as a substitute for pro-perty or at least in addition to it (225-26).

Communal electorates are as is rightly observed in the report not an ideal state of things. I, however, abide by the terms of the Lucknow compromise. Still I would respectfully submit that the system of proportionate election should be introduced as soon as practicable and possible under the existing circumstances of the country. It should in no case be extended beyond the Lucknow compromise. The suggestion that is thrown out in the second half of paragraph 232 of giving a separate representation to landowners where they are in great numbers would be laying down a dangerous precedent (272-232).

In paragraph 233 the proportion of official members to the non-officials has not been laid down. This should be done and it should be fixed at  $\frac{1}{4}$ .

The formation of standing Committees is indeed a good move, but I fear it will be difficult to work them, though one sincerely hopes that members will overcome their present lethargy in attending such Committees. The Vice-President of the Council should be elected and under no circumstances be an official, as this will be a real training for the man to undertake responsible duties. (236).

In the list of subjects to be transferred in our province I would like to include almost all things except (1) Law and Justice, (2) Police, and (3) Land Revenue Administration. (238).

### Mr. S. K. Sahay.

In my opinion the words that are suggested to be used to give power to the Governor of a province for certifying bills, etc., are much too wide, but nothing can at present be said definitely because the Instrument of Instructions to Governors is to contain full directions about it.

As regards formation of the Grand Committees and their constitution and powers, I am not very enthusiastic but at the same time I am unable to suggest any improvement except by going to the Congress League Scheme. Then again the discussion of a Bill that has come out of the Grand Committee by the Legislative Council would not be an improvement on the existing position (252-253).

In paragraph 254 references have been made to a "representation" by the Legislative Council but no procedure has been suggested as to how such representation may be made. And the power that has been given to a Governor and the Governor General to dissolve their Legislative Council, Legislative Assembly and Council of State is not acceptable unless the circumstances under which this power can be exercised is definitely described (254 and 283).

### Budget.-The procedure should be modified as follows :--

Contribution to the Government of India should be the first charge. After that provision should be made for all subjects reserved or transferred on the basis of the previous expenditure (as it is done now). The residue should be divided in the proportion of  $\frac{1}{3}$  for reserved and  $\frac{3}{5}$  for the transferred subjects. The previous proposal that the ministers when he finds the residue at his disposal insufficient for the provision of all the transferred subjects should have powers to suggest extra taxation is one that will make his position very unpleasant in the estimation of the public (255-257).

The methods suggested for further development are quite satisfactory except so far as they relate to re-transfer of the transferred subjects to the list of reserved subjects. I hope there will be no such occasion, but even if there be any, I do not see why the whole country should suffer for the fault of those few who would be in charge of those subjects.

It may so happen that in some respects the working of the transferred subjects may fall short of actual requirements, but that should not be made a ground for re-transfer. What I respectfully submit is this that the grounds for retransfer of a subject should be made, if it has to exist at all, as strict as strict can be (260-262).

### Government of India, Chapter IX of the Report.

This part of the scheme is very disappointing because admittedly it does not propose to initiate any step of responsible Government in this sphere, although it is said that greater opportunities for influencing the Government will be given. Unlike Provincial Government no subjects have been left under the control of the elected majority. And even the legislature has been divided into two chambers the Legislative Assembly and the Council of State. It really means the withdrawal of the supreme Legislative authority from the Legislative Council where it now rests and vesting it in the Council of State, which to all intents and purposes will be a close official body. In my opinion something similar to the Provincial scheme of a Grand Committee would have been enough, if indeed it was needed because the Governor General will be armed with the most powerful machine in his hands, namely, the power of certifying to legislative measures (279) which will enable him to make and unmake things just as he likes, a power which practically reduces the whole fabric of self-government to a sham and delusion.

The appointment of another Indian to the Executive Council is no doubt a step in advance, but I think it does not go far enough. Those Indians who had the honour and privilege to belong to that august assembly have proved by their ability and levelheadedness that the Government has no cause to apprehend that those who will be appointed hereafter will not discharge their duties equally efficiently. There have been so far no adequate ground to lead the Government to distrust them (272). On the other hand, their services have been publicly appreciated by the highest authorities

### Mr. Watson Smyth.

Mr. Watson Smyth. with whom they have had to deal. I therefore earnestly propose that the Indian element in the Council should be increased, i.e., there should be 3 Indians instead of 2. The power that is proposed to be given to Governor General of certifying bills in cases of emergency and of getting them introduced in and passed through the Council of State merely reporting them to the assembly minimizes the powers of the Legislative Assembly (229). I have one more suggestion to offer in this connection and I respectfully submit that in order to complete the boon of the grant of power in the hands of the elected members of the Provincial Legislative Council over transferred subjects some limitation should be placed on the powers proposed to be given to the India Government over the transferred subjects of the provinces. The proposals relating to the private Bills do not seem to be complete because it is not clear whether the mover of the Bill if he be a member of Legislative Assembly will also continue to be in charge of it even when it goes to the Council of State. If he be not there, the Council of State may metamorphose it and the member introducing it may not know about it or goes to the Council of State. If he be not there, the Council of State may metamorphose it and the member introducing it may not know about it or take any part in its discussion (280). The power of asking supplementary questions given to members of Legislative Council and Legislative Assembly is a much desired change (286-236), but the power retained to the Governor General of disallowing a question on the ground of its being inconsistent with the public interest may be further modified to the extent that the question should be answered privately and confidentially to the member putting it (286). (286).

The proposed appointment of some members of the Legislative Council and Legislative Assembly to a position analogous to that of Parliamentary Under-Secretaries should be limited to the elected members only (224-275).

I can well understand the reasons that might have led the authors of the scheme to deciding, so far as the India Government is concerned, that resolutions should have effect only as recommendations, but I altogether fail to see why it should be so in the case of resolutions of the Provincial Council where some subjects have been transferred to the control of the public opinion (237-284).

### Parliament and India Office.

The changes that are now proposed in these two Departments are to my mind satisfactory. I would certainly have preferred the Congress League suggestions on the subject, but even without that the appointment of three Indian members to the India Office will improve the matters very much and so will the appointment of a Select Committee of the House of Commons for Indian affairs and the placing of the salary of the Secretary of State on the Home Budget (295-294).

The proposals about modifying the powers of control exercised by Parliament and the Secretary of State over Indian internal affairs may be regarded as steps of advance in the direction of responsible Government (291-292).

Note.—In writing the above I have placed the number of paragraphs to which my opinion relates in the sentence or sentences previous to reference. There are some points which arise both under Proruncial and Imperial headings. I have discussed them under one head or the other, but they are to apply to both. I have tried to place both references within brackets.

### S. K. SAHAY, BAR-AT-LAW,

Additional Member of the Legislative Council, Bihar and Orissa.

[No. 14.]

D.-O. dated Calcutta the 2nd September 1918.

-The Hon'ble Mr. R. M. WATSON SETTH,

To-The Hon'ble Mr. H. McPHEBSON, 1.0.8., Chief Secretary to the Government of Bihar and Orissa.

In continuation of my letter of the 26th, I find that as the Sub-Committhe of the Bengal Chamber of Commerce, of which I am one, appointed to consider the Reform Scheme, have had some meetings and decided more or less on the sort of line they are going to take, I can now give my own

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opinions for what they are worth. I therefore enclose a memorandum, and must apologize for it being a couple of days late.

I shall attend the meeting at Ranchi on the 13th, arriving the same morning, and as I am quite a stranger to the place, if you could tell me where I can put up for the night, I shall be very much obliged. I propose to leave Ranchi on Saturday afternoon.

### INDIAN CONSTITUTIONAL REFORM.

### Memo. by the Hon'ble Mr. R. M. Watson Smyth.

Before criticizing the Reform Scheme, I wish to emphasize the following two points. (1) That it has by no means been proved that Western Parliamentary methods are in any way suited to Indian conditions. The Reform Scheme, as it stands, seems to take this for granted, but there is a strong opinion in this country and at Home that Western Parliamentary forms of Government are suited neither to the conditions of India nor the character of the people. (2) That although admitting that reforms are necessary, and that such reforms should be in the nature of a gradual advancement towards self-government, it is undoubtedly a most inopportune time to introduce a scheme involving such tremendous issues at the present moment. The energies of the whole nation are, or should be, engaged in winning this war. When the war is brought to a conclusion, favourable to the allies, large changes are expected throughout the whole civilized world, and it is the opinion of many that the question of Indian reform should be taken up then and not now. In addition to this, the hurry in which the propounders of this scheme are trying to force it on makes it. impossible for the various individuals and bodies to consider it with sufficient care. That being the case, it necessarily follows that criticism must be more destructive than constructive. In such a limited time it is only possible in a scheme of this kind to point out what may be considered as outstanding faults and quite impossible to suggest practical alternatives. It seems almost as though the formulators of this scheme had deliberately encouraged this form of criticism, as they have been able to strongly discount it in the scheme as draw up. In other words, destructive criticism is discounted and condemned in the scheme, and yet the time given for consideration. It is identiciely stated in the same paragraph that the geneand for reform is not being put forward in this paragraph, that the demand for reform is not being put forward in compliance with the demand for the origon i

Taking it, however, as settled that reforms have got to be pushed through in some form or other, I put forward the following remarks on the report, but they are and must of necessity be very incomplete owing to want of time for consideration.

Education.—This seems to me to be the very root from which any scheme of reform on parliamentary lines must spring. A scheme of the type which is now before us can only be saved from being a dangerous farce by a franchise on the very broadest basis. It is, as far as I know, admitted by everybody that such a franchise is impossible at the moment, and can only be made possible by education of the masses. It is well known, however, that the

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tendency of educated Indians is either directly or indirectly against education: As an instance of direct opposition, I can quote the recent case in the United Provinces where educated Indians actually carried a vote against primary education being made free on the plea that if the masses were educated, there would be great difficulty in finding servants for the rich men's houses and cultivators for their fields. As an instance of indir et opposition to education on the part of educated Indians, I can quote instances not only of schools, but of Universities, where instead of training up students to the standard of an examination, the authorities are quite willing to reduce that standard to the level of the students, whatever that may be, so as to enable them to say that they have passed. It is not unknown that when a sufficient number of students have failed in a particular examination, the papers have been returned to the examiners with instructions to go through them again more leniently so as to increase the number which are treturned as having passed. The attitude of educated Indians towards such educational matters as medicine has been well illustrated quite recently in the papers where Governments are actually being asked to encourage the return to ancient forms of medicine, under which, for instance, the only assistance given at childbirth is by incantation, and where the so-called doctor diagnoses his patient's disease by the colour of the clothes worn by men he passes in the street on the way to the case, or by the number of birds he sees when he looks out'of the patient's windows.

I quote the above to show that educated Indians do not take education in the right spirit as a rule, and one would have thought that education would have been the very last thing to be handed over under the Reform Scheme, to Indian control. Such, however, is the proposal in paragraph 187, and I trust that this will be one of the first changes made before the scheme goes further.

4 Formulæ.—In paragraphs 188 to 191, we find 4 formulæ which give us the principles on which the whole of this scheme is based, and which are undoubtedly cleverly worded and quite sound. There seems, however, in No. 2 to be one very vital point omitted. It is stated that the Government of India should give up all measures of independent legislation, administrative and financial, compatible with the due discharge of its own responsibilities. It will be noticed that this formula only speaks about the Government of India handing over all possible powers, but it says nothing about the fitness of the proposed Provincial Governments to receive such powers. The Government of India could no doubt hand over the bulk of its powers and nobody in India be a penny the worse, provided there were in the provinces somebody fit to receive them. The report takes for granted the fitness of the Provincial machinery which they have invented, but the formula would have been in my opinion very much more convincing if it had made it a condition.

Scope of proposals.—It is stated in paragraph 198 that the appointment of Indians in the services in Burma would be only replacing one alien bureaucracy by another. It seems, however, to me that this criticism can be applied to the whole of the proposals contained in the report. <u>A Bengali in</u> the Punjah would be just as much an alien as a European. From another point of view a Brahmin ruling over non-Brahmins or untouchables would be even more an alien than a European and far less sympathetic, and this state of things will no doubt continue as long as caste prejudices remain.

Provincial Executives.—In paragraph 218, the report gives the proposals for carrying on the Provincial Government. In reading these proposals through carefully, one cannot help being struck with the idea that when these proposals were made, the inventors of the scheme, although they were obliged to bring in Indian Ministers, were still very far from being certain that such Ministers would be a success, and therefore arranged that they should be bolstered up in case they turned out to be useless. I am strongly of opinion that if Parliamentary methods are going to be introduced, they had better be given a real trial and not a fictitious one, and that Ministers should be responsible to those who elect them, and should not be given any specific jerm of life. According to the proposals, once a man is a Minister he must

### Mr. Watson Smyth.

remain a Minister for 3 years, no matter how useless or dangerous he may turn out to be. This means that in actual practice a dangerous Minister will have to be made innocuous by some means or another and the action of the neeless Minister will have to be glossed over, and the Governor may find himself in the awkward position of having to stand between a useless Minister and an angry Council for a long period. There is a very strong opinion, which is not confined to Europeans, that if we are to have Indian Ministers at all, then let them stand on their own merits and stand or fall by the will of the Council, and to prevent any snap, division or courted by a small extremist majority, it might be laid down that a two-third majority be necessary to remove a Minister.

It must be remembered that the ultimate object of these reforms is to make Ministers, and possibly Government as well, responsible to an elected Council who can turn them out by an adverse vote, and we are told to regard the present proposals regarding Ministers as a test. Now if Ministers are appointed for a fixed term, Government will no doubt exploit successful Ministers and bolster up unsuccessful ones, and the result will be that at the end of 10 years, when the whole matter is investigated, the test will appear to be successful, whereas as a matter of fact the system will never really have been tested at all.

Communal Electorates.—The denial of communal representation to Europeans has caused a wave of indignation through practically the whole European community. I speak entirely of non-officials. If this is carried into law, it will mean without doubt the constant denial of representation to the European non-official community whose interests, as the report admits, are out of all proportion to their numerical strength. Representation by Chambers of Commerce do not constitute representation of the community, and nomination is no representation at all. The European community of this country will insist on adequate representation as a part of the proposed reform. It is not worth while labouring this point, as the latest pews from Home is that it has practically been conceded.

Division of the functions of Government.—This paragraph, No. 238, deals with the portions of the scheme which is fundamental. The success of any such reform as suggested in this report which aims at representative Government depends entirely on the franchise. To adopt any kind of Western methods of franchise to the masses of this country is a task of almost insuperable difficulty. This is to be referred to a Committee, and it is to be hoped that the Committee will be the strongest that the Empire can produce. The other question, viz., that of transferred and referred subjects, is not of such vital importance as the franchise, but will require a great deal of consideration if friction is to be avoided. On considering the suggestions made in the schedule of the report, the first thing that strikes one is that the transforred subjects include all the more or less pleasant subjects, while the referred subjects include all those that may be described as unpleasant. Now the British Raj will, get all the credit or blame for the reserved subjects, and therefore it seems a pity that they should take to themselves all those subjects which deal with such matters as Land Revenue, Excise, Land Acquisition, Oriminal Justice, Police and Prisons, whereas the Indian Minister only has to deal with such light and pleasant subjects as Education, Sanitation, Agriculture, Fisheries, Births and Marriages and the like. The masses of the people will soon associate the British Raj with nothing but what is unpleasent; necessary perhaps but still unpleasant, such as Taxation, Justice and Punishment.

Personally, although I recognize that the proposal is impossible, I should much like to see the maintenance of law and order handed over for 12 months to the native Ministers to see what they wou'd make of it. The matter will have to be very carefully considered, and I should much prefer to see the two matters of franchise and division of departments, which are so intimately; connected, dealt with not by two Committees but by the same Committee.

#### Mr. Jameson.

Mr. Jameson. Government of India.—The proposed alterations to the composition of the Government of India seem to me the weakest part of the whole of this Report. It is admitted in the report that for a considerable period at any rate there must be one central power that will guide the budding Provin-cial Legislatures in the way they should go and who should have the necessary power of veto to pull them up should they misbehave themselves. The alterations made in the Government of India have not done away with this power, but by a somewhat clumsy arrangement have altered the Governments of India to look somewhat like a popular and elected body, but really have retained their autocratic powers. For instance in the Legislative Assembly the Government have abandoned their official majority, but they have taken it back again by establishing a Council of State which is to act as a second Chamber and which will be under the control of the Government. It seems therefore that all this is unnecessary, and that it will be better to leave the therefore that all this is unnecessary, and that it will be better to leave the therefore that all this is unnecessary, and that it will be better to have the Government of India as it is at any rate for a considerable time, and that when the Provincial Legislatures have proved themselves the success which the report expects of them, and when the control of the Government of India has become more or less nominal, then it will be time to devise a scheme to form a sort of Central Parliament. If that time ever comes it will in my opinion be in the far future.

The above constitute my views on the Reform Scheme for which I have been asked. As I said at the commencement, these views are hurried and incomplete, and they can hardly be otherwise considering the shortness of time placed at one's disposal.

In conclusion I would like to call attention to paragraph 356, the last paragraph in the report. I think there is no one who will disagree with the statement made in this paragraph that it is not in Delhi or Whitehall that the ultimate decision of India's future will be taken, but it is upon the battle-fields in France, and that the liberty of the world must be won before the idea of liberolizing Tadia can acquire any tangible meaning. Surely there idea of liberalizing India can acquire any tangible meaning. Surely, there-fore, it would be better to accept this recommendation which is made by His Excellency the Viceroy and by Mr. Montagu themselves and to wait for that decision in France which is now hanging in the balance, and also to make sure that the liberty of the world has actually been won, before proceeding with this Scheme of Reform.

### R. M. WATSON SMYTH.

Calcutta; The 1st September 1918.

[No. 15.]

### D.-O., dated the 1st September 1918.

From-The Hon'ble Mr. J. V. JAMESON,

To-The Hon'ble Mr. H. MOPHERSON, I.C.S., Chief Secretary to the Government of Bihar and Orissa.

I am sorry that I have not been able to get the note on the proposals for Constitutional Reform finished and typed by the time you mentioned.

I enclose a summary of the suggestions it contains, in case it might be wanted far arranging the Agenda for the meeting on the 13th. The note will be sent off in a couple of days.

Summary of suggestions with regard to the proposals brought forward in the Report on Indian Constitutional Reforms.

1. Local Government.-(a) The institution of village panchayats, in the first instance, partly by election and partly by nomination, later wholly by election

### Mr. Jameson.

(b) The formation of Local Boards, covering areas smaller than sub-divisions, having a majority of members elected by members of village panchayats from among their own number.

(c) District Boards and Municipalities to be run on the lines of the Government of India's Resolution of May 16th, 1918.

2. Provincial Legislative Councils.-(a) To be constituted of members of the same denominations as proposed in the report.

(b) To have a majority of elected members of whom appreximately half should be elected by members of Local Boards and half by electorates similar to the present ones, with the exception of the present District Boards.

(c) Standing Committees of non-officials to be appointed to various Departments, as proposed in the report.

(d) Non-official members to be appointed on the lines of parliamentary Under-Secretaries, as proposed, and also as Secretaries or Deputy Secretaries to Government in some Departments, instead of the proposed devolution of certain departments to non-official Ministers.

(e) The powers of the Governor with regard to the passing of essential, and the prevention of undesirable legislation to be secured by means of certification and Grand Committees on the lines proposed.

(f) The Budget to be framed in consultation with the standing Committees, discussed and voted on by means of resolutions as at present, and then referred to a Grand Committee before the final discussion and automatic passing in Council. Resolutions not to be binding.

3. Provincial Executice Councils.-To consist of four members, two British officials and two Indians, each definitely in charge of different portfolios.

4. Powers of Provincial Governments. - Division of Revenue, and Finan-cial Relations with the Government of India. - To be substantially as proposed.

Provincial contributions to the Government of India should consist of fixed amounts, to be settled every few years, plus a proportion of the actual Provincial surplus.

5. Government of India.—(a) The Governor General's Legislative Council.—To remain practically as constituted at present, without the addi-tion of the proposed Council of State; or, at the most, to be given a majority of elected members and similar powers to those proposed in the case of Provincial Councils; the Governor General retaining the same powers with regard to legislation as Provincial Governors,

(b) The Executive Council.-To remain unaltered.

(c) The Privy Council for India —If adopted, to consist chiefly of men of distinction in other spheres than that of polities.

6. The Services.--(a) Appointment to the Civil Service, Police and other principal services to be from Home, as at present, with no distinction of race.

(b) The Provincial and Subordinate Civil Service to be improved in pay and status, and a larger number of its members to be promoted by selection to posts ordinarily held by members of the Civil Service. The same course to be followed with regard to the other Provincial and Subordinate Services. ...

#### J. V. JAMESON. The 1st September 1919.

### [No. 16.]

#### ( D.-O. dated Bhagalpur, the S1st August 1918.

From-The Hon'ble Mr. Saiyid MUHAMMAN NAIM, Bar -at-Law,

To-The Hon'ble Mr. H. McPHelson, I.c.s., Chief Secretary to the Government of Bihar and Orissa.

In reply to your demi-official of the 23rd July on the subject of the Con-stitutional Reform Scheme (Chapter VIII), I herewith beg to submit my opinion as daired by you. stitutional

### 20 Mr. Naim.

### CHAPTER VIII.

Section 218.—Executive Government.—Executive Government should not consist of two parts as suggested in the report, but of one part as a whole, consisting of a Governor, two members and one or two ministers—all forming the Executive Council.

Two members as suggested in the report should be in charge of the "reserved subjects" and the minister or ministers in charge of the "transferred subjects".

The Executive Council constituted as above should deliberate as a whole but in disposing of the "reserved subjects" only the votes of the members in charge of the "reserved subjects" and the Governor are to be counted and in the case of "transfered subjects" those of the minister or ministers and the Governor to be so taken. The Indian member of the Executive Council must always be nominated from the elected members of the Legislative Council.

Section 220.—Additional Official members.—The proposal in my humble opinion should be abandoned. One official momber of the Executive Council who will always be with the Governor is quite sufficient to give him expert advice whenever required and, moreover, a Governor is always at liberty to seek the advice of any of his officials. The greatest drawback in appointing additional official members to give expert advice to the Governor is that these members will continue to give advice to the Governor without sharing the responsibility with him for the administration of any of the subjects, either "reserved" or "transferred".

Section 224.—Under-Secretaries.—The Under-Secretaries must always be appointed from the elected members of the Legislative Council.

Section 225.—Committee that will deal with the question of formation of electorates, franchise, etc.—Co-opted ren-official members of the Committee should be *two* Indians instead of one, one of whom should be a Muhammadan. Both these Indian members should be elected by the elected members of the present Council.

Section 235.—Standing Committees—This proposal, I humbly suggest, should be dropped. Experience has shown that advisory bodies without power of control have always proved more than useless. If the above suggestion, however, is not accepted, I would humbly suggest that the members of the Standing Committees should have full and free access to all the connected papers and must have a right of vote.

Section 236.—Vice-President of the Council.—The Vice-President may be chosen from official or non-official m m!ers.

Section 237.—Resolution —Resolutions should have binding effect with certain limitations. If a resolution is passed by a large majority of votes on *three* occasions it should be binding on the Government. The safe-guards provided in the report will cause chaos and at times a dead-lock.

Grand Committees.—This proposal should be dropped. In my humble opinion it will amount to the establishment of an Upper House and will considerably impair the authority of the Council as a whole.

Section 256.—The suggestion of giving priority to "reserved subjects" should be dropped. Allotments should be made by the *joint action* of the Executive Government. The ministers in my humble opinion should be trusted to realize the responsibility of the Governor for good Government, peace or tranquillity of the province.

Section 226.—Franchise.—Qualification of Electors.—1. All graduates, under-graduates including those who have passed the Matriculation Examination, who are not less than 21 years of age.

#### Mr. Naim.

2. All Barristers, Advoca'es, Attorneys, Vakils, Pleaders, Mukhtears, and Revenue Agent and not le s than 21 years of age.

3. All persons paying income-tax on an income of not less than Rs. 1,000 per annum.

4. All persons paying annual rent or revenue of Rs. 20 or cess to the extent of Rs. 5.

5. All persons paying Municipal tax of Rs. 20 per annum.
6. All Title-holders.

7. All persons drawing a pay or pension of Rs. 25 a month and all ( " retired military officers.

### Polling Stations.

Polling stations should be located at convenient centres, a thana or group of thanas should be turned into centres for the purpose of polling. The polling officer must be a gazetted officer of the Government of the rank of a Deputy Magistrate or Munsif with two or three Honorary Assisting Polling Officers for the purpose of supervising and attesting votes. In the event of a voter being unable to read or write the polling officers should be directed to assist the voter in recording his vote. The polling officer should be empowered to take the thumb-impression of voters to avoid the danger of impersonation. After the close of the poll for the day the Polling Officer shall transmit daily to the District Officer all the voting papers under a registered cover signed and sealed by him by his official seal. The District Officer should be the Returning Officer for each district.

#### Muhammadan Seats.

The strength of Muhammadan representation in the Provincial Legislative Council has not yet been settled or defined. It is therefore premature to make any suggestion with regard to the number of seats to be allotted to each district. I would, however, suggest that the number of seats to be allotted to each district should be regulated according to the numerical strength of the Muhammadans inhabiting each district.

Paragraph 177.—Transferred Subjects.—Education.—The whole of it including Primary, Secondary, Colleges, Technical and Universities; also reformatories and industrial schools, excepting; the Chief's Colleges.

Agriculture.—The whole of it, Civil, Veterinary and live-stock diseases of animals, Research institutes and Demonstration farm, agricultural pests and industries connected with agriculture.

Forest.-The whole of it.

Unclassed and some protected and forest products.

**Public Works.**—The whole of it including roads and buildings, major and minor irrigation, tramways and light and feeder railways and drainage and embankments.

### [No. 17.]

### D.-O. dated Gidhaur, the 28th August 1918.

From--The Hon'ble Maharaja Sir RAVANESHVAE PRASHAD SINGH Bahadur, K.C.I.E., of Gidhaur,

To-The Hon'ble Mr. H. McPHERSON, I.C.S., Chief Secretary to the Government of Bihar and Orissa

I shall be very pleased to attend the Conference to be held at Ranchi on Friday, the 13th September, as intimated in your demi-official No. 1142-68-C., dated the 24th August 1918, and to avail of the privilege of discussing the scheme informally in the presence of His Honour the Lieutenant-Governor in Council. It is just possible that after having submitted my individual opinion on the scheme as asked for in your circular letter No. 723-49-C.,

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dated the 27th July 1918, I may have occasion to solicit some modifications in the views forwarded by reason of consultative opinions to be obtained in course of a Conference of land owners to be held at Monghyr on the 2nd proximo, and I trust that His Honour may be so pleased as to allow that concession when the opportunity for discussion is offered.

I await the card of invitation referred to in your letter under reply.

### [No 18.]

#### No. C.-156, dated Gidhaur, the 26th-30th August 1918.

From-The Hon'ble Maharaja Sir RAVANESHVAR PRASHAD SINGH Bahadur, K.C.I.B., of Gidhaur,

### To-The Chief Secretary to the Government of Bihar and Orissa.

I have the honour to acknowledge the receipt of your letter No. 723-49-C., dated the 27th July 1918, inviting an expression of opinion on that portion of the Constitutional Reforms Scheme which is contained in paragraphs 212 to 295 of the Joint Report by His Excellency the Viceroy and the Right Hon'ble the Secretary of State for India, dated the 22nd April 1918, a copy of which was kindly forwarded to me on the 7th July last.

The scheme of reforms is vast and of a far-reaching character. At the outset it is just possible to declare one-self in favour of the main principles of the scheme, and on examination of the entire scheme within the space of time allowable, I have to place my views from my own point, though it is difficult in existing circumstances to formulate a considered opinion, and a fuller statement, until I am able to secure full consultation with the land-holders of the division. Some of the important points therefore have not been dealt with here, and I have the honour to request the favour of your kindly affording me an opportunity of a fuller discussion at the time when non-official members of Council will be invited at an informal Conference to be held at Ranchi on the 13th proximo and thus enabling me to submit supplementary suggestions before the Government when the views of the landholding community are ascertained by such consultative measures as have been found possible within so short a space of time. The grounds covered in the report is extremely wide and it is imperative-that sufficient time should be devoted to studying the details of the scheme, especially those that reach so important a community to which I have the honour to belong. The consultative opinions of the body should, in my humble judgment, form the basis of the considered opinion of an individual who, to some extent, presumes to represent them, and in view of the fact that the report extends to 356 paragraphs, all written in a masterly style, and solely through the medium of English, and dealing with subjects that vitally affect the whole fabric of administration, the prayer to reconsider an individual opinion in the light of criticism subsequently gained, may not be unreasonable.

be unreasonable. The proposals on which opinions have been particularly invited are those relating to the division of functions of Government, distributing them between "transferred" and "reserved" subjects in the manner so ably stated in paragraph 238 of the report. I imagine this subject of proposed control over transferred matters is fraught with grave consequences. Much depends on the two Committees, one to deal with franchises and the other constituted to consider the question of demarcation of the sphere of business, now proposed to be made over to the control of the popular element in the Government with reference to the varying needs of each province. It is ultimately on the report of these Committees when they are in possession of the considered opinions of the Local Governments and on the views of the Government of India, that Parliament will likely pass statutory orders for relaxing the existing control of the Secretary of State for India over the departments to be included in the transferred list. In corresponding degrees there will arise greater need for delegation of authority by the Government of India, and the entire field of Provincial Administration marked off from that of the Government of India. The subjects therefore demand a very careful scrutiny.

The guiding principles for determining which departments of Provincial Governments should be included in the transferred list, viz., those that touch the poople closer and afford them most. "opportunity for local knowledge and social service", as also those which stand most in need of development, will be endorsed by all right-minded persons. Without prejudice to the above it may be permissible to make some general observations on certain features of the scheme, which is the most momentous yet promulgated since the establishment of British rule in India, and as such it has been hailed with enthusiasm all over India. The proposals evince a sincere desire to see India "a nation" and they command universal respect. The financial aspects introduced in the scheme are mainly sound in principle, and excellent safeguards and limitations have been introduced during the working of the scheme in the transitional stage. The institution of Grand Committees, the increased facilities of administration allowed to the Indian element, a closer association of the Chiefs and noblemen in the Councils of State, the establishment of a Privy council as "a means of honouring and employing ripe wisdom and meritorious services," the appointment of periodic Commissions of Enquiry, and above all the beginning of a sound bi-cemeral form of administrative machinery by means of a second chamber which will be the supreme legislative authority in Indian on all crucial questions and also the revising authority in Indian legislation, all these proposals are indeed welcome. They have, in fact, all carried the advance right up to the line indicated in the pronouncements made on 20th August 1917, and constitute a very bold and statesmanlike attempt to afford Indians a fair-share in the responsible Governments of their country. All these involved great pains and assiduity on the part of the illustridus authors of the scheme to whom the gratitude of the entire country is due for having taken infinite pains to gauge the feelings of the schere

It is obvious that as the scheme intends a reversal of policy of the past (paragraph 28) and a shaping of the policy for the future by a steady enlargement of the spheres of detailed administration to be entrusted to Provincial Governments (where the popular element will be in majority) by giving the Indians a share in the political representation of the country,—the principle underlying the recommendations of the learned authors of the schemie must be accepted by all. They recommend that there should be as wide representative direct franchise in India as could possibly be devised. With the rapid spread of education, and a growing sense of responsibility fostered by the creation of a new electorate, the limitations and reservations that have been found necessary under the present scheme would gradually disappear. The scheme has also been submitted with a full sense of responsibility for, criticism. It provides the necessary machinery for securing a fuller measure of responsible Government, by gradual and well-regulated steps a machinery to be ultimately modified in the light of wide and informed criticism to be worked in the spirit of mutual goodwill, forbearance, trust and a devotion to common interests of the people. As regards the essentials of the scheme, I have the greatest faith in the Government machinery which, notwithstanding the introduction complexities and intricacies rendered inevitable under the scheme, will run as smoothly and harmoniously as before. Much depends on the formation and creation of electorates in working out the scheme. It has been very rightly pointed out that the question of electorate lies at the base of the whole matter. A system of franchise with reference to the special needs of each province is yet to be devised, and constituencies are yet to be created. I would respectfully suggest that into the Committee to be appointed for the purpose, a member from the landholding class be co-opted, particularly in this province. The importance of a reasonable franchise, and of th

rank, status and leadership. A system of direct voting undoubtedly promotes a greater desire for co-operation amongst the different races of India. Without violating the principle of direct voting or accentuating any racial differences it is to be carnestly hoped that the Government may yet find its way to accede to the prayers of the landholding community for special representation much in the same way as it has been reserved in the scheme in case of the <u>Mabumadana</u> and extended to the Sikhs in recognition of the extensive loyal sacrifices of that community. It is very satisfactory to find some special mention made of the claims and aptitudes of the land-owners who have really such a vast stake in the country. "The increasing readiness of the landed classes to share in public life and to render assistance to Government" recognized in the Minto-Morley Reforms Scheme has been generously endorsed by the authors of the present scheme. In fact, in paragraph 20 of the Joint Report, it is gratifying to note that the great landed proprietors have vied with the Indian princes in the splendid response to the call of the Empire from the very beginning of the war. Their status and political importance which induced the first radical suggestion by Lord Dufferin's Committee, viz., that election on the basis of property qualification should be introduced amongst other things, have since, there is reason to believe, remained unimpaired. Since the "germ of the proposals" that bulk largely in the Joint Report is to be encountered in the recommendations made by that Committee more than thirty years ago, it is natural to expect that, though the present scheme falls far short of the spirit of the Minto-Morley scheme as regards the special representation of zamindars, it is amenable to consider modifications when a case has really been made out for the zamindars as a class.

For the scheme really never disputes the potential capacity for politics of the large landowners, some of whom had already been admitted into the Executive Councils of the Provincial Governments. In fact we find passages like the following in paragraph 147 of the report:—"The natural and acknowledged leaders in country areas are the landed aristocracy". "By position, influence, and education they are fitted to take a leading part in public affairs. Some of them are beginning to do so, and our aims must be to call many more of them out into the political lists." "We must give them a special measure of representation if they need it at the outset." The zamindars are again mentioned of as the connecting link between the Government and the rural classes who have the greatest stake in the country because they contribute most to its revenues. The extent of their interest also in the political questions of the day and their innate sympathies with the just aspirations of the people have been clearly recognized (paragraph 136) and a genuine solicitude for their effective representation has been made clear in most unequivocal languages in paragraphs 84 and 234 (sub-paragraph 2nd). Under the circumstances it is not too much to expect that some modifications in the scheme in recognizion of the position of the landholding community in Bihar as forming a distinct class may yet be introduced to provide for their adequate representation, which by reason of special conditions deserves a special treatment.

The zamindars have been the very first to welcome the mission on which the Right Hon'ble the Secretary of State came to India. Though by tradition and instinct they are inclined to favour a benevolent autocracy, their anxieties for liberalizing the administrations compatible with an arrangement that preserves intact their rights and privileges which they had acquired from time immemorial, are not less keen than that of any other class. In the clamour for communal representations advanced by multitudinous communities in course of interview with the Viceroy and the Right Hon'ble the Secretary of State for India I felt a secret tremor of despondency, lest the just claims of the landed aristocracy should suffer in the press of claims made by other communities as well. It is a shock indeed to find these worst anticipations realized on hurriedly reading the report at first. Now it is my deep conviction that hampered as they are by traditions of nobility, the demands of the zamindars have not been properly presented before the authorities, and that such a noble and all-embracing scheme that has provided concessions to popular demands all round, should fail to take note of the vast claims of the landholding

community for a special electorate without which their true interests are likely to be shelved in favour of a class avowed y hostile to the landed aristocracy.

This extension of the communal system, I submit. will not retard further development of representation upon a national basis which, it is feared, has already been prejudiced by allowing separate electorates for the Muhammadans and the Sikhs. Like the latter, the zamindars form a distinct and important class. I am inclined to the view that a system of franchise, not only broad but on a thorough basis taking into account not only the educational and general equipment, wealth or character of the elements that will form a constituency but also the stake a particular community has in the Empire, will not in the transitional period make up for any lack of political experience of an electorate and the exercise of its responsibilities through its elected representatives. Relying upon nomination alone or on complex methods of reserving to a particular community a certain number of seats in plural constituencies but with a general electoral roll, the zamindars will, it is feared, still be relegated to the background as exponents of an old school of thought to which they felt akin by reason of their birth, genius and temperament.

It may be found necessary in practice to introduce several intermediata steps for a full devolution and a fuller exercise of popular control by means of direct voting, side by side, with an increase of education and an increase of responsibilities in general. In the beginning, without this very necessary provision for a separate electorate it is debatable whether the new machinery for representation will be adequate to answer the needs of the rural areas. The zamindare have all along justified their trust in poicing the claims of the rural population through their representatives in the Councils. In times of stress they have borne their burdens bravely, and in recognition of their devotion and loyalty, special electorate based on a high franchise had also been conceded to them. They are the true interpreters of the needs of their tenants who still flock to the landlords for relief, notwithstanding the elaborate organizations provided to them for the purpose by the benign Government. The very fact of the continued existence of the two elements existing side by side in rural areas, and welded together by a community of interest gives the lie to the dictum set up by interested parties that the interest of the landlords and tenants are not virtually identical. The misconstruction placed on the present position and attitude of the zamindars is attributable to their aversion for self-advertisement. In holding their own against others in the arena of politics the two dominating conditions that determine the main factor of political responsibilifies, have not been tried amongst the landed aristocracy, viz., (1) " that the qualities that make for success even in preliminary form of responsible Government." and (2) " they are greatly affected by eludation, occupation and social organization, but they rest on the traditions and habits of thoughts of the polity, it is evident that their representation by indirect voting will practically answer the purposes of direct suffrage under the present scheme. In fact no other com

In conformity with the policy strictly followed by the Government the eminent authors of the scheme have also displayed an anxiety to safeguard the interests of the different classes, especially the weaker communities to which category the landed class admittedly belongs and to maintain the authority of the Imperial Government and the safety of the Empire. In the present transitional stage, it is impossible to say dogmatically what powers can be safely entrusted to the representatives of the electorate that may

not prejudicially affect the interests of the landed classes who must be in a minority in a system of direct franchise. The time may be fast approaching when a unity of sentiments and the consciousness of the ilentity of interest shall permeate all classes alike, but, I submit, in the present circumstances there has not been a sufficient advance made in the progress of political thought and development of democracy to do away with the necessity of special representation for a loyal and contended community at this crisis. No other community is more impressed with the idea that whaterer constitutional changes are being made are not to be looked upon in the light of the reward for any services rendered by a particular community. It would, however, be idle to deny that the deep-seated instincts of a loyal and influential community like the zamindars might be seriously taxed if the rights and privileges they have been in enjoyment of since time immemorial are threatened in any way. The apprehensions expressed in the report that in the event of continuing special electorates for zamindars, the existing relations between the landlords and the tenaht are apt to become stereotyped, appear to me unfounded, as it is highly improbable that the new leaven should also fail to affect this powerful class, whose aloofness from political controversies had been due rather to a genuine desire not to embarrass the administration in the slightest degree, than to their languid interests in politics. They have all along sympathetically recognized the dominance of progressive ideas voiced by the vocal section of the Indian public and as representing a community which is of all the most willing to take upon itself the onus of providing most of the money which the representatives of the electors will have to spend under the scheme, the landholders have been most anxious to shoulder their responsibilities in a convincing manner. In fact no other community is better, endowed with a sense of responsibility of a people for the maintenanc

issues of a stable and efficient administration. These are the reasons why its potencies for political education on modern lines have not been appraised at proper valuation. Again, as it is very unlikely that the great body of the land-owning community would approximate to the ideals of a democracy in course of a decade after which it should merge into the great mass of electors in the general roll without any distinctive entity of their own, it is very respectfully submitted that the franchise question should be judiciously tackled so as to carry into effect the repeated assurances of the Government to preserve the interests of the weaker and the less vocal members of the body politic. The basis of representation, and the nature of the franchise, I feel sure, will be well considered in every detail. Without discussing the merits of the communal representation, or the general principles of the scheme on a constructive basis. I would, at the risk of accusation for frequent repetition, respectfully submit that greatest stress. should be laid on regulating franchise in such a way as never to undermine the influence of the zamindars in the village system, and no attempt be made to deprive them of their existing right of suffrage or to curtail the privileges simply because they have not hitherto been extraordinarily insistent on their just claims for special representation without which the best intentions of the scheme would be seriously prejudiced.

The main theme in the proposals is the very satisfactory scheme of financial devolution giving each province some effective share of popular control from the very beginning and giving it an opportunity for acquiring independence in legislation. For some time to come in the nature of things, the paramount authority of the Government of India has to be maintained, and they should retain both the power and the means of discharging the responsibilities for the defence of the Empire, and for the safety of the Government of India will remain still wholly responsible. It is in fitness of things therefore that the communities that by reason of the position and influence

are of material assistance to the Government shall remain more closely associated with it in the administration. The zamindars, e.g., are still held to a certain extent responsible in cases where breach of peace is likely to occur, and they, are specially equipped for cultivating the sense of security and of reponsibility for maintenance of law and, order amongst their tenants who largely make up the village population. Left to themselves they will more readily fall under the harmful influence of irresponsible demagogues and other enemies of progress who will still exploit the village areas and as such the electorate that may represent them by direct voting are bound to lack a due sense of proportion for subjects that so vitally affect them. The success of the experiment therefore will depend much more on a well-regulated system of franchise than on a cut and dried recital of heads of revenue and expenditure showing how the transferred and reserved subjects are to be determined.

Revering to the specific directions as regards the motion law in the should be placed before the Committee with a view to demarcation of, subjects, I beg to associate myself with the views set forth in paragraph 158 of the Joint Report and to recognize that the great work of devolution must be more or less complete with limitations of time and experience and that autonomy in a large measure is unsuited to a province like Bengal or. Bombay cannot be transplanted wholesale on the soil of Bihar, however keen may we be on indulging in feelings of Provinceil emulation. Our province has only recently been created, and it thoroughly deserves the fostering care of the Government, if Bihar is to have her proper place, some day in the general policy. The extent of the proposed reforms has been therefore arranged to suit Proyincial needs primarily; their general aim being to expand popular control and to widen the range by increasing transfer of functions of Government and consequent relaxation of superior control in corresponding measure. The beginning of the responsible Government is being made by making all Rrovincial Governments autonomous in their legislative fields. The demarcation of subjects in less advanced or newly-created provinces must at the outest necessarily be unequal. In the Province of Bihar and Orissa which has recently been ushered into existence at. Royal Command the power of providing with necessary paraphernalia must ultimately rest in the hades of the official executives as the transferred subjects needing the utmost development cannot be starved without giving rise to popular discontent. In the gradual building of the province it may not be possible to raise extra money required through Provincial agencies alone, and the legislature may not be of any effective help under the proposed constitution to sanction or meet the heavy expenditure needed for completion of the institutions already taken in hand. It may be also impolitic, in the pecular circumstances of the ease, to leave the inportataq q

Admittedly the goal for progressive realization of autonomy is the same for all provinces; the exigencies of a new province like Bihar and Orissa require that the basis of devolution should be placed on a different footing altogether. The different periods in the progression may not in case of our province be as rapid as in others, but the beginnings of responsible[government broad-based on solid foundations will amply make up for the delay. The landholders who hold a unique position in the province will view with disfavour

the introduction of any ambitious scheme of devolution. So long as representative men of assured position are denied real voice in the administration and the section of the community that is particularly jealous of the landed aristocracy owing to their rank, wealth, and leadership, still manages, to influene people in the name of democracy, it would be perfectly unsafe to place the important aspects of land revenue under popular control. The tendency of a democratic legislation is not so much as to go deep into the root of the matter by a sifting inquiry into the causes of agaraian difficulties which are in the main economic, as to display its zeal in upholding the contractual obligations of the raivat where on the strength of some written document the interests of a money-lender or some other non-agriculturists.

The departments of Local Self-Government as detailed in -the illustrative list is appended to the report, and the following departments, viz. :--

(1) Registration,

(2) Education,

(3) Sanitation,

(4) Co-operative Credit,

(5) Economic Development,

(6) Agriculture,

(7) Fisheries.

(8) Forests and other departments directly concerned with the 'question of moral and material progress of the province,

should, in my humble opinion, comprise transferred departments.

The Government of India should continue to have the supreme voice in the administration in all cases. It should also continue to maintain the adjusting influence in the administrative machinery and should have the right to determine the fiscal policy of the country. Subjects such as Custom, Defence, Armaments and Foreign Policy which are not concerned with the Indian Empire alone must always remain outside popular control. Though the principle of dualism which has evoked so much criticism has not been extended to the Government of India, provisions have been made for treatment of subjects of Imperial concern affecting the well-being of the Indian people in such a way as to always give prominence to the Indian point of view. The present character of the Government of India as supervising and directing authority must be maintained at all costs.

It is gratifying to find that in the Provincial Governments a power of control has likewise been reserved to the Governor who remains the *ex-officio* President of the Legislative Assembly and shall be generally held responsible for the administration. This is necessary in view of possible friction arising in course of disposal of the reserved and transferred subjects, and not for discharging the colourless functions of the Speaker of the House of Commons. In addition to exercising the functions of directing main lines of policy and of formulating conduct of business, the Governor should promote homogeneity among the different elements constituting the Executive and a feeling of solidarity. By making the selection of the Vice-President also from among the officials, and by investing the Minister with the status attached to the position of a Member of the Executive Council, the machinery of administration is bound to grow less complex in character.

I find it hardly possible to avoid indulging in generalities to a far large extent in discussing the Government of India or the India Office as affected by the reforms inaugurated under the present scheme. The success of the experiments in the Provincial Councils would have been the determining factor in bringing about necessary reforms into the Government of India; the changes contemplated in the proposal breathe the same clear spirit of sympathy and are characterized by the same dominant note for a closer association of the Indian elements as distinguishes the scheme of Provincial devolution which forms a landmark in the constitutional history of British India. I welcome

### Khan Bahadur Khwaja Muhummad Nur.

the introduction of a new element of strength into the Government of India. The proposals for freeing the province to some extent from the Government of India and the whole administration from the elaborate scrutiny of the Right Hon'ble the Secretary of State for India and his Council will undoubt-edly improve matters. The Government of India now unhampered by manifold calls, causing an increasing strain upon it, will be able to pay a greater attention to the pressing needs of the country and to the requirements of each province with its varying conditions. Our province in particular has reasons to be grateful to the learned authors of the scheme for facilitating the submission of its superior claims of an infant province for the realization of which, it thinks, it has a sort of right to look up to the supreme Government and to the Executive officers generally, for the necessary amout of equipment so essential for it during the first stages of its political development.

The proposed abolition of statutory restrictions in respect of allotment. The proposed abolition of statutory restrictions in respect of allotment of portfolios in the executive government of India, and a second appointment of an Indian Member will be hailed with approval, as it will certainly lead to a closer appreciation of the real needs of the country. It is to be earnestly hoped that the similar extension may yet be made to the executive government of the provinces in which the two elements should be as homogeneous as possible, an arrangement which, by the way, can be effected by making the Minister also a member of the Executive Council of the province so long as the tanure of his office does not depend on the plaesure of the electorate tenure of his office does not depend on the pleasure of the electorate. A system of indirect election of the members for the Indian legislature Assembly securing present recognition of special representation in the Legislature lature for large landowners is a satisfactory feature of the scheme. The new privilege of returning only two members to represent the landed classes in the Council of State does not answer the expectations of the community. The procedure of Standing Committees as applied to both portions of the Indian Legislature is a sound innovation. A Select Committee of Parliament on Indian affairs is also a change to be heartily welcomed. Regarding the pro-posed adjustment of relations of the Secretary of State with Parliament, and the delegation of his powers to the Governmeut of India, I feel confident that British statesmanship would rise to the occasion and evolve a scheme in consonance with the excellent principles elaborated in the report.

The successful working of the proposals for introducing popular Gov-ernment, says the authors of the scheme, "rests not so much on statutes and written constitutions as on the gradual building of conventions, customs and written constitutions as on the gradual building of conventions, customs and traditions". No conceivable code of laws can accomplish the living assimila-tion of the principles of responsible Government in a country so full of diversities of interests. When the proposals are sifted and tested on the recommendations of the two Committees, and in the lightof informed criticism, they will be worked out in practice in a spirit of mutual good-will for the progressive realization of the ideals on which the better mind of India has been intent, and without detriment to the order, stability and good Govern-ment of the country.

ment of the country.

### [No. 19.]

Dated Gaya, the S1st August 1918, From-The Hon'ble Khan Bahadur KHWAJA MUHAMMAD NUE,

To-The Chief Secretary to the Government of Bihar and Orissa, I have the honour to acknowledge the receipt of your letter No. 723-49-C., dated the 27th July 1918, asking my opinion on the Report on Indian Constitutional Reforms.

In reply I have the honour to make the following remarks :--

At the outset I must say that the general impression is that the scheme suggested in the report is a substantial step towards the realization of the responsible Government announced on 20th August 1917. The illustrious authors of the report have met in a statesmanlike manner a situation which is by far difficult and complicated. The principle embodied in the report is generally appreciated and people are grateful for the solicitude of the advance-ment of India which the report breathes. There are some matters of detail

#### Sir Ravaneshvar Prashad Singh,

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The departments of Local Self-Government as detailed in the illustrative list is appended to the report, and the following departments, viz. :--

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[No. 19.]

#### Dated Gaya, the S1st August 1918. From-The Hon'ble Khan Bahadur KHWAJA MUHAMMAD NUB;

To-The Chief Secretary to the Government of Bihar and Orissa,

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In reply I have the honour to make the following remarks :-

At the outset I must say that the general impression is that the scheme suggested in the report is a substantial step towards the realization of the responsible Government announced on 20th August 1917. The illustrious authors of the report have met in a statesmanlike manner a situation which is by far difficult and complicated. The principle embodied in the report is generally appreciated and people are grateful for the solicitude of the advance-ment of India which the report breathes. There are some matters of detail

#### Khan Bahadur Khwaja Muhammad Nur.

on which the opinion differ and I will give my views thereon. Whenever I have not expressed any opinion on any proposal it may be taken that I have no comment to offer thereon.

Paragraph 220.—I see no necessity for an additional member without any portfolio. When he is not in charge of any particular branch of administration, when he has no vote and no responsibility, I do not think he can serve any useful purpose. The Governor may consult any official he thinks fit. He may seek the advice of one officer in one matter and the other officer in the other. His choice is not restricted. However, as long as no additional burden is placed on the Exchequer, the proposal is unobjectionable.

Paragraphs 227-232.—The Muhammadans are very much alarmed on the observations made in the report about the separate electorate for Muhammadans. With my profoundest respect for the framers of the scheme, I submit that communial representation is not opposed to the national growth. Rather under the peculiar circumstances of India it will help such growth. One of the chief reasons of friction between Hindus and Moslims is the real or supposed attack of one on the real or supposed rights and privileges of the other. This has caused bitterness of feeling. The share and the interest of Muhammadans being defined and secured, there will be no cause to quarrel. In non-communial matters the Hindu and Muhammadans is also necessary for the hard-in-hand. The separate electorate for Muhammadans is also necessary for the harmonious working of the Reform Scheme. It avoids friction, animosities and jealousies. It checks the idea of aggressiveness and disarms the unscrupulous candidates from stirring communal questions in election. Muhammadans are very keen to maintain their separate existence and any attempt to undermine this feeling is wrought with danger. When interests, such as commercial, trade, mines, etc., can elect their members, I see no harm if the Muhammadans having some interest of their own be allowed a separate representation.

Paragraph 238.—The proposal of "reserved" and "transferred" subject is a perfectly sound one and I entirely support it. No praise of mine will be too much for the solution of the problem of introducing responsible Government by instalment. Circumstanced as we are it is absolutely necessary that the Executive Government should keep with them for the time being, those functions of Government which directly effect law and order. Police administration of justice and other connected subjects should remain "reserved" and for that purpose the control of the Parliament must continue unabated. In our province, I think all the subjects mentioned in the schedule can safely be transferred; further the administration of prisons may be one of the transferred heads; furthermore the question of the separation of Judicial and Executive may be left to be decided by the Legislative Council. This is more or less now a question of finance. If the people's representative be prepared to tax for that purpose, I see no reason why they should not be allowed to do so.

, In the domain of Local Self-Government the power of suspending the local bodies for default be also transferred. The Governor and his Minister will be competent to deal with it.

Paragraphs 252-254.—"The procedure suggested is cumbrous and dilatory and offers a premium to obstruct tactics." I have quoted above the objections anticipated in the report itself. It is too artificial and is likely to be source of friction. The machinery inaugurated in the provinces should be simple, and be such that ordinary persons may understand and follow it. With the broadening of the franchise I believe that in course of time an average elector will commence to take interest in the proceedings of the Legislative Councils. Newspapers will multiply, and the proceedings will be available to every literate elector. The procedure suggested is too elaborate to be followed and understood. The whole proposal may be dropped. The Governor and the Governor General's power of veto is quite enough to avoid the passing of any objectionable legislation; and any Government legislation which is defeated in the Legislative Council may be taken up by the Governent of India; and to meet any case of emergency the ordinancing power may be availed of.

### Raja Harihar Prashad Narayan Singh.

If, however, the proposal of any Grand Committee be adopted, provisions should be made for the fair representation of the Muhammadans in any Grand Committee which may be appointed *ad hock*.

**Paragraphs 272** and 285.—Provision should be made for the proper representation of Muhammadans in the Executive Council of the Governor General and the standing committees.

Paragraph 277.—There is a good deal of misgiving in the mind of the people about the formation of this Council of State. The second chamber is unpopular even in England. I think it should not be allowed in India. The proposal to bring in the Ruling Princes in the second chamber is still more open to objection. From their peculiar positions they will not be in a position to be free to think and speak. It is also undesirable to make them open to constant criticism by the people of British India. There is no harm if the ' Ruling Princes are informally associated. But if the people of British India are not supposed to interfere in the affairs of Their Highness, they on their part should not be made to interfere in ours. The installation of a Grand Committee seems to me to be better proposal. In this Committee Magnates of the country, though not members of the Legislative Assembly, may be nominated. It may be made something like special jury.

Paragraphs 290 and 295.—Arrangements should be made to appoint an Indian as permanent Under-Secretary of State for India.

[No. 20.]

#### No. 132, dated Amawan, the 31st August 1918.

From-The Hon'ble Raja HARIHAB PRASHAD NABAYAN SINGH, O.B.E., of Amawan, To-The Chief Secretary to the Government of Bihar and Orissa.

With reference to your letter No. 273-49-C., dated the 27th July 1918, I have the honour to submit herewith a statement containing my opinions on the proposals made in some of the paragraphs of the Montagu-Chelmsford Report referred to in your letter.

'As regards the proposals in general, I am of opinion that they constitute a definite and substantial step towards responsible Government. The noble authors of the scheme are entitled to our gratitude for the sincerity, earnestness and sympathy with which they have treated the whole subject. But much of the success of the scheme would ultimately depend upon the constitution and qualifications of the electorates, and I look forward to the report of the Committee which will consider the entire question.

With reference to the "reserved" and "transferred" subjects I would point out that the whole question is closely connected with that of the financial relations between the Secretary of State, the Government of India and the Provincial Governments as also those that might obtain between the "reserved" and "transferred" departments. I understand from the scheme that proposals for more complete decentralization of financial powers have been submitted; until these proposals are known it is difficult to pass any opinion on the subject.

Paragraph 218.—Considering the influence of the zamindars, their stake in the country and the revenue they contribute to the Government it is but meet and proper that one of the ministers should be nominated from the elected landlord members of the Council.

By so doing Government not only safeguards the interest of a very influential and loyal body of men but it also gives them an opportunity of bringing themselves to the forefront of their country's politics and thereby of training them in the art of responsible Government which is so much desired by the framers of the scheme.

Paragraphs 227-232 deal with communal representation. In paragraph 230 the authors of the scheme say that to give special facilities to the minorities is to weaken them politically and to stereotype the existing relations between the general and the special electorates, while in the two succeeding

#### Raja Harihar Prashad Narayan Singh.

paragraphs we find that not only the Muhammadans have been allowed to keep their special electorote as before, on the ground of previous pledges and their loyalty and their anxiety that a special electorate will be their only safeguard, but that another special electorate for the Sikhs in the Punjab has been recommended on the ground that they supply a distinct and important element to the Indian Arroy.

But I regret to find that Arby. But I regret to find that the same concession has not been extended to the landholders who are in no way less loyal and important than the above two communities. And if the landholders do not enlist in the army they perform the very useful task of popularizing recruitment specially in places where it is so difficult by offering handsome cencessions in addition to the generous terms allowed by Government. Moreover, they also perform the not less important task of contributing very liberally and ungrudgingly to the various funds of the Government whenever such an opportunity is offered to them.

Like the Muhammadans they are equally anxious to secure special electorate as the only means of safeguarding their own interests. If they have not the pledge of Government in so many words, they regard it as good as a pledge specially when they find that even in far advanced democratic country like England privileges of the great landowning class have been secured by an Upper House, viz., the House of Lords.

But above all these pleas is the fact that we do not claim special representation on communal grounds because Muhammadans, Hindus, Christians, Anglo-Indians and Europeans are all represented in this, but our main argument is that we supply the bulk of the revenue, ours is the greatest stake and we shall be vitally affected by most of the legislation as in an agricultural country like India the representation of the interests of the landlords is of far greater importance than the representation of any other economic interests, as almost all such interests have in one way or other to fall back upon agriculture for their resources and so we should have an effective voice in the Council. It will be unjust and unreasonable if the position of the landlords is not secured positively and permanently by an adequate number of seats in it, which cannot be done without a special electorate and without a statutory provision to the effect that no measures affecting the land would be passed if <sup>3</sup>/<sub>4</sub>ths of the representatives of the landlords object to it, though these by themselves may form a minority in the Council.

Paragraph 234.—It is not clear to me how the mere increase in number should deprive the members of their designation of the word "Hon'ble". There appears no reason why members when they were small in number should be deprived of their coveted prefix when they perform the same or even higher duties in greater number owing to their increased powers under the new scheme.

Paragraph 272.—One of the Indian members in the Executive Council of the Government of India should be a big landlord.

Paragraphs 273 and 274.—It does not clearly show how many seats have been allotted to the landholders in the Indian Legislative Assembly and the very same plea which has been given for the adequate representation of the landhold should secure to them an adequate number of seats and an effective voice in the assembly.

effective voice in the assembly. Paragraph 277.—The Council of State should have given the landed aristocracy of high repute effective voice in the Chamber as it takes the place of the House of Lords in England. I do not mean to shut out nonlandlords of outstanding position and repute and of mature and ripe experience as was suggested by the All-India Landlords' Memorial and as described in the succeeding paragraph 278 of the report. What I intend to impress upon Government is that there should be an adequate representation of the landlords and the present proposals which give them certainty for 2 seats appear to be too short for their purpose.

Paragraph 279,-In cases of emergency when a Bill is at once introduced and passed in the Council of State and reported to the Legislative

#### Rai Bahadur L. P. Sinha.

Assembly, the assembly should have the power of discussing over its general principles and the clauses and passing resolutions thereon so that the Government of India, the Secretary of State and other authorities may have an opportunity of knowing the sense of the popular assembly over that particular measure.

[No. 21.]

### D.-O. dated Monghyr, the Erd September 1918.

From-The Hon'ble Rai Bahadur LACHMI PRASLAD SINHA

#### To-The Hon'ble Mr. H. McPHERSON, I.C.S., Chief Secretary to the Government of Bihar and Orissa.

In reference to your letter No. 1142-68-C., dated the 24th ultimo, I beg to forward herewith my opinion on the subject of the Constitutional Reforms Scheme as desired.

Thanking you very much for the kind invitation to the Darbar which will be held at Ranchi on the morning of the 14th instant and which I hope to attend.

#### Opinion of the Hon'ble Rai Bahadur Lachmi Prashad Sinha on the Report on the Indian Constitutional Reforms.

Observations of a general nature.—The Report on 'the Indian Constitutional Reforms issued by the Right Honourable the Secretary of State and His Excellency the Viceroy which embodies the proposed constitutional reforms has evoked a good deal of criticism, but it is justly recognized on all hands that the 'report is a monument of the high purpose and aim of British rule towards India. In the heat of the present controversy on the subject of the Reforms it may be that its monumental character 'is not fully realized by Indians; but it is sure to go down to posterity as India's first real Magna Charta. On going through it no sane-minded Indian can escape from the firm conviction that its illustrious authors are filled with a genuine sympathy with the political aspirations of the often-much-maligned educated classes and that their sole aim is to fulfil those aspirations. No system evolved by human agency can be perfect or free from deficiencies and it is far from me to say that the scheme of reforms set forth in the report is one not open to criticism and objection in its details or that it is not capable of being made more acceptable to the people in whose behalf it has been evolved. The scheme has my whole-hearted approval in its general aspects, that is to say. I fully share the view that it would fulfil the purpose of equipping the Indians to take their arduous journey on the road to self-government within the Empire, which the British Government has now thrown open to them by the memorable announcement of the 20th August 1917. I have no such misgivings as some classes of Indian politicians have given out that the scheme does not go far enough, although it scenes to me that some of the restrictions which have dwarfed it might, well be removed. I shall now proceed to show in what respects the scheme can be improved upon from the point of view of moderate Indian opinion.

them by the memorable announcement of the 20th August 1917. I have no such misgivings as some classes of Indian politicians have given out that the scheme does not go far enough, although it seems to me that some of the restrictions which have dwarfed it might well be removed. I shall now proceed to show in what respects the scheme can be improved upon from the point of view of moderate Indian opinion. *Government of India.*—Although I agree with the view embodied in the report that until the experiment of giving responsible Government in the provinces has borne fruit, the Government of India must retain indisputable power, yet the reforms proposed in the constitution of the Government of India could have been more liberal. The 'impression produced is that the feins of the Government of India have been made too tight. Taking into consideration the fact that the main arbiter of the destiny of India will be the Central Government and not the Provincial Governments; the absence of a substantial measure of even the first stages of responsible government in the provinces is felt as one of the greatest desideratum in the scheme and I would conciliate the Indian grievance on this point. In my humble opinion it would conciliate the Indian grievance on this point if a small elected majority is conceded to the Legislative Assembly with the right of veto to the Governor General in Council instead of a Legislative Assembly with a large officialized elected majority which is virtually a slave to a higher chamber vis., the Council of State. As regards this Council of State Indian opinion

#### Rai Bahadur L. P. Sinha.

seems unanimous in condemning it. And the likelihood of the presence in it of Native Chiefs is viewed with still greater alarm by Indians. It is not that Indian opinion is opposed to the Government's consulting the Native Chiefs on matters of what have been called common concern, but it is thought that their association in an assembly of the representatives of the peolpe would be in some ways embarrassing.

The Provincial Government.—In the treatment of this question of the liberalization of the Provincial Government the scheme-framers' have no doubt been truly liberal. In my considered ophinon the scheme is open to very little objection. If the scheme is given a fair trial by the people whom it concerns that is, in effect the politically-minded classes as well as by the official class who will have still the direction of affairs in their hands, there is not the least doubt that it would be a great success. For the first time in the annals of the chequered history of India, people are going to be associated in a constitutional manner with the works of the administration of their country. In their lust for power the cry has come no doubt from certain Indians whom I cannot but call thoughliess that more is wanted than what has been given. Such thoughtless Indians can be linked to those persons who in their fit of extreme hunger insist on being supplied with more foot than what they can profilably take. I think the illustrious authors, inblued as they were with a true spirit of sympathy for the Indian cause, have very rightly regulated the ration for the present. Otherwise there was every danger of a sudden breakdown. There is also, I am sorry to note, a spirit abroad among certain classes of Indians that they must ask and agitate much more than what would be to their benefit to have. This is a very undesirable spirit and but for that matters woull have proceeded more smoothly. But it does need any advice on my part that the British Government as the trustee of Iddia sloud always look to the real intercests of the Indian people as a whole ignoring all wild cries to the contary. I an therefore not in favour of the damand 'for more' that has been raised in connection with the scheme touching the Provincial Governments. For instance, it has been mooted in certain quarters that there should be four members on the Executive Council and out of them half, that is, two must be Indians. The main motire for making this pro

In regard to financial arrangements for the transferred subjects which will be in the hands of the Minister I do not think that they are satisfactory. Under the proposed arrangements the Minister will start, so to say, with a handicap. He will get only the crumbs left from the reserved subjects, and if he wants more money to inaugurate useful projects he will have to fall back on taxation. In my opinion it would be more fair to fix a certain

#### Babu Maheshvar Prashad.

percentanges of the available revenue for expenditure on the reserved heads. These will be the minima which the reserved subjects must get. Otherwise I am afraid that there will be cause of "friction within the Government and" discontent outside among the public. The minimum percentages should be fixed on as liberal a scale as possible as among the Reserved subjects will fall education and sanitation whose needs are well-known.

The provision of a Grand Committee to pass urgent legislation required by the executive, would in my humble opinion, very much detract from the liberal character of the Provincial Scheme. It scens unnecessary. The Government might very well depend on the good sense of the Indians not to leave them in the lirch in any emergency. Moreover there will be the Government of India powers to fall back upon in any case in which the Council is found to be unduly obstructive.

#### Conclusion.

The success or failure of the scheme, would in my opinion depend not on the minister being one solely elected by the elected members of the Council, his getting the same emoluments as those of the Indian Member of the Executive Council and such other demands which have been sent, forth, but on the right men getting into the Council. The remedy for this will be in the constitution of the electorate. If it is necessary that the lawyers should not get excessive representation in the Councils it is more necessary that the class of landed magnates should not be allowed to swamp them either by themselves or by their nominees. It is of the utmost importance that the real middle classes who have got the brains as well as the sympathy with the country as a whole and who are in all democratic countries the back bone of the administration should be the preponderating element in the council otherwise the very purpose of the reforms will be hopelessly frustrated. India being mainly an agricultural country and full: of big landed magnates one apprehends that unless care will be taken in the constitution of the electorates the majority of the votes will fall in the hands of the landed magnates through the undoubted influence they wield over their cultivators. This is an evil which must be guarded against. The greater Indianization of the superior service which is proposed to be effected will constitute another great boon to the Indians, a boon which was very urgently needed. Indians can not be too grateful for this boon as well as for the other boon of the removal of the bar to the admission into the commissioned ranks of the Army. It would in my humble opinion solve many of the political problems if Indians could be diverted to a military career. It would make them more loyal and less suspicious of the Government.

In conclusion I have to apologize for sending my short opinion so late. I was prevented from my indisposition to take up the matter learlier. I have, not considered it necessary to touch points on which I had no suggestions to make one way or the other.

#### LACHMI PRASHAD SINHA.

[No. 22.]

The 3rd September 1918.

### No. 110, dated Muzaffarpur, the 3rd September 1918.

From-The Hon'ble Babu MAHESHVAN PRASHAD, Zamindar and Banker, Muzaffarpur,

To-The Hon'ble Mr. H. McPHEBSON, I.C.S., Chief Secretary to the Government of Bihar and Orissa.

I have the honour to send herewith my opinion on the constitutional Reforms Scheme invited by you in your favour of the 27th July No. 723-49.C.

I regret my opinion is late by a few days. My continued illness for the last 4 months is the reason of my failure to keep to the right time, I hope you will kindly excure this.

### Babu Moheshvar Prashad. Note.

I must begin this note with acknowledging my sincere gratitude to the Secretary of State for India for the announcement of the 20th Angust 1917, declaring the policy of His Majesty's Government in India, as that of the increasing association of Indians in every branch of the administration, and the gradual development of self-governing institutions with a view to the progressive realization of responsible Government in India as an integral part of the British Empire. It has also been a matter of gratification that substantial steps in this direction are to be taken as soon as possible; and having this end in view, the Secretary of State for India in collaboration with His Excellency the Viceroy, has been pleased to draw up a scheme of constitutional Reforms, for which our warm acknowledgments are due to them. The proposals evince on the whole, a genuine desire on the part of the illustrious authors to study the complex problem of the Indian administration; and to ultimately secure for us the right of governing ourselves and determining our own future. We have now to see how far the actual proposals themselves carry us on the road to self-government.

Confining my remarks to the points in Chapters 8 and 9 of the Report, on which an expression of opinion has been invited, I would submit that as proposed in paragraph 212, the Provincial Government must be given the liberty of financial action, and secured against any unnecessary interference by the Government of India in the spheres of Legislative and administrative business; although it is quite reasonable that the Government of India must retain a general over-riding power of legislation for the discharge of all functions which it will have to perform. It is, however, expected that this power of the Government of India, will be exercised only in exceptional cases. The proposal contained in paragraph 214 that is all the provinces

The proposal contained in paragraph 214 that in all the provinces, single-headed administration must cease and be replaced by collective administration, is one which has my hearty support, as it has been recognised in the Report itself that the retention of the administration of a province in the hands of a single man precludes the possibility of giving it a responsible character.

Passing on to the proposal for the constitution of the Provincial Executive Government, contained in paragraphs 218 and those following, I would in the first place submit that it is desirable that subjects designated as "Transferred" should be made over to one or more Ministers, who should be placed in charge of such subjects, and be responsible for their proper administration. The list given of subjects as are likely to be "Transferred" contain such important ones as those of education, sanitation, etc., and will, to my mind, afford sufficient opportunities of acquiring administrative training.

With regard to the appointment of Ministers, I need hardly say that they should be such as to command the wholehearted confidence of the Legislative Council, and the people. In order to ensure this end, it would be, to my mind, an improvement upon the present proposals on the point, if instead of being chosen by the Governor, such Ministers may be elected by the Legislative Councils. Our anxiety is that Ministers should be really capable men, who can present the people's view on subjects entrusted to them. In this connection, I cannot resist the temptation of quoting the observation of the Right Hon'ble Mr. Montagu and His Excellency the Viceroy, which truly reflects the popular view on the point :--

"We are aware that in the past the nominations made to the executives have not always given satisfaction. There has been a disposition to regard the men appointed as chosen because they are safe, and not likely to give Government trouble : and if legislature and executive are to work smoothly together, it is, we agree, necessary to make appointments which command confidence and insure efficiency and ability."

Since it is obvious that in any scheme of responsible Government, the members of the Executive, must be responsible to the people, it follows that Ministers should hold office so long as they enjoy the confidence of the Legislative Council; and that if the house expresses its want of confidence

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in them, and a vote of censure is passed, they must resign their office as a matter of course.

a matter of course. Passing on to a consideration of the financial arrangements proposed for carrying on the "Reserved" and the "Transferred" subjects, one is con-strained to say that some of the proposals are open to serious objections. It has been proposed, and to my mind rightly proposed, that the first "charge on the provincial revenues will be the contribution to the Contral Govern-ment. But the next proposal that the "Reserved" subjects will have priority in the matter of supply, is calculated to leave the "Transferred" subjects with rather insufficient funds to carry on their administration in an efficient way. The unpleasant task of proposing fresh taxation is sought to be placed upon the shoulders of the Minister : while there appears to be no effective check proposed for discouraging any possible tendency towards extravagance in the administration of "Reserved" subjects. I am of opinion that there eught to be a more equitable distribution of funds of opinion that there eight to be a more equitable distribution of funds for the two branches of the administration ; and there ought to be collective responsibility in any scheme of taxation which might be proposed. Besides there ought to be some provision for the discussion of the Provincial Budget in the Legislative Council; and the people's representatives ought to have an effective voice in the matter of supply.

I now pass on to a consideration of the constitution of the provincial legislature; as outlined in paragraphs 225 and those following; and here I would at once acknowledge with gratitude the proposal of enlarging the Legislative Council, with a substantial elected majority, elected by direct election on a broad franchise, with such communal and special representation as may he precessary. Much will of source depend upon the constitution election on a broad tranchise, with such communal and special representation as may be necessary. Much will of course depend upon the constitution and personnel of the Committee which will be appointed to investigate into the question of franchise and kindred matters; but I would gladly acquid scence in the remark contained in paragraph 226 of the Report that any "Inordinate and sudden extension of the franchise as might lead to a break down of the machinery through sheer weight of numbers", should be avoided avoided.

With regard to the proposals contained in paragraphs 231 and 232 I note that it is proposed to give communial representations to the Muhammadans and to the Sikhs in the Punjab. The former have been enjoying communial representation ever since the Minto-Morley Scheme of reforms came into operation; and it is only just that their rights in this respect have been recognised and consolidated under the present scheme. But as a representa-tive of the landholders of the Tirhut Division in this Council, I am sorry to say that the rights which we have been enjoying along with our Muhamma-dan brethren since the time of the Morley-Minto reforms, are now proposed to be taken away from us. The landholders, I would point out, form a dis-tinct and important community of their own: and their stake in the country is beyond that of any other class of people; and I would accordingly submit With regard to the proposals contained in paragraphs 231 and 232 L note. is beyond that of any other class of people; and I would accordingly submit that special representation adequate to our state and position be given to our community in the Executive Councils, the Legislative Councils as also the Conncil of State if the last comes into existence.

I am glad to note in paragraph 236 that any member of the Legislative Council, and not merely the asker of the original question, should have power to put supplementary questions. This is an improvement on the present state of things; and is bound to prove an useful means of electing much-needed information on important matters.

I now pass on to the proposals for the institution of Grand Committees contained in paragraphs 252 and those following. This proposal, I would submit, is not in consonence with the spirit of the scheme so far as provincial legislature is concerned; and I do not agree with the remark in paragraph 253 that after reference to the Grand Committee the Council will have right to discuss a particular Bill equip experiment. discuss a particular Bill again generally; but will not be able to reject it, or to amend it, except, on the motion of a member of the Executive Council.

The power proposed to be conferred by paragraph 254 upon the Governor, of dissolving his Legislative Council, is open to objection ; and is unnecessary

in view of the safeguards provided that the assent of the Governor, the Governor General and the Crown, will remain necessary for all Provincial Legislation.

With these few remarks on some of the important proposals which affect the Provincial Government, I pass on to a consideration of some features connected with the Government of India. Here I welcome the proposal contained in paragraph 272 of appointing another Indian member into the Executive Council; but I would have preferred, if, while admitting the utility of the steps taken by Lord Morley and Lord Minto, the illustrious authors of the present scheme would have gone further, and had provided that one-half of the members of the Executive Council should be Indians.

The proposal of giving a substantial elected majority in the Legislative Assembly of India, in paragraph 273, is no boubt a step in advance; but the institution of the Council of State at once takes away whatever power the Legislative Assembly possessed. I am of opinion that the grant of responsible Government in the provinces must go hand in hand with the grant of similar Government in the Government of India; although, in the latter, I am free to admit, the pace might be slower than in the provinces, and every step more cautious. If the Council of States is to be retained, its powers should be suitably modified.

The proposal in paragraph 294 of placing the salary of the Secretary of State on the British estimates, is a welcome one; but carrying the spirit of this proposal on to its logical conclusion, I would have preferred if the entire cost of the India Office establishment would have been placed on the British estimates. The appointment of a Select Committee of Parliament on Indian affairs in paragraph 295 is a welcome proposal, and is likely to induce members to take a more active sustained and informed interest in Indian affairs.

MAHESHVAR PRASHAD.

### [No. 23.]

### Dated Bankipore, the 3rd September 1918.

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From-The Hon'ble SALVID NURUL HASAN,

To-The Hon'ble Mr. H. MCPHERSON, I.C.S., Chief Secretary to the Government of Bihar and Orissa.

With reference to your letter No. 723-49-C., dated Ranchi the 27th July 1918, I have the honour to submit herewith my opinion on the constitutional Reforms Scheme, I am very much thankful to you for the extension of time allowed up to the 5th instant.

of time allowed up to the 5th instant. Scheme considered from the Moslim point of view.—From the Moslim point of view the scheme is highly unsatisfactory. The framers of the scheme while dealing with the question of special electorate of Muslims have very reluctantly kept up the right of special electorate of the Muhammadans only in such of the provinces in which they are in a minority; but have to the great surprise, dissatisfaction, and disappointment of the Muhammadans denied to them even that proportion of seats which were conceded to them by their non-Moslim brethren under the joint-Congress League scheme. In disregarding the settlement arrived at in the Joint Congress League Scheme, the importance of the settlement which is admitted by the framers of the scheme, themselves in paragraph 27. of their report, has been entirely under-rated in the proposed scheme. In paragraph 27 of their report the authors of the scheme under consideration, while speaking of the united action of Congress and the League, observe "this agreement however' represents the beginning of united action between the Hindus and Muhammadans, which every wellwisher of India hopes, will grow". The above remark necessarily implies that the settlement of the differences between the two great grade communities of India is to the interest and well-being of India. The question of proportion as regards representation in the local and the Imperial Councils is certainly a very important one, and the settlement of that question between the two

communities is certainly the settlement of a very important question affecting the well-being of the country. The authors of the scheme as wellwishers of India, should have accepted the settlement, as the first important step towards the unification of the two communities, and thereby, encouraged the two communities in settling their further differences. Disregard of the settlement is a severe blow to any future attempt by the two communities at settling their differences, and, their united action which is absolutely necessary for the due development of responsible Government in India. This non-acceptance of the settlement may tend to widen the gulf between the two communities. This aspect of the question has been entirely overlooked and under-rated in the memorable report. The Moslims regard the scheme as highly unsatisfactory prejudicial from their point of view.

as highly unsatisfactory prejudicial from their point of view. Regarding the question of proportion it is said by the framers of the scheme under consideration "we are not aware upon what basis other than that of negotiation, the figures were arrived that separate electorates are proposed even where Musalmans are in a majority, and where they are numerically weak the proportion suggested is in excess of their numerical strength, or their present representation". The authors of the present scheme should have made a thorough enquiry from the framers of the joint-scheme as to the reasons which led them in fixing the figures. The settlement should not have been brushed aside for want of knowledge of the aforesaid reasons. I did not take part in the deliberations of the assembly which framed the joint-scheme, and so I am not in a position to say what the grounds were which influenced the framers of the joint scheme in fixing the proportion; but I can say this much that certainly there are good grounds for fixing the figures which have been disregarded in the memorable report. The framer of the present scheme seems to think that numerical strength is the only thing which should form the the basis of fixing the proportion. This to my mind is a serious mistake. There are other things which ought to be taken into consideration. Of these one is the special political importance of the Muhammadans, which was admitted in connection with the Morley-Minto reform and also by Lord Dufferin. It was after the grant of the Diwani to the East India Company by the Moghal Emperons in 1765A.D. that courts and offices for the disposal of Judicial and Revenue business were set up, in virtue not of any power derived from the Parliament, but of the authority that had been delegated to the Company by the Moghal Government (*vide* paragraph 53 of the Report). It was this grant of Diwani by which the foundation stone of the British Rule in India, specially when the Military services of our countrymen the Sikhs,

There is another facts which also goes to point to the special importance of the Musalmans and it is this that the Muhammadans of India had to appeal to Turkey not to go over to the side of Germany. Does not this also show the special political importance of the Muslims of India.

Then again the Amir of Afghanisthan, a Muslim ruler, has been a staunch ally of the British Government, and as such has been the defender of India, against a foreign invasion, from the North-Western Frontier.

Further the admirable attitude and behaviour of the Muslims in the present war which has been so highly spoken of by the illustrious authors of the present scheme in paragraph 26 of the report in the following terms "keenly as they (the Muslims of India) feel and the painful position in which they were placed, they were admirably steadied by the great Muhammadan princes and nobles and preserved an attitude of firm loyalty, which deserves our praise and sympathy " is another important fact establishing the political importance of the Muslims.

Are not the above facts and circumstances sufficient evidence of the special political importance of the Muhammadans? Is it a just reward of the firm loyalty of the Muslims that the proportion of seats which is conceded to them by their Hindu brethren in the joint-Congress League scheme, should be denied to them under the present scheme? If such is the reward of the firm loyalty of the Muslims, what can the Indians expect in future for their important services in the present war? The special political importance of the Muhammadans should not have been overlooked in the present scheme in connection with the question of proportion.

Further in some provinces where Muhammadans are numerically weak, they have a larger proportion of literate men in their community, than their Hindu brethren, as for example in my province of Bihar and Orissa, education is an important factor which should also be taken into consideration in determining the proportion of seats in the various Legislative Councils. The importance of education has been admitted as a qualification for voters, in the resolutions adopted by the United Provinces Legislative Council. As the framers of the report have left the principles by which the franchise is to be given to the voters, to be determined hereafter by a committee proposed for that purpose, I am not in a position to say what importance they mean to assign to the factor of education. Be that as it may, education is certainly a factor which has got some importance at least, and ought not to be overlooked. In my province of Bihar and Orissa the percentage of literate Muhammadans is about 40 per cent. It is thus obvious that the proportion of 25 per cent. given to the Muhammanans of my province under the joint scheme, though more than their numerical strength, is less than the proportion of literate men of the Muslim community.

In the memorable report it is said that there is no reason why special electorate should be given to the Muhammadans where they are in a majority. The reason for the demand of special electorate in such provinces is obvious. There are certain provinces where the Muhammadans are in a majority; but they are backward in education and have much less influence as compared with their Hindu brethren. If therefore they are not given special electorate, the necessary consequence would be, that very few of them will be returned to the Local and Imperial Councils. As an instance of this may be cited the province of Bengal where although the Muhammadans are in a mejority yet they are very backward in education and have very little influence. The real reason for giving special electorate is to avert the danger of inadequate representation of a particular community—and the difference as to the cause of inadequate representation is of no importance. It, makes no difference whether the danger of inadequate representation is due to numerical weakness or to backwardness in education and want of influence.

If numerical strength were to be taken as the only basis for determining the proportion, as the memorable report goes to show, then even on that principle let us see whether the proportion which has been fixed by the joint-Congress League scheme is higher than it ought to have been. Thereare certain classes of men who strictly [speaking are neither Hindus nor Muslims, and who having regard to their present backwardness in civilization and education, can not be represented in Council by men of their own community, either at present or for a considerable length of time to come, as for example Chamars, Domes, Musahars etc. So far as these classes are concerned their interest will be looked after, by the Muhammadans as well, as by the Hindus; so in determining the relative numerical strength of Hindus and Muslims, the population of the above classes should be deducted from that of the Hindus. If this is done then the numerical strength of the Muhammadans will not be so low as it is considered to be by the illustrious authors of the scheme. In that event the proportion which has been conceded to the Muhammadans under the joint scheme, will not be out of proportion to their numerical strength.

In the memorable report it is said "If any other community hereafter makes good a claim to separate representation it can be satisfied only by deduction from the non-Muslim seats, or else by a rateable deduction both

Maulavi Saiyid Nurut Hasan. from the Muslim and non-Muslim; and Hindu and Muslims opinion are not likely to agree which process should be adopted". In the first place the objection is vague. It is not suggested what other community or communities are meant. If the communities referred to above are not actually existing at present, but are yet to come into being, then that itself is sufficient to dispose of the objection as groundless. If on the other hand the communities referred to, are already existing, than certainly the seats to which such communities will be entitled under the joint scheme are included in the number of seats which are lent for the general elec-torate. after deducting the seats allotted to the special electorate of are included in the number of seats which are left for the general elec-torate, after deducting the seats allotted to the special electorate of the Muslims. Therefore if for such communities special representation is to be provided, if a case for the same is thereafter made out by them, then certainly by logical reasoning, only one process is possible, viz., to make deduction from the seat of the general electorate in which class, the com-munities referred to, are included under the joint scheme. On the other hand to make a deduction from the seats allotted to the special electorate of the Muslims would be gring acquired that for a settlement itself under the Muslims, would be going against the terms of the settlement itself under the joint scheme. Consequently having regard to the very nature of the settle-ment can the Hindus not consistently with the terms thereof ask to make a deduction of seats for such communities, from the seats allotted to the special electorate of the Muslims under the yoint scheme. It is thus clear that if the proportion fixed by the joint scheme were adopted, there will be no difficulty. The question of proportion has been rather lightly dealt with and the reasons assigned for the non-acceptance of the proportion fixed under the joint scheme are neither sufficient nor sound. In dealing with the question of proportion the above considerations have been entirely overlooked in the present scheme.

It is likely that the framers of the joint scheme have taken into consi-deration the principle of give-and-take in fixing the proportion. In the report itself the importance of this principle is clearly admitted when it says that

. That the principle of give-and-take, was fol-lowed by the framers of joint schemes is evi-denced by the fact that the right of participation in the general electorate has been taken away from the Muslims under the joint schemes, principle of give-and-take is the essence

In the general electorate has been taken away of political life. (*Vide* paragraph 230 from the Muslims under the joint schemes, of the report)\*. In the memorable report the above consideration has also been overlooked.

If the numerical strength be regarded as the only ground for determining the proportion, as the report indicates, than in that event it is to be noted that the proportion, as the report indicates, than in that event it is to be noted that certain communities, the importance of which has been emphasized in the report, would hardly get a single seat either in the Provincial or Imperial Council as for example the European community. By this I do not mean to suggest the interest of such communities should not be protected. By making the above observation my object is to show that numerical strength is not the only factor which ought to form the basis for determining the proportion of seats.

The proposed scheme is evidently a provisional one and is temporary in its character, and will have to be modified in future in the light of changed in the order and with have to be monthed in ruture in the light of changed circumstances and conditions. It is thus clear that if provision has to be made for special electorate in favour of any particular community in future, that question can then be properly dealt with, keeping in view those circums-tances and conditions. Simply because of a vague apprehension of a future contingency the rejection of the proportion fixed by the joint scheme is not at all justifiable either from the people's point of view or from that of the Government Government.

'Communal electorates are regarded in the present scheme as a serious obstacle to the development of the principle of responsible Government: but nomination is open to a greater objection on the same ground inasmuch as it would be a greater hinderance to the development of the principle or res-ponsible Government; inasmuch as it will equally emphasize the idea of separate existence of a community as /a distinct entity and because it will deprive that particular community which is to be represented, by nomination, of the opportunity of a training for responsible Government. of the opportunity of a training for responsible Government.

Council of India.—Whatever changes may take place in the constitution of the Council of India and the India office establishment, after the submission of the report of the proposed committee it is suggested and hoped that some definite provision will be made for the adequate representation of the Muslim interest. The suggestion is quite consistent with the general principles underlying the proposed scheme and the practice, which has hitherto been in vogue, of appointing an Under-Secretary from the members, of the Muslim community.

Executive Council of the Government of India.—I suggest that of the seats reserved in the Executive Council of the Government of India, one half should be reserved for the Muslims. The framers of the scheme admit the value of first-hand information which the Government gets from an Indian Member of the Executive Council and this is the reason given by them for increasing one seat for the Indians in the said council. The Muslims form an important community taking into consideration their numerical strength coupled with their special political importance. It is therefore expedient and desirable that first-hand information should be available to the Government of India from their point of view as well; for this reason it is necessary both in the interest of the Government, the Muslim community, and the country that one-half of the seats in the said council should be reserved for them. The suggestion is also consistent with the existing practice of giving a seat to a Muhammadan alternately with a Hindu. In the event of any change lleing made in the constitution of the Executive Council of the Government of India in the light of suggestions which may be made by the Indians, a definite provision should be made for the adequate representation of the Muslims, in that body. Want of such a provision will seriously effect the Muslim community; and will be keenly felt by them. Having regard to the present circumstances and conditions of the Country such a provision is absolutely necessary, not only in the interest of the Muslim community, but also in the interest of the Government and the country itself. It is possible that in course of time with the future development and advance of the Indians in political ideas on the line of responsible Government, such a provision may become unnecessary; but under the present circumstances it is an absolute necessity.

The Privy Council.—For the reasons given above in connection with the Executive Council of the Government of India, I would further suggest that a definite p ovision be made for the adequate representation of the Muslims in the proposed Privy Council also, in the event of its being established.

**Public** Service.—Provision should also be made for the adequate representation of the Muslims in the public services of the country under the proposed scheme.

Provincial Executive Government.—Provision should also be made for the adequate representation of the Muslims in the Executive Government of the Provinces, the reasons already given in connection with the Executive Government of India.

The Scheme considered generally.—Before dealing with the scheme I considered it my duty to give expression to my sense of gratitude to the King Emperor for the memorable pronouncement of the 20th August 1917, which has created a new era in the history of the British rule in India, and which has led to the framing of the new reform scheme.

At the very outset I must frankly admit that the illustrious authors of the new reform scheme have in dealing with the history of the constitution of the British rule made candid admissions, in their report, as regards certain important matters which necessitate a radical change of principle in the administration of India on the line of responsible Government, the way in which they have dealt with the subject of the proposed reform clearly shows that they are guided by the sincere motive of giving responsible Government to the Indian people in the interest of the country. At the same time I do not agree with the authors of the scheme on some important matters of detail, and suggestions made by them.

The scheme in certain respects is decidedly an improvement on the present constitution, but in some other respects is highly retrograde in his character in so far as it is strengthens the hands of the bureaucracy, and militates against the principle of responsible Government. Taken as a whole it is clearly an improvement upon the present system. It is a step but not a substantial step towards the gradual realization of responsible Government. As regards cetain matters it is to be noted that while they are given in one part of the scheme, they are practically taken away in another part of it. What is proposed to be given in the local body, can by no means constitute a substantial step towards the gradual realization of responsible Government. Coming to the Provincial Government I find that much depends upon what the transferred subjects would be; but the whole question of the transferred subjects is left in the womb of futurity and uncertainty, to be determined hereafter by a committee to be appointed for that purpose. Then again what may be included in the list of transferred subjects, it can in no way be said that what is given would constitute a substantial were given with this uncertainty as to the future of the transferred subjects, it can in no way be said that what is given would constitute a substantial step towards the gradual realization of responsible Government. It is further to be noted that the ministers in the Provincial Government have been given practically no power insamuch as the ultimate decision rests with the Governot, who is given absolute power of control. The instrument of instructions to be issued to the Governor for his guidance is a very weak safeguard and is rather illasory. As a help to the Governor it is further proposed in the scheme to associate with him some persons of official experience as members without portfolio, for the purpose of consultation and advice. These members without portfolio, are likely to officialize the view of the Governor in a great measure. The ministers t

The powers given to the grand committee renders, the provision regarding the transferred subjects practically useless. It is thus obvious that what has been given in the provinces does not constitute a substantial step towards the realization of responsible government.

Coming to the Government of India, I find that admittedly there has been no change in the direction of responsible government. Under the proposed scheme much power is given to the Council of State in which the official element will be a predominent factor. The vesting of so much power in the Council of State as to make it the final legislative authority is clearly strengthening the hands of the bureaucracy. This is clearly inconsistent with the idea of responsible Government, and is calculated to prove a powerful obstacle to the development of the principle of such a Government.

From what has been said above it is perfectly clear that what has been given in connection with the provinces and the Government of India, does not constitute a substantial step towards the gradual realization 'of responsible Government. The scheme under consideration therefore falls' short of the promises held out in the memorable pronouncement of the 20th August 1917.

In the scheme under consideration some important matters have been left out to be settled hereafter, as for example the list of the transferred subjects, and the principles upon which will be based the franchise to be given to the voters. It would have been better if we were called upon to give our opinions after the proposed committee had made definite suggestions regarding such matter. We would then have been in a better position to give our opinion on the scheme as a whole. The scheme as it is, is incomplete; and it is difficult to give opinion regarding all necessary matters on an incomplete scheme such as the present. I would under the circumstances suggest that Indian element should be adequately represented in the above committee. I would further suggest that in selecting the members of the above committee particular regard should be had to the fact that those who are selected to form the committee, should be men capable of approaching the

question to be dealt with by them, in the same spirit of liberality and sincerity in which it would have been dealt with by the illustrious authors of the scheme themselves.

scheme themselves. Much of the worth of the present scheme depends upon the actual fulfilment of the promises held out regarding the future development of responsible Government. People are very much apprehensive in this connection inasmuch as most of the declarations and promises made in the past have remained unfulfilled. The apprehension is further increased by the right of re-entry which has been reserved under the present scheme. I would therefore suggest that sufficient provisions be made in the Parliamentary Act itself which may be passed embodying the provision of the new reform scheme, so that there may be no difficulty in the fulfilment of the above promises. I would further suggest that in selecting the persons to be entrusted with the carrying out of the scheme due regard must be had to their nature and qualifications so that they may be capable of dealing with the scheme in the same spirit of true sympathy towards the people of India, in which the illustrious authors of the scheme have approached the whole question of new reform. So far I have to say regarding the general feature of the scheme I next propose to deal with the scheme in its details. *Parliament and the India office.*—The withdrawal of control of Parlia-

Parliament and the India office.—The withdrawal of control of Parliament and Secretary of State, so far as it relates to the transferred subjects, is admirable; but the real value of this change depends upon (1) the subjects that will be inculded in the list of transferred subjects, (2) the real power or powers, if any, which may be given to the ministers, (3) the exent to which proper selection of ministers will be made.

I am opposed to the withdrawal of control of the Parliament and Secretary of State from the Government of India and the Provincial Government, in so far as it relates to subjects other than those that are transferred.

The transfer of the salary of Secretary of State to the Home Estimates is also a healthy change, as it will tend to ensure a better supervision by the British people of the works done by the Secretary of State, on account of the above change the British people and the British Parliament will take greater interest than they do at present in Indian affairs. I would further suggest that all the expenses of the India office should be transferred to the Home Estimates.

I would suggest the abolition of the Council of India. In case the authorities do not find their way to abolish the said Council I would suggest that the Indian element be more adequately represented in the said council.

The appointment of the select committee by the House of Commons for Indian affairs is also a change for the better, inasmuch as it will keep the Parliament better informed on Indian affairs, and will secure a better supervision of the said affairs by the British Parliament.

The idea of appointing a Committee to examine and report on the present constitution of the Council of India and on the India office establishment is a good one; but the value of the work to be done by the said committee depends upon the qualifications and tendencies of the members of the committee. It is therefore of supreme importance that particular care should be taken in selecting the members of the committee. The members to be selected should be capable of approaching the question to be entrusted to them in the same sympathetic spirit, in which the illustrious authors of the present scheme have approached the whole question of the new reform; I would further suggest that Indian elements of different shades of opinion should be adequately represented in the said committee.

Government of India.—The idea of establishing a Privy Council for India is a commendable one. If the members of the proposed Privy Council are men of real merit and independence it would be of immense value as an advisory body. It is thus obvious that the question of proper selection of right men is of very great importance. From paragraph 287 of the report it

appears that the real merit and distinction are regarded as identical with high offices. It is not uncommon in India that men without real merits succeed in getting high offices, and the claims of men of real merit are sometimes ignored. It is therefore of great importance that in making selection from the classes enumerated in the said paragraph of the report independence of character and real merit should always be taken into consideration, and that for the purpose of ascertaining the above qualifications, thorough enquiry should be made before making the selection; otherwise the proposed Privy Council will neither command the respect and confidence which it is expected by the authors of the report to command, nor will it serve the purpose for which it is sought to be established. Ruling princes should not be included in the Privy Council,

The Executive Government of India.—Increasing the Indian element in the Governor General's Executive Council is certainly an improvement upon the present system; but it is not a substantial step towards the gradual realization of responsible Government. Practical training and actual experience of responsible Government in the provinces can hardly be sufficient to make the Indians fit for discharging the duties of responsible Government in the government of India. Under the proposed constitution of the Government of India, the present scheme is calculated to strengthen the hands of bureaucracy, and to retard the development of responsible Government. I am therefore of opinion that opportunity should be afforded to the Indians of actually exercising their sense of responsibility in the Government of India as well in such a way as to insure as speedy a realization of responsible Government as is practicable. In this view of the matter I would suggest that the Executive Government of India should also be remodelled on a line similar to that adopted in respect of the Provincial Government with the modifications suggested below. The Executive Government of India should consist of two parts. One part should comprise the head of Government and the Executive Council consisting of as many members as may be necessary having regard to the amount of work to be entrusted to them. Of the members of the Executive Council, one-half should be Indians. This part of the Government should be entrusted with reserved subjects. The final decision on such subjects is to rest with the Executive Council. The Governor General should have full power of control over the Executive Council.

The other part of the Government should consist of the Governor General and two or more Ministers. These Ministers should be entrusted with the transferred subjects, and they should be given full powers to deal with the subjects entrusted to them. These Ministers should be nominated by the Governor General, but they should be responsible to the Legislative Assembly. In making selection of the Ministers real merit should always be taken to consideration.

The subjects relating to the army, navy, foreign relations including those connected with the Native Estates, and such subjects as relate to peace, order, or traqquility of the country and all religious or ecclesiastical quéstions should be classed as reserved subjects and all other subjects should be classed as transferred subjects.

Legislative body of the Government of India.—The proposal of dividing the legislature into two bodies, viz., the legislative assembly and the Council of State is highly retrograde, complex and costly. The Legislative Assembly though enlarged and consisting of a majority of elected members is devoid of all power. All powers are really vested in the Council of State. The Council of State is the final and real legislative authority. The enlarged Legislative Assembly under the proposed scheme is a body without any life or vitality, and as such is not at all a step towards the realization of responsible Government. The Council of State is a body in which the Government will always be able to command an official majority. If the Council of State is established it will greatly strengthen the hands of the bureaucracy, and will tend to deprive the Indians of all real voice in the legislature of their country. The Council of State is thus highly retrograde in its character, and is quite inconsistent with the idea of responsible

Government, and is calculated to greatly retard the progress of the Indian people towards responsible Government. It would defeat the very object of the proposed scheme. In my opinion for the above reasons the Council of state should not be established at all.

There should be but one legislative body, call it by the name of Legislative Assembly or Legislative Council. It should consist of a substantial majority of Indian elected members. The Legislative Assembly should have the power of passing all legislations, budgets and resolutions:

Provided that if the Governor General is of opinion that a certain legislation for the peace, order, or tranquility of the country on any of the reserved subjects is necessary and a member of the Executive Council introduces a bill for that purpose but no leave to introduce it is given by the Legislative Assembly or the bill is thrown out at any stage, then in that event, the Governor General shall have the power of at once forming a temporary Committee and of referring the said bill to that Committee. The Committee shall consist of such of the Members of the Executive Council as the Governor General may select, and of Indian. elected members. The Committee shall be so constituted that an official majority may always be maintained and the decision of the Committee shall be final:

Provided also that if any bill or resolution is introduced or moved by any non-official member of the Legislative Council on any of the transferred subjects, or any of the reserved subjects, and in the opinion of the Governor General the same bill prejudicially affect the peace, order, or tranquility of the country or will prejudicially affect the due administration of any of the reserved subjects, the Governor General shall have the power of at once forming a temporary Committee of the kind referred to in Proviso I, and of referring the bill or the resolution to such Committee; and the Committee shall have the power of deciding the matter referred to it, and the decision of the Committee shall be final and binding :

Provided further that if in dealing with the budget, any difference of opinion arises between the Executive Government, and the elected members of the Legislative Council, and the Governor General is of opinion that the view taken by the members of the Legislative Assembly, would prejudicially affect the administration of the reserved subject or subjects, peace, order, or tranquility of the country, the Governor General shall have the power of forming a Committee of the kind referred to in Proviso I and of referring the matter in dispute to the said Committee, and the decision of the said Committee shall be final and binding.

The emergencies contemplated in the reform scheme, for which the Council of State is sought to be established are very unlikely. However, to meet the emergencies the Committee suggested above will be a sufficient safeguard, and it has the advantage of simplicity and will save time. It will also do away with the necessity of establishing the complicated, dilatory, and permanent machinery of the Council of State.

#### PROVINCIAL GOVERNMENT.

#### Executive Government.

The division of the Executive Government into two parts and the corresponding division of the subjects into two, namely, the reserved subjects and transferred subjects is necessary in view of the fact that the framers of the scheme suggest that responsible Government should be given only in regard to certain matters. The absolute power of control given to the Governor, makes the Minister a mere adviser without any power. There can be no responsibility without power. Therefore as a substantial step towards the gradual realization of responsible Government full power should be given to the Minister regarding the reserved subjects. The division of the subjects into transferred and reserved is in itself a sufficient safeguard.

The following are the suggestions regarding the Provincial Government :---

The head of the Government should not ordinarily will be a Member of the Indian Civil Service. The Governor should occupy the position of a constitutional Governor. The Ministers should have full power as regards the transferred subjects; and the Governor should have no power of control regarding the said subjects save and except in cases where the Governor thinks that the dicision of the Minister will affect peace, order, or tranquillity of the country, or any of the reserved subjects.

The Minister should be selected by the Governor, from among the elected Indian Members of the Legislative Council; but the selection should be either subject to the approval of the Legislative Council or the Legislative Council should have the power of voting the pay of the minister every year; so that the Minister may be responsible to the Legislative Assembly and the people.

The subjects enumerated in appendix II list I, as Nos. 2, 3, 4, 5, 15, 18, 22, 26, 27, should be classed as reserved subjects and all the rest should be classed as transferred subjects.

There should be no additional members as suggested in paragraph 220 of the report; because the additional members will be from the official class, and as such will greatly influence the Governor by their official views; and this will render the position of the Minister very difficult.

In five years from the date of the formation of the first Council under the new scheme, the question of the transferred subjects should be reconsidered, and the further reconsideration of the said subjects later on should also take place at an interval of five years.

The contribution to the Central Government, should be the first charge on the Provincial Revenue; but its proportion should be reduced. After making provision for the contribution to the Central Government, provision should first be made for the transferred subjects and after that the balance should be devoted to the administration of the reserved subjects. The dificiency if any in the amount necessary for the due administration of the reserved subjects should be met by fresh taxation or by borrowing.

The precedence thus given to the transferred subjects will in no way affect the reserved subjects inasmuch as the Executive Council will have the powers of borrowing money and of further taxation. On the other hand it will have the advantage of averting the danger of rendering the Government of the Minister unpopular, which is likely to arise from further taxation at the instance of the Minister.

I may here mention that the distrust of the Minister shown in the scheme, is not a real one. In is very unlikely that Minister holding a highly responsible position would act so unreasonably as to trespass upon the reserved subjects or would do acts which would disturb peace, order, or tranquility of the country. That this is unlikely is further supported by actual experience. In the scheme itself it is admitted that the member of the Executive Council have acted reasonably and their services have been of great value. There is a further admission in the scheme that the elected members have hitherto acted reasonably and with moderation. From the above observations it is clear that there is no reasonable foundation for the above suspicion or for the establishment of the grand Committee. That there is no real foundation for such a suspicion is also clear from another important fact, and it is this that under the proposed scheme the right of re-entry has been reserved. In the face of this reservation the Minister would be the last person to act unreasonably, because if he does so, the rights already given will be taken away. The safeguards suggested above regarding the transferred subjects, have been made by me on the assumption that there is a reasonable foundation for such a suspicion, but in my opinion as a matter of fact there is no foundation for it.

The Provincial Legislature.—The proposal to enlarge the Legislative' Council with asubstantial majority of elected members and to introduce the system of direct representation on a broad franchise are wholesome changes which constitute a clear improvement upon the present system. The principles upon which franchise will be given to the voters, have not been made clear in the scheme. The framers of the scheme are not to be blamed for this, because they have given sufficient reasons for their inability to-do so. But in order to secure the desired end of the framers of the scheme, it is necessary, that the regulations referred to in the scheme, should be made in the same spirit of sincerity, generosity and independence, as has actuated the framers of the scheme in approaching the subject of reform. In framing the regulations framed should be such as would further the development of responsible Government and would not in any way retard it.

ponsible Government and would not in any way retard it. Resolutions passed by the Legislative Council on transferred subjects which in the opinion of the Governor do not trespass upon the reserved subjects or which do not tend to effect prejudicially the order "peace" or tranquility of the country should be binding upon the Government. If in the opinion of the Governor a resolution on any of the transferred subjects' moved by a non-official member would affect the admiristration of any of the reserved subjects then in that event, the Governor shall have the power of forming a Committee referred to above and suggested by me in connection with the Executive Government and the Governor shall have the further power of referring the said resolution to the said Committee; and decision of the Committee shall be final and binding: Reserved by a private the Governor to intervene with full effect in

Power should be given to the Governor to intervene with full effect in all matters concerning the peace, order, and tranquility of the country and in all religious and racial questions, and to proteot the interests of existingservices.

#### The Grand Committee.

The proposed Grand Committee would be unnecessarily complex and dilatory; and it is quite inconsistent with the principle of responsible Government. The whole scheme of the establishment of the Grand Committee is based upon a strong distrust of the members of the Legislative Council. It presupposes that the members of the Legislative Council would combine against the Executive Government. The real decision of the question whether the establishment of the said Committee is necessary, depends upon the answer to the question whether the apprehension of such a combination is real or unreal. If it is real, then certainly there is necessity for the establishment of the said Grand Committee or any other Committee. If on the other hand the apprehension is not real; but is rather imaginary, then certainly there is no necessity of establishing the Grand Committee or any other Committee. The Grand Committee can be tolerated only as a necessary evil if no better device is to be found. The Grand Committee is not only unnecessary but it will positively retard the development of the principle of the responsible Government, which is the object of the scheme. The Grand Committee is nunecessary because the apprehension of a combination as a consideration of the following circumstances will show :—

(a) It is very unlikely that all the members of the Legislative Council, or a majority of them, will act unreasonably.

(b) It is admitted in the scheme itself that the members of the Legislative Council have up to this time been acting reasonably and with moderation.

(c) The further extension of privileges, rights, and powers of the Legislative Council under the proposed scheme is made dependent upon their acting reasonably; so it would be against their own interest to form such a combination.

(d) The right of re-entry has been reserved and so if the members make a combination and act unreasonably they would lose the rights, privileges

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#### Rai Bahadur Dvarika Nath.

and powers already given to them. The apprehension of loving the rights privileges, and powers would be a powerful check and a sufficient safeguard against the members acting unreasonably.

(e) The powers suggested to be given to the Governor in paragraph 240 of the report will also be a great check to such a combination.

It is further to be noted that trust, begets trust, and distrust begets distrust. For the harmonious working and co-operation of the Executive-Government and the Legislative Council, mutual trust and confidence are absolutely necessary. If the members of the Legislative Council are to be looked upon with distrust, it will naturally create a corresponding distrust in the minds of the members of the Legislative. Assembly against the Executive Government. This state of things is likely to retard the development of, responsible Government.

From the above remarks it is clear that the apprehended combination has no real foundation and that the establishment of the Grand Committee is not necessary ; but if the authorities concerned think otherwise then I would suggest that if an emergency of referring any matter to the proposed Grand Committee arises, in that event a Committee of the kind suggested by me in connection with the Government of India should be formed by the Governor. Such matters only should be referred to the said Committee as have been suggested above in connection with "the Government of India". The dicision of the Committee shall be final on such matters. In other matters the power of the Legislative Council should remain unrestricted.

Industry.—In this connection up to this time very little has been done by the British Government; although it was one of the most important duties of the Government. The subject has hitherto not only been neglected but rather certain things have been done in the interest of the trade in England, which have greatly retarded the development of industries in India. The present war has established beyond all doubt, that the development of industries is necessary not only for the prosperity of the country but it is also necessary for the strength of the British Empire as a whole. It is very gratifying to see that the illustrious authors of the scheme have paid special attention to the subject and have held out great hopes in connection with it. It remains to be seen how far those entrusted with it will carry out this part of the scheme and perform their duties in this connection. A definite provision should be made in the Parliamentary Act itself to ensure the actual carrying out of this part of scheme to its fullest possible extent without any unnecessary delay.

Future development of responsible Government.—The first enquiry regarding the further extension of power, etc., should be commenced after the lapse of 5 years from the establishment of the first Council under the new scheme, a period which represents the life of almost two Councils under the existing scheme. The further enquiries thereafter should also be made at an interval of 5 years.

[No. 24.]

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#### From-The Hon'ble Rai Bahadur DVARIKA NATH, Member of the Bihar and Orisse Legislative Council,

To-The Chief Secretary to the Government of Bihar and Orissa.

Dated

With reference to your letter inviting my opinion on the Beform proposed recently published by the Secretary of State and the Viceroy, I beg to submit as follows :---

The scheme is a distinct step in advance over the present state of affairs and we must acknowledge with gratitude that a genuine effort has been made to fulfil the promise contained in the memorable announcement of 20th August 1917. It is a matter of great satisfaction that they have embodied wholly or substantially in the proposals many of the demands which the people of this country have pressed on the attention of the Government from time to time.

#### Rai Bahadur Dearika Nath.

I may be permitted to state at the outset that a good deal will depend on the recommendations of the two Committees to be appointed under the scheme. Indeed it would be premature to express any definite opinion on the merits of the scheme as a whole unless the recommendations of the above Committee are known. I earnestly hope that these recommendations will be conceived and carried out in a liberal spirit. I trust that every care will be' taken by the Secretary of State and by Parliament to make the Regulations framed on the recommendations of these two committees such as to leave no room for reasonable complaint.

I respectfully beg to suggest the following modifications :---

1. There should be no Council of State. The establishment of a Second Chamber is highly undesirable. It is ill-calculated to serve a useful purpose in the constitutional development of India on smooth and harmonious lines.

2. The Indian element in the Executive Council of the Governor General should be one-half.

3. The principle of responsible Government should be introduced also in the Government of India and some subjects should be transferred to the control of the Indian legislature with Ministers in charge thereof as has been provided for in the case of the Provincial Governments.

4. A Committee of the non-official members of the Imperial Legislative Assembly and the Council of State should be consulted by the Finance Minister before the Imperial Budget is prepared and presented to the Assembly. The resolutions on the budget of the Imperial Government on transferred subjects should be binding in the same way as in the case of resolutions on transferred subjects in the provincial legislatures.

5. There should be an equality of pay and status between members of the Executive Council and Ministers in all Provincial Governments.

5. Additional official members without portfolio or votes should not be appointed in any Executive Council as members of the Government as provided for in paragraph 220 of the report on Indian Constitutional Reforms.

7. Such person only should be appointed Ministers in the Provincial. Government as enjoy the confidence of the Legislative Council.

8. The reformed Legislative Councils should have the power to move votes of censure on ministers, but such votes would be deemed to be lost unless carried by a majority of two-thirds of the number of members present.

9. The Committee which will discuss and made recommendations on the division of Indian from provincial subjects and on the subjects to be transferred and reserved in every Provincial Government should be directed to put into the category of transferred subjects and services as 'the progress of each province may require, and as few as may be considered absolutely necessary to be placed under reserved heads.

10. There should be two co-opted Indian members instead of one in the Electorates Committee for the purpose described in paragraph 225 of the report.

11. A certain number of members say a fourth of the total number of members in every council should be allowed opportunity to ask for the adjournment of the house for the purpose of discussing questions of urgent public importance.

12. Not more than three months should intervene between the closing of one session of a council and the opening of another.

13. The council empowered to frame their own rules of business and rules for putting questions and moving resolutions.

14. Classes getting representation by means of separate electorates should : not participate in the general electorates.

15. The rules and regulations framed by the Committee appointed to frame rules and regulations regarding the constitution of the legislative

councils the franchise and the manner of election, etc., should be published for general criticism so that an opportunity may be afforded to the public at large for discussing the said proposal.

.16. The financial arrangements provided in the report are unsatisfactory and calculated to whittle down the control of the Legislative Council over finances, as well as to retard the development of transferred services and to embarrass unduly the Ministers in charge of them.

17. The number of ministers as proposed to be appointed under the provision of the reformed scheme should not be less than two.

18. Liberty should not be reserved to the Central Government to make a supplementary levy upon the provinces as is provided in paragraph 20 of the report. The Government of India should set apart every year a certain amount from the revenues to be spent on emergent occasion or they should raise the required money themselves and not ask the provinces to bear this additional burden.

19. I beg leave to submit my opinion about the Grand Committee in the Provincial Council later on as I have not yet considered the question in all its aspects.

I finally beg to submit that if the principle alterations which I have suggested are adopted the scheme, will I think, be more symmetrical and more acceptable. The subjects dealt with in the report are of great intricacy and importance and deserve much fuller considerations than I have been able to give within the short time at my disposal. I beg leave to submit that the views expressed and suggestions made above are capable of revision or modification should fresh light be thrown on the matter before a final decision is taken.

20. The cost of the India Office should be placed on the British Estimatés.

[No. 25.]

### The Hon'ble Mr. J. V. JAMESON,

### Note on the Constitutional Reform Proposals.

1. The Announcement in Parliament on August 20th 1917.—The suggestions made in this note are based on the assumption that the Secretary of State's announcement in Parliament is to be accepted as the official statement of the policy of the Imperial Government towards India.

As this note deals soleley with the proposed methods of carrying out that' policy any expression of opinion on the policy itself is unnecessary.

2. The main principle of the proposed scheme is the granting of wide powers including the entire control of almost all departments of Government not directly concerned with the maintenance of law and order—to members of the Legislative Councils elected on as broad a franchise as possible.

3. Principal objections to the scheme.—The first objection to these proposals which must occur to everyone with any knowledge of the country is that it is impossible—and will still be impossible for many years to come—to constitute an electorate on a really broad basis which will have any conception, of the business of a Legislative Council, or any idea of what it is voting for.

It is admitted in the report that approximately 95 per cent. of the population neither demand nor are fitted for responsible Government; that the political education of the raiyat must be a very slow and difficult process; that, till it is complete, he must be exposed to the risk of oppression; and that we must retain the power to protect him until it is clear that his interests can safely be left in his own hands or that the Legislative Councils represent and consider his interests. From this it appears that the authors of the report fully realized that for some time to come the elected members of the Legislative Councils could not be either genuinely representative of or responsible to, their electors, and that the electors themselves would not be competent to understand or to exercise their powers.

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### Mr. Jameson.

Once that is admitted, the claim that the scheme is an instalment of *responsible* Government falls to the ground. It becomes merely the granting of power over the whole people to the very minute—though noisy—fraction that demands it.

Until that "slow and difficult process" the political education of the raiyat, has reached a fairly advanced stage, the bulk of the population must and will look to the British administration as the power responsible, not only for the laws under which they live and the machinery which enforces them, but also for all the other factors which affect their daily lives. No plea of devolution of authority to the ostensible representatives of the people will avail to absolve the Government of that responsibility.

4. The "Intelligentria."—The true reason for the announcement of August 20th, 1917, for Mr. Montagu's cold weather tour, and for the resultant ready-made constitution for India, can be found in one sentence in paragraph 140 of the report,— "we have, in fact, created a limited *intelligentsia* who desire advance, and we cannot stay their progress entirely until education is extended to the masses."

We may admit the force of the argument that this *intelligenteia* must be enabled to progress, that it should be associated with the Government and administration of the country to as large an extent as possible, and that outlets for its energy should be provided other than irresponsible political agitation, but these arguments do not supply any adequate reason for granting very liberal powers over the rest of the community to the small class to which they apply, more especially when it is still as inexperienced in the exercise of those powers as is the bulk of the people in the exercise of the vote.

Neither by their past history nor by their writings or actions to day, do Indian politicians give any general indication of their capacity to govern.

Sound administration and the material welfare of the people still seem to appeal to them with far less force than verbosity, impractical theories, and the idea of embarrassing the Government with a view to obtaining greater privileges for themselves.

5. Effect of the proposed scheme.—The authors of the Report rightly "regard the development of a broad franchise as the arch on which the edifice of self-government must be raised."

Presumably the broad franchise should also be an intelligent one.

They do not however make any adequate provision for the building of that arch. Instead, they suggest the erection of a large and elaborate edifice without the foundation which they themselves regard as essential, apparently hoping that they may be able to insert it after the first storey and possibly two or three stories—have been built.

Even if the whole scheme does not fall to pieces, it will at the best have the very result which they themselves condemn—the transfer of power from a bureaucracy to an oligarchy, and an oligarchy very much less impartial and efficient than the bureaucracy which it replaces.

The proposed reforms appear not only to fail in their c'aim to be a substantial advance along the road to complete self-gevernment for the people of India, but rather to be a long stride in the wrong direction.

Far from accelerating the development of genuine responsible government, their effect will actually be to retard it, for they give such wide powers to the small educated classes that any increase of responsibility to an intelligent electorate must tend to limit those powers rather than to expand them.

The exercise of political power is not made any pleasanter or easier by checks and limitations from below. The political education and development of the people will be in the hands of a small minority exercising that power almost unchecked and uncontrolled by their electorates, and it would hardly be in human nature for that minority to be very anxious for the electorates to develop at any great pace on lines which must inevitably lead to the curtailment of its own powers.

6. Local Self-Government.—The gradual development of self-governing institutions is laid down as a definite part of the Government's policy, and one would naturally assume that this inferred gradual development from a lower plane to a higher, and the political development of electorates as a preliminary to the grant of power over the Government. It is laid down in the Report that "clearly our first and immediate task is to make a living reality of local self-government."

In spike of this very definite statement, local self-government occupies a most insignificant place in the scheme compared with the elaborate care that has been expanded on other parts of it.

The simplest and most efficient method of bringing representative institutions within the ken of the ordinary raiyats and of giving them some idea of self-government is by means of village panchayets and small Local Boards.

It should not be difficult to evolve a workable scheme under which village panchayets should be elected by all those paying a certain minimum Choukidari cess, a large proportion of the members of local boards should be elected by the village panchayets from among their numbers, and the members of the local boards should, in the early stages at any rate, be the direct electors of members of the Legislative Councils.

The Government of India has lately published a Resolution on the lines on which local self-government should be developed, the subject matter of which might well have formed the foundation for a scheme of genuine responsible Government. Incidentally the note of caution which is sounded all through that Resolution shows up in strong contrast to the light-hearted manner in which Mr. Montagn disposes of the constitution of the Government of India.

7. Indirect Voting and Communal Representation.—The arguments brought out in the Report against indirect voting and communal representation appear to be somewhat strained in their application to a primitive community, very few of whose members have any idea either of the use of a vote or of the questions on which they would be voting.

While it is admittedly desirable to bring their ostensible representatives into as close touch with the raiyats as possible, no broader or more representative electorates could be found in the first instance than members of local boards covering comparatively small areas constituted as suggested above, if there is to be any hope of their making a reasonable use of their powers or having any idea of the meaning of the questions at issue.

With regard to communal representation, that of the municipalities, the landholders, the Muhammadan community and other special interests should be kept very much on the same lines as at present, with the possible extension of the principle of direct election to the electors of Municipal Commissioners, who may be supposed to have acquired by now some idea of the meaning—and value—of a vote. The members at present elected by the District Boards would be merged in these to be elected by the local boards, and the non-official European community should be represented apart from the representation accorded to special interests.

The suggestion that the special interests, at present represented by elected members, should in future be represented by Government nominees appears a retrograde one, as these communities are, as a rule, more highly developed and more capable of choosing their own representatives than the bulk of the population.

8. Composition of Provincial Legislative Councils.—The exact composition of the different Legislative Councils will presumably be decided by the Committee to be appointed to deal with the question of electorates, but the number of local board representatives should be very much larger than that of the members for the municipalities one to each District as against one to each Division would not be too high a proportion—and they should supply approximately half of the total number of elected representatives.

9. Objections to Devolution of power by Compartments.—The suggested scheme of the transfer by Departments of the functions of Government to ministers appointed from among the elected members of the Councils suffers from many of the objections which led to the rejection of the dual Government scheme proposed in the joint address, and does not even possess the recommendation, from a democratic point of view, of making the ministers directly responsible to the Legislative Councils.

The lack of administrative experience on the part of Indian politicians is admitted, and it would be premature to make over to them, at this early stage, the entire control of departments which though they may not be vital to the peace and good order of the country, are nevertheless of very great importance to the welfare of the people.

The proposed scheme itself has many intrinsic defects. In the earlier stages at all events—even if not permanently—the more important departments, the control of which is chiefly desired by local politicians, must be reserved to the Governor in Council, and elected members will be inclined to judge a minister more by his attitude with regard to these departments than by his administration of the departments under his own control. The tendency to irresponsible criticism and virulent attacks on the policy of Government, in the reserved departments will be encouraged rather then subduced by the hope of obtaining their transfer to popular control.

The transferred subjects would include those most easily popularized with the electorates, while those reserved to the Executive Government would chiefly consist of the more irksome duties connected with the maintenance of order, the administration of justice and the collection of revenue and taxes.

The machinery for collecting taxes would be the same in all cases, and the Executive Government would incur the odium of increased taxation, even where necessitated by increased expenditure on the transferred subjects.

Thus the British administration would gradually come to be connected, in the minds of the people, with the less popular functions of Government only, while the elected politicians would be enabled to pose as the sole benefactors of the people—a result not conducive to efficient administration or to the prestige of the official, British or Indian.

This transfer of control would also have a very bad effect on the services of the transferred departments." The Report admits that they will need, even more than at present, the services of the best European staff that 'is obtainable, but the conditions of service under the direct control of a local politician, who will have to work under continual pressure from a section of his supporters with axes of their own to grind, and who will lack both technical knowledge and administrative experience, must inevitably fail to attract the best class of men, and tend to the deterioration of the British element in the services, who are expected not only to do their own work, but also to teach the Indian element to take their places.

10. Appointment of elected non-official members as Secretaries or Deputy-Secretaries to Government.—A. more literal interpretation of the policy of associating Indians more closely with all departments of the Government could be secured by the appointment of elected members, not only to a somewhat indefinite position similar to that of a Parliamentary Under-Secretary, as suggested in the Report, but also as Secretaries or Deputy Secretaries to Government in all Departments:

Objections might be raised to this course on the ground that the position of a Secretary to Government demands a detailed knowledge of the administration of his department. Granting this, the lack of such knowledge would be equally or more serious in the case of a minister in supreme control. Where it was considered necessary, official Secretaries could be retained, and only non-official Deputy-Secretaries appointed.

The suggested standing committees would give the non-official members very full control of the policy and working of the various departments, for

experience has shown the executive Government to be very chary of adopting a departmental policy which encounters strong opposition from the majority of non-official members.

The ultimate responsibility for each department must continue to rest with the Executive Council for the present, but if, when the time comes for the review of the working of the new system of Government, it is considered advisable to adopt the idea of devolution by compartments, that policy will have a better chance of success through several of the prospective candidates for ministerial responsibility having gained actual administrative experience in all departments.

11. Budget Procedure.—Without the difficulties caused by divided authority, the question of Budget procedure need not offer very serious complications. The financial statement should first be framed in consultation with the standing committees of the various departments, then discussed and voted on in Council by means of Resolutions as at present. If any Resolutions were passed which the Governor was unable to accept, it should be referred to a Grand Committee constituted as recommended in the Report, which would deal with them in the manner suggested for certificated legislation. The Budget would then be presented to the Council in the form in which it was finally passed by the Grand Committee, and, after discussion, would be automatically passed.

12. Executive Councils.—The scheme outlined in paragraph 217 of the Report with regard to the Executive Government appears much more suitable for the first few years of experimenting with popular Government than the one actually adopted.

The principal reasons given for its rejection are that the members of the Executive would not be responsible to the Legislative Council, which fact would encourage irresponsible criticism, and that the transfer of the control of certain departments, at a later stage, to ministers responsible to the Legislative Council, would be rendered more difficult. The only *immediate* change to be made under this scheme was the addition of one Indian member to the Executive Council. The question of the appointment of ministers responsible to the Legislative Council, with the ensuing difficulty of double and shared responsibility, was only to arise after some years, described as a period of training. The latter difficulty appears to have been the chief reason for omitting altogether the period of training, which, in spite of the delay in making the Executive directly responsible to the Legislative Council for theu transferred subjects, evidently appealed to the authors of the Report. Since the whole question was to be reviewed in the light of the experience gained in the course of a few years, it would surely be better to be content with the appointment of one more Indian member as a start, and to leave the two alternative developments the replacement of the two Indian members of the Council by ministers responsible to the Legislative Council, or the complete transfer of certain departments to the some control—to be decided by the Committee charged with the review of the whole situation. There would always be the chance, too, that some genius with equal intelligence and more experience would in the meanwhile find a better scheme than either.

With standing Committees appointed to deal with different departments and non-official Secretaries, or Deputy-Secretaries to Government; it would be advisable for members of the Executive Council to be definitely in charge of different portfolios, as in the case of the Governor-General's Council.\*

13. Powers of the Governor with regard to legislation.—In view of the large increase in the elected majority in the Legislative Councils, and the absence of a proportionately increased "bloc" of official voters the Governor must be given power to pass essential legislation and to control private legislation affecting the peace and good order of the province.

The procedure, by means of certification and Grand Committees, recommended in the report for use with regard to reserved subjects, though cumbrous, seems to be the best solution of the problem.

14. Powers of Provincial Governments and financial relations with the Government of India.—The devolution of more power to the Provincial Governments, financial, legislative and administrative, is generally accepted as essential to any scheme of reform. and the proposal made in the report will probably be accepted in principle by all parties, though details will required consideration.

In the financial proposals, it is not quite clear whether it is intended that the provincial contributions to the Government of India should be of a fixed amount, or in a fixed proportion to the estimated surplus. If the latter, it will be direct incentive to the provincial Governments to budget for as large an expenditure as possible. Probably the best solution will be to make the contribution consist of a fixed sum, settled for a term of years, plus a comparatively small proportion of the actual surplus, so that the Government of India should share in any increased revenue resulting from an increase of general prosperity.

15. Government of India.—Indian Legislative Council.—Although the necessity for taking immediate steps towards responsible Government in the provinces may be admitted, the same arguments do not hold good in the case of the Government of India. On the contrary, the very fact that the experiment of popular government is being started in the provinces, and very large powers placed in inexperienced hands, is a strong argument against the simultaneous revolution of the Government of India.

A complete upheaval, such as that proposed in the report, would keep the members of the Government of India and all connected with it fully occupied for the first few years in accustoming themselves to the new conditions and in inducing the various parts of the new machine to settle into their proper places and work together with some degree of smoothness. Their time would be better occupied in helping to guide the steps of the Provincial Governments, into the way of peace, and in learning from experience of their working the lines on which the reform of the Government of India could best be undertaken.

If the bi-cameral system were eventually decided on, it would be of the greatest assistance both to the Governor-General and the future electorates to have some experience of the actual work of prospective members of the second Chamber, in the enlarged Legislative Councils.

The most that could safely be done at present would be to enlarge the Indian Legislative Council on similar lines to those suggested above for the Provincial Councils, giving it the same powers and reserving to the Governor-General the same safeguards with regard to essential and private legislation as those kept by Governors of Provinces.

16. The Governor-General's Executive Councils — Wide experience and administrative ability are presumably the primary qualifications for membership of the Executive Council, and its general efficiency will hardly be increased by the addition of a large number of Indian members, which is apparently what the rather vague proposals suggest.

It is difficult to see what further portfolios could with advantage be given to Indians, and no case is made out for any alteration whatever.

The Privy Council for India.—This would doubtless prove a convenient addition to the Honours List, but the only chance of its being of any practical utility lies in appointing its members chiefly from among those who have gained distinction in other fields than that of politics. In that case it may become a useful advisory body in giving the Government the views of the large sections of the community which will prefer to keep clear of local politics. If it is treated as an honourable resting place for party politicians, it will run the risk of becoming a mere echo of the Legislative Councils.

18. The Services.—The proposals with regard to the recruitment of the Civil Services and presumably for the other British services likewise are admittedly based on the assumption that the goal to be aimed at is that the services should be substantially Indian in personnel by the time the country is ripe for

responsible Government. If this policy is definitely accepted, then it matters, little what method of recruiting or what conditions of pay, and pension are adopted. The best men from England will not compete, and the tone of the service will deteriorate. Up till the present time it has been considered essential that British ideals and principles should be the standard of the administration, and it has been found that the best means of securing this was to suit the conditions of recruitment to the class of Englishmen who ordinarily pass through the Public Schools and Universities. Once half the Civil Service is recruited in India as will be the case in ten years time if the present proposals are carried into effect—oriental standards must inevitably take the place of British, and the mass of the people of India will not welcome the change.

Except for the class which hopes to provide the successful candidates, no one demands it. The poople of India, as a whole, give to European members of the services as a matter of course the confidence and prestige necessary for successful administration. The Indian official only receives them when experience has proved his worth. The raiyat prefers to have his case tried before a European Magistrate, and the Indian member of the subordinate services or office staff prefers to serve under a European chief because they know from experience that he is naturally impartial, usually knows the right thing to do and has the strength of mind to do it, while they find it difficult to believe that their fellow countryman is not swayed by personal considerations or by the same prejudices of castes and creed which enter into every detail of their own daily lives.

If the prestige and quality of the Indian Civil Service is to be maintained, recruitment must remain on the same lines as at present. No distinction of race need then be made, but nominations involving strict qualifications as to character should be essential for all candidates, and it should be compulsory on all successful candidates to spend a year at an approved British residential University before the final passing-out examination.

19. Improvement of the Provincial and Subordinate Services.—In lieu of recruitment in India to the Covenanted Civil Service, a very liberal improvement should be made in the Provincial and Subordinate Services, possibly abolishing the division between the two, partly by the promotion of a larger number of members of those services to posts ordinarily held by members of the Indian Civil Service.

Promotion to more responsible positions should be by selection and should carry increased pay and pension. No fixed proportion of posts should be laid down at the start, but, as the number of men qualified to hold the higher offices increased, the number of annual appointments to the Indian Civil Service could be slightly reduced, but with no racial distinction in that service the minimum number of Europeans necessary to keep its character may have to be fixed later.

20. The European non-official community.—There is no need for comment on the sanctimonious platitudes thrown in at the tail and of the Report which comprise almost the only reference to the European non-official community.

That community has shown that if there is any real industrial development as distinct from the work of a middleman to be effected, its support and control is essential to the raising of the necessary capital and to the management of the business. The Indian commercial classes have proved, excellent middlemen and distributors, but outside of the Parsi community, which is really foreign—they have made comparatively little headway in the initiation of productive industries. A great industrial and commercial development will be the first necessity after the war and also the inevitable result of it. This cannot be effected directly under the control of either a bureaucratic or popular Government. The Government's part must be to assist in the scientific and research work, to ensure those conditions of stability and legitimate protection/ which will attract capital, and to prevent unfair competition from foreign countries.

The European Commercial community will be called upon to initiate and manage the Industries,

### Kumar Shivanandan Prashad Singh.

Both their present position and stake in the country, and the need for their work in the future, entitle the members of that community to demand adequate representation both in the Indian and the Provincial Legislative Councils, without any need for recapitulating the services which they have rendered to India in the past.

The 3rd September 1918.

#### J. V. JAMESON.

[No. 26.]

#### Dated Monghyr, the 4th September 1918. From--The Hon'ble Kumab Shivanandan Phashad Singh, o.b.e.,

To-The Chief Secretary to the Government of Bihar and Orisea.

With reference to your No. 723-4-G.C., dated the 27th July last, I have the honour to submit the annexed notes on the Constitutional Reform . Scheme.

I beg to say that the delay in the submission of my remarks has been due to a sad domestic bereavement.

It is with a deep sense of gratitude that I welcome the Reform Scheme as formulated by His Excellency the Viceroy and the Right Hon'ble the Secretary of State for India. It is quite in keeping with the noble pronouncement of August 20th, 1917, which conveyed the desire of the British Cabinet to grant us responsible and representative Government through successive stages. Every page of the report breathes a refreshing spirit of genuine sympathy with the people of India and a whole-hearted desire to put them on the road leading to self-government. Conceived thus in a lofty and laudable spirit, it deserves our support. No wonder, than that the great bulk of the people would receive it with a loud acclamation characterizing it as a distinct step which promises a large measure of self-government to the people. Hasty and hostile criticism recommending total rejection of the scheme betrays a sad lack of practical wisdom and want of solicitude for the welfare of the people. It is a short-sighted policy to decry and carp at what has been offered. It cannot be gainsaid that the administration proposed by the illustrious framers of the scheme is a great improvement, on the present. This scheme leads us distinctly to a substantial step forward towards the gradual and progressive realization of self-government within a reasonable period of time. Certain safegnards have been proposed. But that does not disclose any distrust or want of confidence in the people. The safeguards are necessitated by the very nature of the huge problem confronting us. Preliminary training in the art of Government is a desideratum that cannot be dispensed with without peril and every step in advance is to be cautiously measured before conferring further powers. The progress, as has been said, must be slow and steady and with the growth of experience and fitness a full measure of self-government will be assured to us. Every osber minded man will advocate caution, the path being difficult and slippery. Presonally speaking I regard with consid

# Kumar Shivanandan Prashad Singh.

resources of India can thus be developed by us and we shall be able to resuscitate the forgotten industries and make the people of India happy and prosperous.

I beg to submit it that the landholders, have, by virtue of their status and leadership, special claims to separate representation, and I hope and pray that the committee shortly to be appointed for deciding the question of franchise will see their way to consider the special needs of the landholders of our province. "Landholders" it has been admitted in the report "are the natural and acknowledged leaders in country areas". As they pay the largest revenue to the Government, and as such have the greatest stake in the country, their claims to have special electorates cannot be underrated. The justification of the course can also be argued from the standpoint of their hold and influence on a large class of rural people living in their zamindaris. As the illustrious authors of the scheme are inclined to "give them a special measure of representation, if they need it, at the outset" (*vide* paragraph 147 of the report) I think the suggestion thrown out by me here may yet be given effect to.

Then there is another point which requires very careful consideration, it is the question of "transferred subjects". I do not believe in the efficiency of hasty accleration of any stage in the present transitional period by external forces or stimuli. It is always safe to move with the time, not to force it. I am of opinion that the number of "transferred subjects" in all the Province should not be alike. Considerable modifications will thus be 'necessary for fixing the number of "transferred subjects" in our Province according to our special needs and requirements. Local conditions should be carefully borne in mind before arriving at a definite decision. I am, however, certain that in process of time and with larger experience in the management of the affairs of the state, the range of "transferred subjects" will, be broadened. My idea is to move cautiously on untrodden ground, to look before we take the leap, and to be on our guard against financial difficulties and dangerous innewations of daring demagogues who care more for popular clap-trap than for sound practical results.

It is gratifying to learn that popular ministers will be incharge of the transferred subjects. As their status and responsibility will not in any way be less than these of the members of the Executive Council, I am of opinion that their pay should also be equal to that enjoyed by the latter. I would also like to suggest that an unpopular minister should resign if he is unable to win the confidence of the house, but he may be permitted to seek re-election. The transferred subjects should, I think, include University, education and industries. These must be in charge of our ministers so that we may have the opportunities of developing these according to our needs. I would further suggest that the allocation of supply for the "transferred" subjects after meeting the contribution to the Government of India may not be less than if do the supply for the "Reserved subjects". With the widening of our experience we shall gradually be entrusted with the management of some "Reserved" subjects as well. As I have already pointed out training and fitness are the watchwords of success in administration. Let us judge our gains under the scheme. As a Beharee, I particularly welcome the scheme as it proposes to raise the status of our Province. It is definitely stated that every Province will automatically have a Governor and Council as 'soon as reforms are given effect to. At present only the major Provinces of Madras, Bombay and Bengal enjoy this privilege, but under the scheme all the Provinces will be on an equal footing in this respect. Moreover, Indians will henceforth be largely associated in the Executive Councils. This is undoubtedly a distinct gain. Again financial autonomy in the Province has been assured. The people had so long been demanding this reform and now it is to be given at once. Elected members will be in a substantial majority in the Legislative Councils. There will be no colour bar in the services. A good number of military commissions and a much larger percentage of appointments in the Civil Service

#### Khan Bahadur S. A. Husain.

the question of franchise. The success of our future Legislative Councils, will materially depend upon the subject of franchise. In my opinion the right of franchise must be broad-based and a certain standard of literacy should be fixed and deemed a sufficient qualification in itself for exercising such right. An Indian Privy Council, when instituted, will remove a long-felt want. The appointment of periodic committees of enquiry is also welcome. The appointment of Select Committee on Indian affairs and the adjustment of relations of the Secretary of State for India with Parliament are also highly satisfactory.

[No. 27.]

### Dated Muzaffarpur, the 3rd September 1918.

### From-The Hon'ble Khan Pahadur SAIVID AHNAD HUSAIN,

To-The Hon'ble Mr. H. MCPHERSON, I.C.S., Chief Secretary to the Government of Bihar and Orissa.

In obedience to your letter No. 723-49-C., dated the 27th July 1918, and demi-official No. 1142-68-C., dated the 24th August 1918, I beg to submit my opinion on the constitutional reform scheme.

I was ill-disposed for the greater part of the month of August on account of excessive heat and war-fever hence arose delay for 4 or 5 days. I hope you will be pleased to excuse.

#### I will come over to Ranchi to join conference on the 13th September.

It would be highly ungrateful on our part if we fail to thank the illustrious authors of the scheme for the trouble taken in preparing the same, and for the spirit of sympthy evinced in the scheme towards the aspiration of the Indians for responsible Government. It is, however, a matter of great regret that though the scheme has been written in a very sympathetic strain, the proposals made therein fall for short of our expectation and are in some cases quite re-actionery.

`Reading the scheme as a whole one is forced to admit that the constitution of the Government and the machinery of administration, provided by it, are so cumbrous that the scheme can hardly be said to be a workable one. Besides this, the division of the Government into two parts would lead to constant quarrels between them and would prove a serious obstacle in the smooth working of the Government.

The other serious objection to which the scheme is open, is that it fails to take into consideration the interests of the Muhammadan community. It does not require any argument to prove the fact, that in a representative form of Government special safeguards have to be provided for the protection of the interests of the Muhammadans. It has also been admitted by the Government on various occasions that the Muhammadans are entitled to get representation in excess of their numerical strength. It was with these objects in view that the representative bodies of the two great communities (Congress League Scheme) entered into a compact in December 1916 under which the Muhammadans are to get seats in excess of their numerical strength in the Council. It is a matter of great regret, however, that the illustrious authors of the scheme have totally disregarded this solemn contract entered into between the two communities on grounds which might very well be called quixotic. Further the deprecatory language used by the authors of the scheme in paragraphs 163 and 231 of the report against special communal representation has made the Muhammadans very uneasy. With due deference to the illustrious authors of the scheme I submit that such a scheme on never be acceptable to the Muhammadans. I would therefore urge the Government to keep the Congress League scheme in this respect quite intage.

### Khan Bahadur S. A. Husain.

I might also mention here that there is a very small, almost a negligible, minority of Muhammadans which wants even greater representation than has been given by the Congress League Scheme but the majority of the Muhammadans do not find reasons for favouring such a demand.

The proposal to establish a Council of State in the Imperial Government is very reactionary in character and should not in any case be given effect to. The proposal, if accepted, would make the proposed Legislative Assembly a mere sham and nonentity and inasmuch as there is no popular element in it, it would increase the existing arbitrary powers of the Central Government which in view of the fact, that, it is proposed to relax the control of the Parliament over the Government of India is very dangerous. I would therefore submit that there should be no such Council as proposed.

As regards the Provincial Governments the proposed institution of a Grand Committee within the Provincial Legislative Council is open to the same objection as the introduction of a Council of State in the Imperial Legislative Assembly. The announcement of the 20th August last year clearly lays down that some form of responsible Government must at once be given in the Provinces but the effect of the establishment of a Grand Committee would be that in so far, at least as the reserved subjects and certificated legislation are concerned, the people will have no voice in it. It is thus directly in contravention of the announcement referred to above and cannot be accepted by the people.

. The Division of the subjects in two parts, viz., Reserved and Transferred<sup>4</sup> is also not quite satisfactory and in some cases, overlaps each other. For instance education has been placed in both the Transferred and Reserved subjects which is unworkable in practice, I would submit most respectfully that when a subject is given in any particular division it must be given in it, in its entirety.

The arrangement proposed in the scheme as regards the division of the Provincial Revenue is also very unsatisfactory, and objectionable. It provides that after paying the fixed contribution to the Central Government the Reserved subjects will have the priority, in respect of supply and only the residue will be available to the ministers for the transferred subjects, who to make up the deficiency will make additional taxation with the sanction of the Imperial Government. This in effect, means that the odium of a new levy will have to be borne by the ministers (the popular sides of the Government) alone, while the members of the Executive Council would not in any, way be responsible for it. This is hardly just and fair. I would therefore submit that after deducting the share of the Imperial Government the residue must be distributed proportionately between the Reserved and Transferred subjects on the lines of past experience and the sanction of each head of expenditore should be decided in the Council by a majority of votes. If any additional taxation be proposed the whole Government must be responsible for it.

I might also suggest here that the Muhammadans should be adequately represented in the various Committees proposed to be formed under the scheme. As regards the appointment of ministers and Indian Members of the Executive Council there should be always one seat reserved for the Muhammadans in cases in which there be two appointments and in cases in which there be only one appointment the same should be given alternately both to Hindu and Muhammadan.

In conclusion I may submit that I have touched upon only the more important points in giving this opinion and have left the details to themselves but I may mention here that with the few exceptions mentioned above the scheme on the whole is a decided advance on the present form of Government and I have no hesitation in accepting it.

I might also mention here that I would adhere to the views that might be arrived at in the matter, by the special session of the All-India Muslim League which is going to be held in Bombay.

# 62 Babu Braja Sundar Das.

·[No. 28.]

#### Dated Cuttack, the 5th September 1918.

From-The Hon'ble Babu BRAJA SUNDAR DAS, BA., Member of the Legislative. Council, Bihar and Orissa,

To-The Under-Secretary to the Government of Bihar and Orissa.

With reference to your letter No. 1264-C. of the 2nd September, I have the honour to send herewith a letter on the Reform Proposals to be placed before His Honour for informal discussion on the 13th of September and request that the letter should not be taken as my formed opinion on the reform proposal. I received your letter on the 4th September permitting me to send my opinion later than the 1st of September and that account for a day delay in sending this letter for which I beg to be excused.

Your Honour, before expressing any opinion on the reform proposals I beg leave to draw your attention to the fact that as the proposals will be the subject of informal discussion on the 13th of September by the non-official members of the Council, any expression of opinion before the discussion will be indecisive and premature. Opinions are greatly modified after discussion and I take this opportunity of thanking Your Honour most heartily for affording us an opportunity for discussion. In "delicate and complex" questions like the proposals which have been "indicated without going into details" and the language of which "should not be taken as embodying exact terms" there are places which are capable of being differently explained and give rise to serious doubts and difficulties for a clear understanding of the proposal themselves.

Again as to an expression of an opinion we have been told that "public opinion which is the opinion of the population as a whole can be developed in India only as education spreads and people learn to use the vote." Hence our opinion which we express in our representative capacity will be taken as individual opinion and not the opinion of the people. Your Honour, even the illiterate and uneducated men have a certain amount of common sense, have a feeling of pleasure and pain and have the human right of forming an opinion which is highly contagious as it can be easily caught from their more advance brethern in the village or in the towns. "The sense of gravity of the task whereon depends the welfare of hundreds of millions of people" without consulting their opinion, oppress me and cries 'halt' before I dare offer on opinion myself.

Your Honour, I beg to indicate below certain places in the reports which demand a clear exposition and on a thorough understanding of which the whole complexity of the proposals will be greatly simplified.

complexity of the proposals will be greatly simplified.
(i) The annoucement of August 20th which should be taken as the Magna Charta of India declares an "increasing association of Indians in every branch of administration and gradual development of self-governing institutions with a view to progressive realization of responsible Government in India as an integral part of British Empire." This is the foundation on which the proposals stand. A grave doubt arise whother the announcement indicates the incorporated as such in some future time to come. The formation of opinion on the proposals greatly depend upon the clear understanding of this position. The question is, " Is India an integral part of British Empire now, or she will be incorporated in the British Empire only when she is capable of self-government in some future date, no expression of any opinion is necessary as the British Government and the Government of India on whom the responsibility lies for the welfare and adv necement of India on whom the pugges of the time and measures of each advance. And then it will be found if "confidence can be reposed on the sense of responsibility of the people."

Your Honour, I beg most respectfully to ask if the past of India commands any trust in the sense of resp. nsibility of her people now?

### Babu Braja Sundar Des.

(ii) The goal set forth introduction of the report and in the announcement of August 20th is "Responsible Government." The phrase requires explanation. The people as a matter of fact are responsible to Government and the lower strata of Government responsible to the higher. But does responsible Government signify any responsibility to the people and to the Highest in Heaven ? The reading of the proposals and formation of opinion on them largely depends upon defining this centre of responsibility.

(iii) It has been admitted by the illustrious authors of the report that "Hitherto India was being ruled by a system of absolute Government and the British Government pledge in clearest terms to the adoption of a new policy". The question is what is the new policy ? and how far it materially differs from the policy followed by the absolute Government ? Is there any qualitative difference between the new and the old policies ? A clearer explanation and an enumeration of the qualitative or quantitative difference in the policies and methods followed will greatly solve the difficulties and help in offering constructive criticisms on the proposals themselves.

(io) Your Honor, we have been asked to confine our remarks to paragraphs 212 to 295. But I am tempted to go a few paragraphs back and invite Your Honour's attention to paragraph 206 of the report. As far as our province is concerned I find the present allocation of the Provincial Finance to be only 6 lakhs of rupees. Before offering any remarks I should humbly ask Your Honour to point out in the informal discussion the imperial grants made from year to year to this new province since its creation. Considering the backwardness of the Province and its many wants to be met with the sum allocated in the proposals seems to be too modest to meet the growing demands for improvement in various aspects. Again the suggestion of the institution of a sub-province "(the meaning of which is still obsecure) at a vory early date" in paragraph 246 of the report will demand greater attention and larger pecuniary grants from the Imperial Government. The idea of a sub-province has no where been clearly explained and as one most vitally concerned. I should ask for a clear exposition of the term.

(v) In paragraph 213 it is stated that " the Provincial Governments of the future will still remain partly bureaucratic in character and interference in minor matters might very well be left to the decision of the authority which is most closely acquainted with the facts". What is the authority suggested? Considering the interference of the present bureaucratic Government with Governments in their popular aspects, e.g., the election of the Chairmen of Municipalities, District Board, etc. minor matters as they are where to will the appeals lie? From a lower bureaucracy to a higher? Has this given satisfaction to the popular aspirations till now? Is there any safeguard that the rights conceded, however, small or great they may be will really be attainable by the people? An enumeration of the safeguards that go to secure the rights conceded to the people will greatly simplify matters and enthrone the proposals on the gratitude of the people.

A little below in paragraph 215 it has been indicated that " some responsibility must be given at once if our scheme is to have any value" and responsibility has been defined to be (1)" amenability to constituents" and (2) " amenability to an assembly. Viewed in the light of the definition what is the meaning of responsible Government" ? In a country like England where the Government is " broad-based on the peoples will" responsibility as defined above is significant enough, but in a country like India where resolutions of the assembly will continue to be advisory in character " (paragraph 284) how. can it signify an amenability to an assembly"?

A clear definition of the word responsibility with regard to the Government in its bureaucratic aspect and with regard to the Government in its popular aspect will in my humble opinion, set the various suspicious at rest and will tend to lend a free, frank and unreserved support to the proposals.

(vi) With regard to the appointment of the minister in paragraph 218 he is to be chosen by the Governor, but "they would not hold office at the will of the legislature, but at that of their constituents" Your Honour, this seems

#### Babu Braja Sundar Das.

to me to be a hybrid between autocratic and popular tendencies. If the ministers hold office at the will of the constituents why should they not be elected by the people ?

(vii) In paragraph 219, the words "serious" and "inexperienced" demand further elucidation with reference to the contest where they have been used.

(viii) In paragraph 323 mentioned has been made of "two different principles of Government" but the two principles have not been defined, anywhere. The two principles should be clearly stated in order that the popular mind may co-ordinate the two.

(ix) In paragraph 232 it has been stated that where the great landowners form a distinct class in any Province we think there will be "a case of giving them an electorate of their own". The word "great" requires explanation and the position of great landowners in our Province should be stated and an expression of opinion of His Honour is requested as to whether there is "a case for giving them an electorate of thier own" Towards the close of paragraph 232 it has been stated that there be cases in which nomination proves an unsuitable method of securing the representation of minorities. The Oriyas unfortunately have been placed under four different Governments and are in the minority everywhere. The illustrious authors of the scheme have seen how "historical reasons" brought about this state of things and they have been "impressed with the artificials and often inconvenient character of existing administrative units". I think this is a case where "nomination will prove an unsuitable method of securing the representation" of the Oriyas.

(x) With regard to the control of business the illustrious authors of the proposal say that "power should be retained in the Government hands to disallow questions the mere putting of which would be detrimental to public interests." Your Honour, the words "public interests require a clear definition". This may prove a permanent peg on which refusal to questions by the members may always hang. I should suggest that the Government may refuse to answer the questions, but they should do it by explaining how it effects public interest.

(xi) In paragraph 237, the illustrious authors of the Reports say "that resolution whether on reserved or transferred subjects should not be binding". If resolutions be not binding they are a misnomer. It is better they should be called recommendations and not resolutions. In my opinion the resolutions when passed by a popular assembly ought to be binding on a popular and responsible Government.

responsible Government. (xii) In paragraph 233 it has been recommended that the "guiding prinriples should be to include in the transferred list those departments which afford most opportunity for local knowledge, social service, those in which Indian have shown themselves to be keenly interested, those in which mistakes which may occur though serious would not be irremediable, and those which stand most in need of development". This seems to be most important as this seems to be the only material concession given to the people, to test their ability (by periodical examinations) for self-government. Your Honour be pleased to allow me to point out that the popular ministers are to begin where the ministers of the "absolute Government" ended after a century's rule. Their abilities are to be tested every twelve years without taking into account the fact that they take their stand on the failure of the former ministers. The illustrious authors of the reform scheme have appended a list of fiften subjects of which items 1, 2, 4, 6, 13 seem to me to be comparatively important while all the subjects are more or less stand in greater need of development. In paragraph 181 the illustrious authors of the proposals admit that "after sixty years of educational efforts only 6 per cent, of the population are literate, while under 4 per cent. of the total population is undergoing instruction". This is the situation which the ministers are to face on assumption of their new responsibilities. They will be armed with tho odious weapon—taxation. The Indian ideal recognises the paternal authority

#### Muzaffarpur Bhumihar Brahman Sabha.

of a father and the fraternal love of a brother. The vast Indian population unless and until permeated by sound western education (which is left to the Government in Council and not to the ministers) will never tolerate the idea of being taxed by a brother minister. I am certain that the proposals regarding taxation if they are allowed to stand as they are will be detrimental to the success of the popular Government and eventually Indians would be branded with the incapacity for self-government. I humbly beg to suggest that the power of taxation be reserved to the Government in Council and that the charge for the transferred subjects which stands in greater need of development be the first charge on the Provincial revenues.

(xiii) The illustrious authors of the proposals in paragraph 265 recognise the need for a change and fully feel the burden of work before them, but the causes of delay set forth by them do not satisfy us. "The belief that assurances given in public pronouncements of policy are some times not fulfilled is still on us." The people are naturally anxious to know what "steps to guard against such imputations" have been taken ? In paragraph 270 it has been stated about Central Government that. "because it is bureaucratic it is naturally less anxious to move than a responsible Government." What is the difference between a bureaucratic and a responsible Government ? This requires a clear explanation so that the people should know and feel the change.

(xiv) Coming to the composition of the Legislative assembly, I find that the strength of the assembly has been raised to about one hundred members, 77 of which will be non-officials. I find that each non-official will have to represent about 4,300,000 of the total population of India. The responsibility seems to be too heavy and the number too large for representing their interest. My humble suggestion is that the number should be raised to 150 so that each non-official member will have the opportunity of representing about 2,800,000 people instead of 4,300,000.

(xv) The popular assembly of the Central Government is bound by too many fetters which in my humble opinion should be relaxed so that it may retain its true popular and responsible character. Your Honour, I barely indicate above a few of the many points for discussion only where I felt the necessity of a clear understanding, and trust the informal discussion which Your Honour has been pleased to allow us will help me in forming my correct opinion on the scheme.

BRAJA SUNDAR DAS.

[No. 29.]

No. 20-18, dated Muzaffarpur, the 28th August 1918.

From-The Secretary, Bhumihar Brahman Sabha, Muzaffarpur,

To-The Commissioner, Tirhut Division, Muzaffarpur.

I cend herewith the opinion of the District Bhumihar Braman Sabha, Muzaffarpur on the constitutional Reforms Scheme as required by you.

Opinion of the District Bhumihar Brahman Sabha, Muzaffarpur, on the Indian Constitutional Beforms Scheme.—

1. That this Sabha, while thanking His Excellency Lord Chelmsford and the Right Hon'ble Mr. Montagu for the draft scheme of reforms which it thinks to be the first and genuine efforts towards giving responsible Government to India, is nevertheless of opinion that it requires modifications in several material points.

#### Maithil Mahasabha.

2. That this Sabha views with alarm the suggestion thrown out in paragraph 207 of the report against the maintainability of the permanent settlement and respectfully urges upon the Government that in the enactment to be had under the new scheme it should be distinctly laid down that the permanent settlement should not be interfered with and its inviolability be secured under the Regulation and a provision be made that no further tax be ever imposed on lands.

3. That this baby province of Bihar has many needs still to be satisfied and will consequently require larger amount of funds to meet its growing demands the Sabha is, therefore, of opinion that this province requires special treatment under the new arrangement in the matter of its finance from the Government of India.

4. That with regard to the reserved and transferred subjects this Sabha begs to suggest that among the transferred subjects may be included the complete subject of education including colleges and university and also the subject of civil justice. These subjects, the Sabha considers, can best be dealt with and managed by the representatives of the people and under the expenses of the latter great economy can be effected by introduction of Honorary Civil Officers and encouraging arbitration of disputes coming before the courts.

5. This Sabha is of opinion that the election of the ministers should be left to the elected members of the Legislative Council to secure independence to the ministers, so that they may give free opinion in deliberations.

6. That this Sabha is in favour of representation by interests and does not support the principle of communal representation and expects that in the Regulation to be framed it should be provided that this principle should be done away as soon as possible.

7. That the hope held out to the great landowners in paragraph 232 of the report that they may have an electorate of their own is not warranted by any circumstances and facts and there will be difficulty in drawing the demarcating line between the great and small landowners. This community of the Bhumihar Brahman being composed of the big and small landlords and also agriculturists and tenants, this Sabha is not in favour of supporting this views, but in the case the term great landowners be clearly defined and they be granted an electorate they should not be allowed to take part in general electorate.

Illegible.

The 28th August 1918.

Secretary.

[No. 30.]

Dated, Laheriasarai, the 9th September 1918. From-The Secretary, Maithil Mahasabha, Laheriasarai,

To-The Commissioner, Tirhut Division, Muzaffarpur.

With reference to your letter No. , dated , I have the honour to submit herewith the opinion given by this committee of the Mathil Mahasabha, in connection with Indian "Constitutional reforms" as desired by the committee.

This committee expresses its grateful thanks and deep gratitude to His Excellency the Viceroy and Governor General and the Right Hon'ble the Secretary of State for the reform proposals formulated by them and welcomes

#### Tirhut Landholders.

the scheme in its general principles subject to modifications in the light of suggestions mentioned below :

- (a) There should be no Council of State. If the Council of State be instituted, at least half of its total strength shall consist of elected members of whom 19 should be from the Provincial Legislative Council and 6 as proposed in the scheme.
- (b) There should be transferred subjects in India Government as well-and the resolutions passed by the Legislative assembly respecting those subjects should have binding effect.
- (c) Minister or ministers in the Provincial Government amongst the members of the Legislative Council by its members and the members of the said Council will have power to move vote of censure against him or them.
- (d) There should be no additional members appointed in the Provincial Government.
- (e) All the heads of income including income-tax and general stamp should remain with Provincial Government and the Provincial contributions only should be made to the India Government.
- (f) There should be complete separation between the Judicial and executive functions.

This committee further begs to submit that classes in minority including the Mathil community should have special electorates in the Provincial Logislative Council.

## [No. 31.]

## No. 1, dated Muzaffarpur, the 5th September 1918.

From-The Secretary to the Tirhut Landholders' Association,

To-The Personal Assistant to the Commissioner, Tirhut Division, Muzaffarpur.

In response to your Memo. No. 4144-50-J.—52-18-6, dated the 5th August, I beg to submit herewith the opinion of the Tirhut Landholders' Association on the Constitutional Reform Schemes.

I regret my reply is late by 4 days which I hope you will kindly excuse.

I regret my reply is late by 4 days which I hope you will kindly excuse. The committee of the Tirhut Landholders' Association begs to acknowledge at the outset that the distinguished authors of the Report on Indian Constitutional Reforms have made a genuine and honest effort to understand the huge problem of the Indian Reforms from all possible points of view. The document, it is admitted in all hands, is unrivalled in its great literary merits, its systematic comprehensive discussion of many important aspects of the great Indian problem, its honest desire to satisfy the legitimate aspirations of the people, its note of sincere sympathy with their desire for national existence, its recognition of the principle, that Indians have the indefeasible right to look forward to their self-realisation and their self-expression as a nation, entitled to responsible government and self-deter-mination. mination.

The illustrious authors of the scheme have in unequivocal language admitted in the report itself that the Government of this country has become rigid and enelastic and this state of things being a source of great danger to the country should not be allowed to continue any longer. The acceptance of this idea, in our opinion opens a vast field for improvement and progress.

Some people are of opinion, though they are in a microscopic minority, that as the scheme does not give us immediately all the power that we had asked for, it should be thrown away and rejected in toto. We emphatically

#### Tirhut Landholders.

dissent from this view, but at the same time this cannot on the other hand, be construed to mean that we are for an acceptance of the scheme in its entirety.

On a careful perusal and close scrutiny of the various details of the new scheme we are convinced that several modifications of substantial nature have to be incorporated into it before it becomes acceptable and comes into conformity with the high and noble ideal set out by the Right Hon'ble the Secretary of State for India in his memorable announcement of the 20th August 1917.

While fully conscious of the various material changes that absolutely needed to be introduced in the proposal made in the new scheme with respect to the constitutions of the Secretary of State for India, Government of India, and Provincial Government, with a view to make them compatible with and suitable to the requirements of a responsible government, we do not propose to deal with them and enumerate them here as we are of opinion that by doing so we would be only re-iterating the various common suggestions that have been advanced over and over again by the different public bodies scattered all over the country.

We therefore think it advisable to examine the new scheme specially from our standpoint of view and make the following suggestions to safeguard our interest where they appear to us to have been left uncared for.

I. In the opinion of our Association modifications are absolutely essential so far as our position in the scheme is concerned. It is a sad reflection that the report does but scant justice to the unique position we hold in the country and is far from being clear in its reference to our claims, owing probably to the settled conviction of the framers of the scheme about the undesirability of the communal representation in any form. The scheme has not however, set its face inexhorably against communal representation altogether and has while relating the special electorate for Muhammadans, extended it to the Sikhs also.

Sikhs also. We urge emphatically that in view of the proportions of the land revenue, a land tax, which we contribute to the total revenue, we should be treated as a special unit and that the same should form the basis on which the question of the numerical strength of our representation should be settled. We feel it our bounden duty to point out that it is highly durable that in the new scheme due safeguards by creating a separate electorate on the lines above suggested be provided with to protect our interest in proportion to the stake, we have in the land, the position we hold and the revenue we contribute. In the opinion of our Association, the landlords form a distinct class and deserve to get special electorate. We do not see any reason why we should fair worse under the new scheme, and be deprived of the privilege which we enjoy at present. We very emphatically protest against the idea of leaving our care to be determined by the electorate Committee. II. Provincial autonomy.—The position of our Province of Bibar and

our care to be determined by the electorate Committee. II. Provincial autonomy.—The position of our Province of Bihar and Orissa appears to us to be very unsafe in the now scheme. The Province only gets six lacs of rupees to meet the expenses of the scheme (paragraph 206). Newly created as our province is, at the present moment, we require a very large capital to make our province a well-equipped and full fledged and self-contained one. The suggestion' made in paragraph 207 to 211 for raising money to meet the necessary expenses will hardly be applicable te the conditions of our province. The entire burden will fall on land and litigation.

These two sources would be quite incompetent and insufficient for the purpose considering the peculiar condition of the people and of our province, the Government should make special provision for this province for such time as the province becomes capable of maintaining itself. The Government will further also make it clear and definite by an authoritative dcclaration in the statute which would embody the new scheme that the permanent settlement will not in any case, be interfered with, and the Permanent Settlement Regulations will be binding on the provincial authorities, and that there will be no more taxation in land in any shape or form.

# Muzaffarpur Muslim League.

III. In the matter of taxation the Government will also be pleased to make a declaration that the measures affecting the lands should not be passed unless they have got the consent of threefourths of the representatives of the landholders in the Council—this safeguard is necessary to protect the interest of this important community. It is doubtful whether the landholders will have a majority in the Council. Those who will want money for meeting the expenditure of the new scheme will have very little to pay for it and they are likely to form a majority in the Council and if the landholders are to be taxed by the opinion of the majority, they will be in very unenviable position.

IV. In the opinion of our associations considering the largest stake that the landholding class has got in the country and the position they hold, as a distinct class by itself, it is highly desirable that one at least of the minister of the Provincial Government and one at least of the Members of the Executive Council of the Government of India should be a landlord.

V. We are of opinion that the proposals making the ministers responsible to electorate and not to legislature are a vital departure from constitutional principles and conventions pertaining to Responsible Government. In our opinion the power given to previncial council over the finance is delusive and calculated to bring them into conflict with the people. Provincial contribu-tion to the Government of India will be the first charge to Provincial Revenue in the power divertion of the state of the state of the people. and after making the allotments for the Reserved subjects the balance will be allotted to the transferred subjects. It is apparent that under these proposals very little will be left for the departments over which the Minister or Ministers very little will be left for the departments over which the Minister or Ministers will have control and they will have to resort to fresh taxation, thereby incurr-ing the odium of unpopularity. India is a country so poor and so fully taxed that there is very little margin for fresh taxation and the poor Minister will. be at his wits' end to find out the sources from which money for his departments will be secured. It is therefore in our opinion, essential that the finance of the provinces should be readjusted and equitably divided between the two classes of Reserved and Transferred subjects and that there ought to be collective responsibility in any fresh scheme of taxation. Besides this the discussion of the budget in the Provincial Council with the people's repre-sentative having an effective voice in the matter of supply ought to be provided in the scheme. We welcome and feel very much gratified at the announcement that "Any racial bars to the public services to be abolished ", but we eannot refrain from saying that much depends on how this assurance is put into praetic. is put into praetic.

In conclusion we beg to submit that on taking a survey of the whole scheme with its intricate and complicated details we are impressed with the idea that the machinery devised for the governance of the country is much costly and in a country like India simplicity on the Government machinery is essential and its poverty forbids us from launching into the luxury of an expensive and costly machinery.

Expensive and costly machinery. Lastly in making the above suggestions we take our stand upon the utterance of Mr. Montagu on the 28th of July, viz., "It would be arrogant to the degree of folly to say that a scheme as it stood had to be passed into haw. Its authors submitted it with full sense of responsibility of criticism. If any body will suggest a better way, they would find in them and in the Government heartfelt thanks and ready acceptance". These lines have inspired great hopes in our mind and we being strengthened by them trust that the Government would be pleased to safeguard our interests in the light of the suggestions above made while translating the new scheme into an Act of Parliament. of Parliament.

#### [No. 32.]

No. 175, dated Muzaffarpur, the 2nd September 1918. From-Maulavi MUHAEMAD SHAFT, Vakil, Honorary Secretary of the District Muslim League, Muzaffarpur,

-The Personal Assistant to Commissioner, Tirhut Division,

In reply to your memorandum No. 4144-50-J.-52-18-6, dated the 8th August 1918, I have the honour to forward herewith a copy of the resolution

#### Mr. Kennedy.

passed in the Extraordinary Session of the District Muslim League on the Constitutional Reform Scheme.

# Resolutions passed at the District Muslim League, Muzaffarpur, on the 2911 August 1918, at its Extraordinary General Meeting.

3. That the members of the District Muslim League offer their respect ful thanks to the Right Honorable Montagu and to His Excellency the Viceroy for the great pains undertaken by them in bringing out the repor on Indian Constitutional Reforms.

4. That the members of the District Muslim League respectfully yet firmly enter their protest against the deprecatory language used in the report will regard to separate Muhammadan representation, and are alarmed to find that the scheme suggests a possible abolition of the same and hopes that the privileges of the Musalmans justly guaranteed to them in the past in the best interests of the country will be strictly maintained.

6. That the members of the District Muslim League view with alarn the non-recognition of the proportion of 25 per cent. of the elected Indiar members for the representation of Muhammadans through special electorate on the Bihar and Orissa Legislative Council, and respectfully but very strongly reiterate the demand made in the Congress League scheme for the representa tion of the Muhammadan community through special electorates in the propor tion mentioned in section 4 of the Congress League under the heading of the Provincial Legislative Councils.

7. That the members of the District Muslim League strongly urge the necessity of the statutry recognition of the principle of appointing Hindus and Muhammadans alternately as members of the Bihar and Orissa Executive Council.

Proposed by-Mr. Syed Abbas Hussain, Bar-at-law, Muzaffarpur.

Seconded by—Khan Saheb Maulavi Abdur Rahim Saheb, Mukhtar Hajipur.

8. That the members of the District Muslim League urge the necessity of appointing adequate number of Muhammadan ministers when more than one minister is appointed and of alternately appointing one Muhammadan where one minister is only placed in charge of the transferred subject.

Proposed by-Maulavi Abdul Majeed Saheb, Mukhtar, Muzaffarpur.

Seconded by-Maulavi Abdus Subhan Saheb, Muzaffarpur.

[No. 33.]

Dated Muzaffarpur, the 17th August 1918.

From-P. KENNEDY, Esq.,

To-The Commissioner, Tirhut Division.

I have the honour to send you herewith an expression of my views on the constitutional reforms suggested as requested in your No.  $\pm 144-50-J.-52-18-6$ , dated the 8th August 1918.

#### Note on Montagu Reforms in India.

As regards communal electorates—I am very strongly of opinion that this is the only possible way by which the Indian people can in any way be represented. As regards paragraph 226 and its subsequent paragraphs and its appeal to history it seems to me that the authors of the report have failed to notice that there is no historical analogy to the case of India which has often been defined as a continent and not a country. The only analogy I know in history is the Roman Empire and that gives no help save that it teaches loca

*Mr. Kneedy. Accentralisation.* In paragraph 229 the following is stated :--Division by creecks and classes means the creation of pulitical camps organised against each other and trackes men to think as partians and not as citizens ; and it is difficult to see how the change from this system to national representation is even to accent. These deficiencies do exist and an expresentation is proposed them continuing to exist and representation is proposed would prevail them continuing to exist and representation is proposed would only result has not only perpetuiting but craggesting them as the minorities would fiel that they were being unjustly dealt with.

As regards the engression in paragraph 233 that representation from general European community should be by somiastion-I would point out the one community which has this as its birth right should be deprived of it. As to an electorate I are of opinion that it might should be deprived of it. As to an electorate I are of opinion that it might should be deprived of it. As to an electorate barts deal but I believe it to be beyond the write a public electorate yilk any intelligible apprechance of provincial and less of Imperial legislation. The present system of inducet cloos to be a system which is abundantly justified by the constitution of the Samate for the United Sates and of Pronce seems to me infinitely preferable to the system will estimate a public bary be used, may not be corrections which are used of Pronce seems to be infinitely preferable to the system will estimate a difficult and the electorate which bar and of Pronce seems to be infinitely preferable to the system will estimate a stranded with distributions of the present system of inducet cloor entries a system will bary be used, may not be too frequent. As to transion in Bihar and Orissa-ary increase in transion can only when a straight be transite for the Imperial legislature of Bihar and Orissa have power in this direction their powers will be encedingly limited. The prevent is the barbon at the information of be brown the set of the barbon at the prevent is a strategies the strate with the strategies which a prevent of the prevent of the prevent is the barbon at the prevent of the strategies the prevent is the barbon at the prevent of the prevent is the barbon at the strategies with a strategies will be transite to be barbon at the prevent of the prevent at the strategies with the strategies will be the prevent of the prevent to be barbon at the prevent is the barbon at the prevent strategies will be there barbon at the prevent of the prevent strategies with t

The 17th August 1918.

P. KENNEDI.

[No. 34.]

# No. 31, dated Cuttack, the 1st October 1918.

# From-Babu REVATI KANTA GHOSH, Scoretary, Domiciled Bengalis' Association, Orissa,

#### To -The Chief Secretary to the Government of Bihar and Orissa.

Most humbly and respectfully I beg to enclose herewith a copy of a petition dated 1st October 1918, submitted to His Honour for providing a reserved seat in His Honour's Legislative Council exclusively for a nonofficial genuine domiciled Bengali gentleman of Orissa as proposed in the last part of paragraph 232 of the Reform Scheme.

The serious difficulties to which the genuine domiciled Bengali com-munity of Orissa has been put, especially since April 1917, by the aggressive attitude of the non-domiciled Bengalis are well known to all the authorities of the Government. The genuine domiciled Bengali community of Orissa is highly indebted to your honour for the just and sympathetic treatment it has received at your honour's honds it has received at your honour's hands.

I therefore most humbly pray that, in consideration of the present situa-tion in which the genuine domiciled Bengali of Orissa has been placed, your honour will be graciously pleased to move His Honour so as to enable the genuine domiciled Bengalis of Orissa to secure a permanently reserved elected seat in the Legislative Council, and, if necessary, to place the above matter before the Indian Franchise Committee with the Government's recom-mendation, and for this act of your becour's kindness your becour's kindness. mendation, and for this act of your honour's kindness your honour's name will be immortalized in the grateful memory of the genuine domiciled Bengalis of Orissa.

#### No. 30, dated Cuita.k, the 1st October 1918.

#### From-Bubn REVATI KANTA GUCSH, Secretary, Domiciled Bengalis' Association, Orissa,

To-The Hon'ble Sir Edward Alber Gair, K.C.S.1, C.I.E., I.C.S., Lieu'enaut-Governor of Bihar and Orissa.

#### May it please your Honour.

May it please your Honour. Most humbly and respectfully I beg to submit before your Honour that the ancestors of the genuine domiciled Bengalis of Orissa began to migrate into Orissa since 1199 A.D. when Bakhtiar Khiliji overran Bengal and drove out Raja Lakshman Sen of Bengal who fled to Orissa with his followers. After that time various causes—political, social and religious—also led to the migration of the people of Bengal into Orissa and religious—also led to the migration of the people of Bengal into Orissa and the final adoption of Orissa as their mother-land (vidé Sterling's History of Orissa, Appendix page XVI, and W. W. Hunter's History of Orissa, Statistics of Cuttack District, Appendix IV, page 124, and Chaitanya Charitam-rita and other religious books). The genuine domiciled Bengalis of Orissa, by reason of their permanent residence in Orissa for centuries together, having no home elsewhere outside Orissa, and adopting most of the manners and customs of their Oriya neighbours and speaking a distinct dialect which is a mixture of Oriya and Bengali, form a part and parcel of the indigenous population of Orissa and their fusion with the Oriyas would, as observed by Mr. W. Hunter, have been complete had it not been for the caste system which has stood in its way. Thus the genuine domiciled Bengalis of Orissa form a community by themselves quite distinct from other Bengali new-comers found in other districts outside Orissa under your Honour's

Government and also from the non-domiciled Bengalis found only in the towns of Orissa who, since April 1917, with the object of hood-winking the Government ingeniously styled themselves as "Bengali Settlers" for getting themselves recognized as domiciled Bengalis of Orissa. Those socalled Bengali settlers are only like birds of passage sojourning in Orissa for carrying on their trades and professions and making money for their homes in Bengal. With this class of people the genuine domiciled Bengalis always deem it impolitic and dangerous to have any connection.

It will not be out of place to submit here that Babu Jogendra Nath Bose of Chandernagar, known as Mr. J. N. Bose, having been baffled in his attempt to be returned as a member of your Honour's Legislative Council during the last election, started a movement in April 1917, ralling round him his non-domiciled brethren in Orissa and formed the so-called Bengali Settlers' Association with the hope of getting himself or some one of his colleagues returned in the next election as a representative of the domiciled Bengalis of Orissa.

The genuine domiciled Bengalis of Orissa form a population numbering about 112,000, consisting of different castes and sub-castes, and have been living in the towns and villages throughout the length and breadth of Orissa. They held positions of trust and responsibility under the State ever since their migration into Orissa. The genuine domiciled Bengalis of Orissa have contributed as much as one-third of the total number of the graduates of Orissa. There are at present many respectable families of old landlords and zamindars, *lakhrajdars*, Deputy and Sub-Deputy Collectors, Munsifs, Sub-Judge, Civil Surgeon, Assistant Surgeons, Engineer, Professors, teachers, lecturers, Inspector and Deputy Inspector of Schools, medical practitioners, Government pensioners, Oriya poets and authors and journalists, pleaders, wakils, mukhtars, clerks, managers, Rai Bahadurs, Maharaja, Rai Sahibs, mahajans, Chairman, Vice-Chairman and members of District and Local Boards and Municipalities, etc., belonging to this community.

In comparison with the population of Orissa, it is clear that the genuine domiciled Bengali community form an important minority in your Honour's Government which was being duly represented by the late lamented Maharaja B. N. De Bahadur of Balasore, the late President of of this Association under the Governments of Bengal as well' as Bihar and Orissa. After his death the genuine domiciled Bengalis of Orissa have not been duly represented in your Honour's Legislative Council. It is therefore rightly apprehended that, if under the new Reform Scheme the genuine domiciled Bengalis of Orissa go unrepresented in your Honour's Council, their interest will be seriously jeopardized. In the interest of the efficient administration of the Province, it is also desirable that the influential and enlightened domiciled Bengalis of Orissa should be fairly represented in the Legislative Council, of the Government thereby forming a permanent element in the administrative machinery of the Province.

Under the circumstances, I, on behalf of this Association, most respectfully pray that, with a view to safeguard the interests of the loyal genuine domiciled Bengalis of Orissa who, though forming an integral part of the indigenous population of Orissa, form a distinct body by themselves and to secure their interests from the aggressions of the so-called Bengali settlers and other communities and to prevent them from being left unrepresented and misrepresented in the Council at any time, your Honour will be graciously pleased to take the above facts into your Honour's kind consideration and to secure either by making provisions, or by recommending to the special Committee for consideration of franchise and constituencies, for the genuine domiciled Bengalis of Orissa at least one reserved seat in plural constituencies with a general Electoral Roll as proposed in the latter part of paragraph 232 in the Report on Indian Constitutional Reform, and for this act of your Honour's kindness, the genuine domiciled Bengalis of Orissa shall ever remain thankful.

# [No. 35.]

# Dated Dinapore, the 29th September 1913.

#### From-Rai Sahib JANAK DHARI LAL, Dinapore,

# To--His Honour the Lieutenant-Governor of Bihar and Orissa (through the Under-Secretary to the Government of Bihar and Orissa).

I, for self and my brother cultivators of the soil of the Province, most respectfully beg to submit the following few lines for your Honour's kind consideration.

1. That at present the body of men that go by the name of the National Congress, the Muslim League, the Landholders' Association and other think-ing portions of the community are very deeply engrossed in discussing the Constitutional Reform Scheme, so ably drawn by the Secretary of State for India and His Excellency the Governor General and each and all of them are doing their level best to secure for themselves as much profit as they can from the Scheme.

2. That accordingly the landholders of the several parts of India mostly headed by the Maharaja of Darbhanga are holding meetings after meetings and passing resolution to the effect that the landholders should have separate electorates of their own and should be allowed to send a good number of their representatives in both the Provincial and the Imperial Councils of the country.

3. That agriculture is the principal industry of India and gives employ-ment to 80 per cent. of the population and so from this point of view 80 per cent. of the members of the Legislative Councils, both Provincial and Imperial, should justly be from this class.

4. That the body of men who have been by a serious blunder of Lord Cornwallis turned from simple revenue collectors or dafadars into proprietors of land or landlords may also claim to be engaged in agriculture and pose to represent the interest of the class of people engaged in agriculture.

5. That the interests of the landlords and the cultivators or tenants are quite at variance and opposed to one another as the two poles. The one has been looting the other in every possible way and by every means, foul or fair, since the Permanent Settlement, the perennial source of every evil to the unfortunate tillers of the soil. The so-called landlords have reduced their tenants to a most pitiable condition as can be seen by taking a ramble in the villages of the interior and looking at the haggard faces, the miser-able clothing and the wretched hovels of the people. Instead of taking steps to educate their tenants and better their general condition the landlords generally have done and are doing their best to keep them ignorant and half-starved and are very jealous should any of their tenants somehow or other succeed in getting some education or making a brick-built ventilated dwelling to live in. At present the leaders of the landlords who also claim to be the natural leaders of the people and their organ "The Express" are leaving no stone unturned in opposing the Hon'ble S. K. Sahay's Compulsory Primary Education Bill. Acting upon the lines— 5. That the interests of the landlords and the cultivators or tenants are

"Just experience shows in every soil

#### That those who think must govern those who toil "

they are trying to keep the toiling millions into the total darkness of ignorance and far removed from the means that may turn them into thinking beings. Some of these natural leaders, the other day, did their best to nullify the good work of a Colleague of theirs who has proved himself an only honourable exception and willed his immense estate to the cause of female education. The Patna Municipality has thrown away the said S. K. Sahay's Bill for the simple reason, it may be presumed, that majority of its Commissioners are zamindars. The landlords might be realizing from their tenants of a village from five to fifty times the amount the ancestors of the tenants used to pay to Government before the biggest blunder of the Permanent Settlement was

committed in 1793 and still instituting suits for further enhancement of rent, but they cannot afford to pay even  $\frac{1}{16}$ th of their ill-gotten gains in the shape of education cess to enable the authorities to impart rudiments of knowledge to the children of their tenants, upon whose toil they live, although they spend thousands and thousands upon dancing girls, etc., in marriages of their own children and hence their strong opposition to the said most beneficient Bill that has ever been drafted since the time of Raja Bhoj.

6. That hence the landlords cannot be expected to represent the interests of the raivats in the Legislative Councils of the Empire admits of no doubt. Both of them should have separate representatives in the Councils. The landlords are fighting hard for a separate electorate of their own. By all means let them have it. But they should be allowed to send representatives in the ratio their number bear to the number of the raivats or the amount they pay to Government to the amount the tenants pay to them. One man, one vote is the right, principle. If for the present this is not practicable the representatives of the raivats.

7. That the "Searchlight" of September 22nd has published a communique anent the resolutions of an informal conference of the non-official members of the Bihar and Orissa Legislative Council held on the 13th and 14th September at your Honour's invitation. Their resolution 3 is to the effect that the Legislative Council for the Province should have 125 members of whom 3ths should be elected. They could not agree as to the distribution of seats. But by a small majority it was carried out that great land owners should have a separate electorate on the present franchise. The resolution 4 is to the effect that in rural constituencies franchise should be such that not more than 2 per cent. of the rural population in each district should vote.

8. That now the question is whether the representatives of the great land owners shall represent the comparatively smaller land owners both having the same interest. If so, there can be no possible objection to it. Or the latter are to be included in the rural constituencies with the raiyas, the peasantry, and allowed to stand candidates for election therein. If so, God save the poor raiyats, for, then, as at present, they, the growers of food for mankind, shall not have the ghost of a chance to have even a single true representative of their own in the Councils of the Empire. All the seats shall be seized, as now, by the zamindars, and zamindars alone, some by big ones, others by smaller ones, and so the proposed Reform Scheme shall be of no use to 80 per cent. of the people and the many shall continue, as hitherto, since the Permanend Settlement, to be sacrificed for pampering the few until God knows how long.

Under the circumstances I fervently hope your Honour, with your long experience and deep foresight, while submitting your well-considered views about the proposed Beform Scheme to the Supreme Government, would condescend to take the above few lines into your Honour's kind consideration and recommend, among others, a step by which the peasantry of your Honour's satrapy who form 80 per cent. of the population may have a fair number of representatives to look after their interest in the Legislative Councils of the Empire and thus introduce in this country the trae noble principle of British Democracy for which the Almighty Father of all, in His Divine wisdom and benign ways, has brought India under the sway of British Statesmen and so lay the basis for ameliorating the wretched condition of the teeming millions for which they in general, and I in particular, shall ever be thankful.

[No. 36.]

No. 162, dated Patna, the 28th September 1918.

From-Babu GANESH DATTA SINGH, Honorary Secretary, Bihar Landhelders Association,

To-The Chief Secretary to the Government of Bihar and Orissa.,

I have the honour to inform you that at a special meeting of the Executive Committee of the Bihar Landholders' Association held on the 27th

instant, under the presidentship of Maharaja Bahadur of Hathwa, the following resolution was passed : --

"That the representation of the landholders in the Provincial Council of Bihar and Orissa should not, in any case, be less than 25 per cent. of the elected members."

## [No. 37.]

#### No. 61, dated Bankipore, the 7th September 1918.

From-Babu RAMGOPAL SINGH CHAUDHURI, B.L., Joint General Secretary to the Pradhan Bhumibar Brahman Sabha,

# To-The Commissioner of the Patna Division.

1. Our Sabha in its address presented to His Excellency the Viceroy and the Right Hon'ble Mr. E. S. Montagu, at Calcutta, on the 10th December 1917, prayed for adequate representation of the Bhumihar Brahman community in local and Imperial Councils and in all other public bodies and institutions. They urged that their rights and privileges should be kept in view and their interests be safeguarded in all schemes of constitutional reforms. The Sabha is sorry to find that their claims have not been recognized in a degree commensurate with their social position, status and influence in the country and with their loyalty and devotion to the British 'Government. It is high time that they should revite that status in the British administration to which they are entitled on account of their unique and leading position, through which alone they will be able to keep up their power and influence and render proper service to their King and country. The Pradhan Bhumihar Brahman Sabha is a registered and recognized Association of the Bhumihar Brahman Sabha is a registered and recognized Association of the Bhumihar Brahman Sabha is a registered and patriotism for the permanence of the British Raj and to crush anarchy and sedition. That being the case it is passing strange that so far the Sabha has not a special electorate of its own. The Sabha or the Bhumihar Brahman community should be given the special power to elect their representatives from among their own castemen or such other castes or classes in whom they repose confidence, both in the Provincial and Imperial Councils.

2. Provincial autonomy not suited for Bihar for the present. It is a new province and all sorts of expenditure to be incurred in making the province complete. "For instance, University, etc.

The needs of other provinces have already been supplied. They do not require any extraordinary expenditure. So the position of Bihar is peculiar and its position should not be judged by the standard of other provinces.

3. Fresh taxation.—It appears from the scheme that it will be an expensive thing and the cost of the administration will increase which will necessitate fresh taxation. Now the position of Bihar is such that any fresh taxation will prove ruinous.

Fresh taxation means taxation on lands because there is hardly any other source which can be taxed here. The condition of the landlords generally is very deplorable. It is also to be considered that Bihar zamindars and tenants practically maintain the entire educated population.

War has also added to the gravity of the situation. The condition of the tenants generally on whom also the burden of the taxation will fall is proverbially deplorable. The main difficulty of the landlords in realizing the rent is the poverty of the tenants.

Repeated floods, droughts and litigation have made their position so bad that fresh taxation on them will become unbearable.

Those who cry for Provincial autonomy will have to contribute very little towards the expenses. They want it because they would have power to spend and also to make a profit out of it. Zamindars and the tenants who

are paying and will pay more than 90 per cent. of the revenue have not even 1 per cent. of control over it. It is no doubt that the new scheme widens the franchise and the landlords and tenants will have right to elect their own members, still it is very doubtful whether they will be in a majority in the Council to have a controlling voice under the new scheme. It is the most unique feature of Bihar where public men do not belong to that class which pay the tax and therefore they are not likely to have that amount of sympathy which is needed. It is a matter of very great regret that, the Government is guided in these matters by the voice of a few educated people and does not consider the interest of the masses. The Bhumihar Brahmans are the real and oldest inhabitants of the province of Bihar, but being very orthodox and conservative they have been thrown into the shade by some other communities that are notoriously selfish and clanish and always make themselves heard by loud talk and subterfuges.

[No. 38.]

# Dated Gaya, the 17th September 1918.

From-MULIE MUEHTAR AHMAD, Honorary Secretary, Village Panchayat Association, Gaya,

To-The Commissioner of the Patna Division. In answer to your letter No. G.-3121-XXII-45-13, dated the 3rd August 1918, I have the honour to submit as follows.

The members of the Village Panchayat Association after full consideration of the Reform proposals of Lord Chelmsford and Mr. Montagu as embodied in their joint report, while appreciating their good intentions for the welfare of the people of India, are of opinion that the undermentioned modifications are absolutely essential :—

1. Some means may be devised to protect the interest of the peasantry and the depressed castes against the landlords and money-lenders and by some way to stop legislations detrimental to the interests of the smaller communities of the great agricultural interests which can scarcely hope to obtain elective representation under any conceivable system of franchise.

2. Two seats at least may be reserved in every Council for the members of the Village Panchayat Association—one for the Hindu members and the other for the Muhammadans.

#### [No. 39.]

Copy of resolutions passed at a meeting of the Muslim League, Gaya, on the 1st September 1918, to consider the Report regarding the Indian Constitutional Reforms.

1. That this meeting of the Gaya District Muslim League respectfully tenders its loyal homage to the King-Emperor and expresses its satisfaction at the recent victories of the Allies and earnestly prays that their early decisive victory will vindicate the principles of freedom, justice and the right of weak nationalities to exist.

Moved from the Chair and carried.

2. That this meeting records its heart-felt thank to the Right Hon'ble Mr. Montagu and His Excellency Lord Chelmsford for the large-hearted sympathy and singleness of purpose with which they have formulated the Reform Scheme. But while recognizing that the principles of the Reform Scheme is decided by a substantial step towards the realization of responsible Government for India, this meeting declares that Indian aspirations will not be satisfied with anything less than the demands made by Congress League Scheme.

Proposed by-Saiyid Zafar Nawab Sahib.

Seconded by-Hakim Saiyid Muhammad Taqi alias Hakim Manjhley

3. That this meeting has read with alarm paragraphs 163 and 231 of the Reform Scheme which condemns the system of communal electorates as a serious hindrance to the development of self-governing principles and respectfully urges that it is essential to the safeguarding of the interest of the Muhammadahs and that the system, instead of hindering the progress, is absolutely necessary for the growth and development of self-governing institutions in this country.

Proposed by-Saiyid Hadi Hasan, Barrister.

Seconded by-Saiyid Muhammad Ashique, Pleader.

4. That this meeting is of opinion that the ratio of Muhammadans' representation in the Council as settled by the Indian National Congress and the All-India Muslim League must be maintained and any departure from the proposed distribution will be highly detrimental to the best interest of the country.

Proposed by-Hakim Shams-ul-Hasan Sahib.

Seconded by-Maulavi Hasan Askari, Pleader.

5. That this meeting urges that a Muhammadan should be alternately appointed as a member of the Provincial Executive Council.

Proposed by-Mir Shafayat Husain.

Seconded by-S. M. Habib Ahmad Sahib.

6. That this meeting urges that in case more than one Minister is appointed one must be a Muhammadan and in case only one is appointed the seat should be given to a Muhammadan alternately.

Proposed by-M. Touqir Ahmad Sahib.

Seconded by-S. K. Majidjan.

7. That this meeting locks with disfavour the inauguration of a Grand Committee and considers it to be obstructive and of a retrograde character.

Proposed by-M. A. Wadud, Vakil.

Seconded by-Hakim Saiyid Nanhey Nawab Sahib.

8. That this meeting considers the inauguration of the State Council to be of a highly objectionable character. The idea of associating the Ruling Princes is fraught with danger.

Proposed by-Mr. Hadi Hasan, Barrister.

Seconded by-S. Wasi Ahmad.

9. That this Council considers the appointment of an Indian to the Under-Secretaryship of State as absolutely necessary and the post should be given to a Muhammadan alternately.

Proposed by-Mir Shafayat Husain.

Seconded by-Hakim Nur Ahmad Sahib.

10. That the proceedings of this meeting be forwarded to the Divisional Commissioner as the considered opinion of this District Muslim Legue.

Proposed by-Hon'ble Khwaja Muhammad Nur K.B., Vakil.

Seconded by-Mr. Hadi Hasan, Barrister.

[No. 40.]

Copy of opinion, dated the 10th August 1918, given by Saiyid Khairat Ahmad, Khan Bahadur, Gaya, on the Constitutional Beform Scheme.

In my opinion the report is an honest and very faithful fulfilment of the announcement made on the 20th August 1917. Those who were pleased with the announcement, and I am one of them, ought to be grateful to Lord

Chelmsford and Mr. Montagu for their generous efforts to introduce th reforms, which are in principle, in my opinion, quite suited to the present conditions of India. But those who were not satisfied with the announcement ought to wait for some time till they gain their, object completely, as the report does not indicate the finality of the concessions. In my opinion, if the report is accepted, it will be a boon to India and the Indians, and I therefore welcome the report whole-heartedly and unreservedly.

[No. 41.]

## SULTAN MANZIL,

# · Gava,

#### The 23rd August 1918.

Sir,

Thanks for your letter of the 3rd instant inviting an expression of my humble opinion on the Constitutional Reform Scheme. In my humble opinion, whatever rights and powers that have been conferred on the Indians under the new scheme by the Viceroy and His Majesty's Secretary of State for India are much more than their capacities and strength. The Indians ought to be grateful to their benign British Government who at such a crisis (world-wide war) has bestowed so much favour upon them which they do not really deserve.

In connection with it I beg most respectfully to submit that the right of the Muhammadans as to their special representation with separate electorates and their other rights and interests should be kept in view and duly preserved.

#### I have, etc.,

# K. B. QAZI FARZAND AHMAD.

[No. 42.]

#### Dated Simls, the 23rd August 1918.

From-Maulavi GHULAM HAIDAB KHAN, MA., B.L., Vakil, Gaya,

- To-The Personal Assistant to the Commissioner of the Patna Division.

In compliance with your letter No. G.-3126, dated the 3rd August 1918, asking for the expression of my opinion on the Constitutional Reform Scheme, I have the honour to state as follows.

I have read carefully the proposals as also the materials on which the proposals are based. I quite agree with the proposals in their general features as being best calculated to carry out the policy of His Majesty's Government announced by the Secretary of State for India on August 20th, 1917.

Having regard to the present condition of the Indian peoples and the other circumstances clearly set forth in Part I of the report, the announcement itself was carefully guarded by well-considered conditions, viz., that the progress in the policy could only be achieved by successive stages and that the British Government and the Government of India would be the Judges of the time and measure of each advance. They have been declared to be the best Judges and we, the people of India, who have no responsibility for the welfare and advancement of the people of India as a whole and have not at present the capacity to take up such responsibility; have no right to say that instead of a progressive realization of responsible Government we should at once be given Home Rule. Before we desire and deserve Home Rule, we must satisfy the Judges that we have a Home, i.e., constitute a nation, with the welfare of India as a whole at heart.

In the face of the strong past and recent testimony, I must confess that our so-called leaders, who claim immediate Home Rule, cannot satisfy any Judges by dint of any argument.

The considerations and reasons which have induced the framers of the scheme appear to me perfectly sound and the spirit in which the proposals have been worked out deserve our admiration and respect.

It is my conviction that in order to attain the object promised to us in the annonncement of the Secretary of State, we should gratefully and whole-heartedly accept the transition reforms proposed and thereby demonstrate our capacity to deserve more.

[No. 43.]

#### Dated Arrah, the 20th August 1918.

From-Rai Bahadur CHATABBHUJ SAHAY,

To-The Commissioner of the Patna Division.

With reference to your letter No. 3127-XXII-45-13, dated the 3rd August 1918, I have the honour to say that I am suffering from ill health and consequently unable to study and digest the report on Indian Constitu-tional Reforms in question thoroughly and submit a detailed and comprehen-sive report on the same. However, my views generally on the report are in support of the scheme prepared by the Right Hon'ble Mr. Edwins Montagu and Lord Chelmsford. and Lord Chelmsford.

The proposals contained in the scheme evince a sincere desire on their part to give the Indians a real and substantial measure of reform at the initial stage, and if the scheme is well worked out by the elect representatives of the people, further rights, privileges and concessions may follow, thus leading ultimately to the path of Self-Government, the goal of the Indians' ambition.

#### [No. 44.]

#### Scheme proposed by the Hon'ble Raja Harihar Prashad Narayan Singh of Amawan.

I suggest the following scheme for the constitution of the new Legisla-tive Council for Bihar and Orissa as a basis for discussion :--------

Elected—							
Rural non-M	uhammada	ns	•••	•••		31	
Urban	ditto	•••	•••			6	
Rural Muham	madans			•••		16	
Urban dit	to	•••	•••			3	
Landholders						21	
Planters						1	-
Miniog						2	
University		•••				1	
						<u> </u>	
				Total	•••	81	
Ex-officio and non	ninated offi	cials		,			
The Governor			1			1	
Executive Con					•••	2	
Secretaries			•••	***		2 6	
Commissioner			•••	•••		5	
Heads of Der			•••	•••	-	3	
The Vice-Cha		••• tna TTain		•••	•••	-	
	accitor, ra		ersity	•••	•••	1	
				Total			
	1			Total	•••	18	
Nominated non-off	ficials	•••				9.	
•							
				Total		108	

The Muhammadans' special representation is 19 out of 78 elected Indian members or very nearly 24<sup>1</sup>/<sub>2</sub> per cent.

813	•

Rural.

				813	•		
	•	,		Rural.			
- <del>1 - 1 - 1 - 1 - 1 - 1 - 1 - 1</del>	- <u></u>	•	tion years	popula- over 20 of age in usand.		posed ber of	
<b>.</b> .	District.		Musalmans.	Non-Mustl- mans.	Muss imen	Non-Musalman memberg.	Romarks.
*	1, 4		-	3 <sup>4</sup>	4	. 5	6
Patas Divis Patas Gaya Shahab	••••		41 48 29	4,14 5,10 4,39	\$ •	<u>2</u> 2	
Mamffa	ran		1,18 56 71 78	13,63 4,62 4,25 6,16		6 2 2 3	
.Pariha Bhagalpur I	nga Total	•1• 	84 2,89	6,38 21,41	5	3 10	konstruktion Konstruktion
Mongh Bhagai Purnea		*** ***	40 53 2,04 89	4,87 4,82 3,14 3,86*	€ {`` + <del>1</del> 94 +++ +++ +++	2 2 1 1	* Includes 1,58,000 Baimists.
Orissa Divis	Total	, <b>, , ,</b>	3,82	16,69	6	6.	
Urissa Divis Cuttack Balasor Puri Sambal Angul	9 9 9 9 9	404 1404 1104 1104 1104	13 7 5 1	4,89 2,49 2,67 1,89† 58†	···· ····	2 1 1 1	.† Includes 14,000 animists.
Chota Nagp	Total ur Division=	1997) 1997 - 1	26	12,50		5	
Hazari Ranchi	bagh	20 <b></b>	29 12	2,641 2,585		1	19,000 animists. Mincindes 124,000
Palama		, m. •	14	1,49]			f animists and 3,600 , Christians.    Includes 8,000
18 T	huma,	,	,	1,57¶	•••• 19:1: - 7:- 1: - • ##•7: - 1	<u>}</u> 1	animists and 2,000 Chirstians. ¶ Inoludes 83,000 animists and 2,000
Manbh			23	3,68**		<u>`1</u>	Animists and 2,000 Christians, ** Includes 48,000 animists,
Provincial 7	Total	***	78	12,26 76,49	2 16,	4	

This gives-

(a) One non-Muhammadan member for each district with more than
 2 lakhs male adults after excluding Muhammadans; one member being added to every additional two lakhs.

(b) 'One Muhammadan member for each division.

(c) A second Muhammadan member for each division containing 65 thousand of male adult Muhammadans and further addition of a member for every additional 65 thousand of male adults.

The number for the landlords is 21 which should be distributed on the numerical strength of the constituency in each division. For the urban constituencies the following are the relevant figures :---

Towns.	Total male population.	Number of noa-Muham- n adan mem ors.	Number of Muham- m d n me b rs.	
1	\$	8	4	5
Patna City	70,841	18,372	1	1
Patna Division les Patna City.	118,799	10,484	<b>1</b> .	
Tirhut Division	145,686	<b>3</b> 4,6 <b>7</b> 0	1	¢1
Bhagalpur Division	116,401	27.440	] 1 <sup>·</sup>	1
Orissa Division	82 266	8,367	1 . 1	
Chota Nagpur Division	64,360	12 .66	1	*
Total	•••		6	3

		· · · ·	Total		-9
Experts	•••	.***	•••	•••	1
Aborginals	***	••••	•••	•••	- 1
Indian Chris	tians	•••		***	1
Anglo-India		***	•••		1
Domiciled	•••	•••	•••		2
<ul> <li>General</li> </ul>	•••	1			3

The comparative statement of percentage of the Muhammadans among elected Indian members in the present Council and the Council proposed.

Present Council ... 21 per cent. [ Proposed Council ... 24:36 per cent. The comparative statement of percentage of the landholders' representation among elected members in the present Council and the Council proposed. Pesent Council ... 25:92 per cent. [ Proposed Council ... 25:92 per cent. The comparative statement of percentage of the landholders' representation among Indian elected members in the present Council and the Council proposed.

Present Council ... 261 per cent. | Proposed Council ... 2692 per cent. (about).

# [No. 45.]

2

The following resolutions were unanimously passed at a meeting of the landholders he'd at Monghyr on Monday, the 2nd September 1918 :--

1. That this meeting gratefully welcomes the reform proposals generally as constituting a substantial step towards responsible Government and also erappresses its unanimous sense of appreciation of the generous spirit that animates British rule in India culminating in the memorable pronouncement of the 20th August 1917.

2. That this meeting, while recognizing the necessity of having special electorate for the landholders clearly set forth in paragraphs 232 and 273 of the report, respectfully urges that in view of the fact that as the landholders of Bihar constituted under the permanent settlement form a distinct class enjoying a unique position in the body politic, some effective measure of special representation be extended to them.

3. That the meeting prays that the date of submission of the opinion by the Local Government be extended to 1st January 1919 in exder to enable the different sections of the vast bulk of the Indian people to submit their views and opinions more fully to the Local Government, and that the necessary modifications called for in the light of suggestions and criticisms received from them, be introduced into the scheme.

B. P. SINGH, Maharaja Bahadur of Gidhaur, President of the Committee.

B. &. O. G. P. (P. & A. E.) No. C110 (Ranchi)-50-6-11-1918 .- J. M. R.

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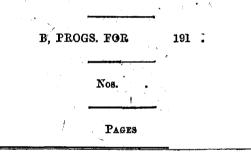
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FILE No. ---- OF 1918,

# 1918. GOVERNMENT OF BIHAR AND ORISSA.

POLITICAL DEPARTMENT.

SPECIAL BRANCH.



Opinions of Officials on the question of franchise raised in paragraphs 225 and 226 of the Montagu-Chelmsford Report.

1.3

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# GOVERNMENT OF BIHAR AND ORISSA.

#### POLITICAL DEPARTMENT.

#### SPECIAL BRANCH.

Opinions of Officials on the question of francise raised in paragraphs 225 to 226 of the Montagu-Chelmsford Report.

[No. 1.]

#### D.-O. No. 648-69-C.

## RANCHI : The 24th July 1918.

My dear (All District Officers and Commissioners.)

I am desired to refer to my demi-official letter No. 24—44-C., dated the 3rd January 1918, on the subject of the franchise under the pending constitutional reform schemes and to enclose for your information copies of a note-and two statements which were compiled from the replies.

2. The figures, as explained in my note, were collected hastily and are based largely on a process of averages. They are also in some respects defective and conjectural, as the printed statements show, and I shall be glad if you will point out any obvious errors in them.

will point out any obvious errors in them. Government now desire that an attempt should be made to collect more complete and accurate figures, and in this connection I am to invite your attention to paragraphs 225 and 226 of the recently published Report on Indian Constitutional Reforms which explains the purpose for which the information is required. It will be seen that a Committee is proposed to be appointed which will visit each province and examine the materials prepared for it by the Local Governments. The object of the present enquiries is to collect the necessary materials for this province and to obtain the opinions of District Officers on the various problems connected with the preparation and maintenance of electoral rolls and the machinery of voting, which are indicated in paragraph 226 of Mr. Montagu's Report.

3. The result of the preliminary enquiries of January last is clearly to show that if the number of rural voters is to bear any sort of proportion to the total population, different standards of franchise will be necessary in different divisions or districts. Speaking generally, there, is a very marked cleavage between the Bihar Divisions and the Divisions of Orissa and Chota Nagpyr.

It is also clear that if cess payment is to be made the principal criterion of eligibility for a vote, some differentiation is necessary between raiyats on the one hand and tenure-holders and proprietors on the other, for while the raiyat pays half an anna on each rupee of his rent, the tenure-holder or proprietor pays out of his own pockets half an anna per rupee, not on his rent or his revenue but on the difference between his collections and the rent or revenue which he passes on to the superior landlord or State as the case may be.

4. Having regard to these considerations, Government think it would be desirable to collect information in the case of the Bihar districts under the following heads :--

(1) The number of raiyats who pay to their landlords cess of not less than Re. 1, Rs. 2 and Rs. 3, that is, who pay rents of not less than Rs. 32, Rs. 64 and Rs. 96, or, being raiyats on produce rents, who hold areas of land that may be valued for rent at these amounts.

# (2) The number of proprietors who pay to the State cess of not less than Rs. 3, Rs. 6, Rs. 9 and Rs. 12.

[Of the cess paid by proprietors at least one-half and often much more than this is recovered from raiysts and tenure-holders and it may be assumed that the payment from their own pockets does not ordinarily exceed one-third of the aggregate rayment. Appended are two illustrations, which omit the complication of *bakasht* lands.

# Illustration (a).

			<b>Rs</b> .
Raivati assets			64
Government revenue	•••	•••	82
Proprietor pays cess	•••		$(64 - \frac{32}{2})$ annas = Rs. 3
Of this Rs. 2 is recover	ed from rais	rate	

s. 2 is recovered from raiyats.

# Illustration (b).

1	-			Rs.	
Raiyati assets	•••			.96	
Rent of tenure-holder				64	
Government revenue		, 	·	32	
Cess paid to Government	(As. 96	<u> </u>		80 a	nnas.
Cess paid to Government	(As. 96	<u>····)</u> ≓		80 a	nnas.
,		2	٠.		
Recovered from raiyat		2	••••	48	я
,		2	٠.		53

(3) The number of tenure-holders whose interests are valued for cess at not less than Rs. 100.

The figure Rs. 100. [The figure Rs. 100 is selected as the information is readily available from the cess valuation returns. To ascertain what number of tenure-holders pay from their own pockets cess of any given-amount would entail an examination of *khewats* and valuation rolls that is quite impracticable. A tenure-holder paying on a valuation of Rs. 100 may be paying from his own pocket anything varying from a fraction of a rupee to Rs. 8

## Illustration.

	· ·			Rs.
Raiyati assets			••••	100
Rent payable to Proprie	tor—			
Case (a)				80
Case (b)				50
Case (c)		•••	•••	20
÷	-			

less paid by tenure holder from his own pocket-

1

Case (a) 100 -	80	100	-	10	unas,
Case (0) 100	2.	2	•••	10 4	и <b>ша</b> в,
	50	100			
Case (b) 100	2	- <u>-</u> =	•••	25	"
Case (c) 100	20	100 =		40	"]
		2			

5. In the case of the Orissa and Chota Nagpur districts Government desire to have information collected regarding the number of raiyats who pay to their landlords cess of not less than As. c, Re. 1, and Re. 1-8, that is who pay rents of not less than Rs. 16, Rs. 32, and Rs. 48, as it is clear from the

preliminary enquiries that any higher limits would give electorates of inadequate size. They do not consider it necessary for the purposes of the present enquiry to fix different standards for proprietors and tenure-holders than those fixed for the Bihar districts, as these are sufficiently low to cover the classes which come immediately above the well-to-do raiyat.

which come immediately above the well-to-do Taiyati statistics would mean the examination of all settlement records to ascertain how many holdings pay rent exceeding the suggested limits, and even this would not give accurate figures, as many raiyats have holdings under two or more landlords in one village or have holdings in two or more villages, and a further enquiry would be necessary for the elimination of minors and females. Exact figures are not, however, required at the present stage and Government propose merely to collect information on a scale that will be sufficient to guarantee the general accuracy of the data on which conclusions may be reacted regarding the standards of franchise to be adopted. In the previous enquiry the records' of 100 large villages selected at random in each district were examined. Government now propose to take as the unit for examination the police station, which is likely to coincide with the polling unit. Police stations vary from about 50 to 200 square miles, which means that on an average electors would have to travel from 4 to 8 miles to record their votes. It is considered that if the records of the larger villages which cover an area of not less than one-sixth of the total area of each police station be examined, a fairly accurate account of the number of raiyati voters in the police station will be obtained. The thana (or police station) maps should be used for the selection of villages which should be taken from all parts of the jurisdiction so as to be as typical as possible. Annexed is a form (Statement A) which gives instructions for the compi-

Annexed is a form (Statement A) which gives instructions for the compilation of the police station figures. In the copy to be submitted to Government, the figures of each police station should be entered in one line and a district total struck.

Although it is not proposed in these instructions to eliminate the error which will be caused by the failure to amalgamate holdings, the inclusion of minor and female raiyats and other causes, Government would like to obtain some idea of the amount of correction that is likely to be necessary on this account. Will you therefore cause the records of the largest village in each police station to be more minutely analyzed and have the separate form (Statement B) filled up?

7. The information required under the head proprietors will be got from a detailed examination of the district *tauzi* or cess roll. In extracting the information the muharrirs employed should be carefully instructed to note that an entry which appears under any of the higher limits should appear also under all the lower fimits. The returns should be submitted in the following form (Statement C):---

•)

Total number of entries.		Total demand.	Number	of entries i is not le	n which cess payable ss than		
		1	Rs. 3.	Rs. 6.	Rs. 9.	Rs. 12.	
Revenue-paying estates	•••		• • •				
Revenue-free estates	- <b>-</b>			•			
Rent-free lands				. '			
					· ·		
Total							

District\_\_\_\_

8. As regards tenure-holders, most District Officers have already sub-mitted copies of Appendix II to the last Cess Revaluation Report of the district, which shows the number of tenures valued for cess at more than Rs. 100, and this information will suffice for the present purpose, as explained in percent 4 shows in paragraph 4 above.

(A copy of this statement was not received from your district. Will () To Pains and Gays only. the number of tenures valued for cess at more than Rs. 100 can be most readily framed?)

9. In districts which have only been partially surveyed or in which the conditions are abnormal, these instructions must be modified at the discretion of the District Officer. In Manbhum, for example, the raivati information should be got by a complete examination of the records of Barahbhum pargana which covers about a fourth of the district. In the Santal Parganas other units will have to be substituted for the police station, e.g., in the Damini-Kab the hungeday invidation Damin-i-Koh, the bungalow jurisdiction.

10. In order that the information above described may be obtained as 10. In order that the information above described may be obtained as early as possible, a special establishment consisting of one head muharrir on Rs. 30 and ten muharrirs on Rs. 20 each should be employed and placed under the supervision of a Deputy Collector acquainted with the settlement records, with whom you should personally go over the instructions carefully to make sure that they are thoroughly understood. The special establishment will be sanctioned for such period as you may report after experience to be necessary, but Government would like to have the examination of records completed within one ments and if in the larger district this about a provide ments. completed within one month and, if in the larger districts this should prove impossible, they will sanction the entertainment of a larger establishment. In some of the smaller districts, less than a month should suffice.

The working papers of the muharrirs should be preserved as it may be found desirable to test the accuracy of the figures in selected cases.

< 11. In conclusion I am to invite your attention to the problems connected with the preparation and maintenance of the electoral rolls and the machinery of voting and to say that Government will be glad to have your general views on the subject and any suggestions you may wish to offer.

It will be seen from paragraph 226 of the Report that a most important guiding consideration as regards the breadth of the franchise is the practical manageability of the resultant electorate and this affects both the preparation and maintenance of the 'rolls and the management of the polling booths. There would , be obvious advantages in having a single electoral roll for each district which end the management of the polling booths. There would be obvious advantages in having a single electoral roll for each district which would serve the purpose of all elections, whether for the Union Committee, the Local Board or the Legislative Council. But the franchise for the two former is payment of one rupee of cess or possession of an income of Bs. 20 a month, and in the Bihar districts at least, the adoption of these criteria is likely, as will be seen from the statements enclosed, to produce electorates of a size that would be unmanageable in the case of a general election extending over the whole district. A responsible Government officer would be required to preside at each polling station, and however much assistance he might receive from non-official agencies, it would be impossible for him to supervise effectively the recording of more than a limited number of works in a sincle day. The question may thus arise whether, if it he desired of votes in a single day. The question may thus arise whether, if it be desired to have a single electoral roll, it would not be advisable to raise the standard of franchise all round or at least in Local Board elections.

12. I am to request that your reply to this letter with the required statements may be submitted not later than the 10th September next. A copy of your reply should be sent to the Commissioner.

#### Yours sincerely.

#### H. McPHERSON.

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# STATEMENT A.

				•									_					145 
								(a) Villages selected for examination.						(8) T	(b) Total nur ber of ralyati holdings pay- ing rents not less than-			
dice st	ition.	Total number of villares (omitting municipa- litics)-		Total area,	Tot	al number f raiyati oldinga,	Na	mber of	A108.	Nut	bber of ivati dings	Numb daga j	er of raiy aying re-	ati hold- nts not	raiyati jo k	g rents	noš	Bemark
			lițies).				1				dinga	Ba. 33.	Ba; OL	Ba. 60.	Ba. 32,	Ba. 66.	Ra. 90.	
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Columns 5 to 4 should exclude the figures of any multipalities within the police station. Columns 5 to 4 should exclude the figures of any multipalities within the police station. Column 5 should be got by adding the strip totals of all the villages in the area. In some districts the information may be readily available from genhaueres ar Golumn 5 should be got by dotailed examination of the school of

<b>1</b>		Colump		7	Column 11.
	-1	Column		:	Column 13.
		Column	10	•	Column 18.

• • • • • • • • • • • • • • • • • • •			-	withou	ement A t amaiga ber of r: gs payir t less tha	mation)	If ho person numi not	ldings of be amalg ber payin i less tha	eame amated, g reut	Out of to holdings (co	otal number olumn 6), nu	of raiyati nbe: heid by	
Pelice-station.	Number of selected village.	<u>Ате</u> .	Total munb er of raiyıti holdings:	Be, 33.	Be, 64,	Rs. 96.	Be, 32.	Bn. 84.	Bu, 95.	Fomales.	Persons enterod in Khawat. Part I. (i.d., pro- prietors.)	Persons entered in Khewat, Part II, (1.e., 'tenure- holders).	Bems
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# 6 Statement B.

• District\_\_\_\_\_

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#### APPENDIX A. a jina

#### Preliminary Note ....

The spended statement gives the results of some very hasty enquiries which were made by the Local Government after the accept of Mr. Marris' letter of the 11th December 1917, with the object of obtaining a rough preliminary idea of the size and nature of the trail constituencies that might be expected to result from the adoption of the principle of direct election on the basis of a moderate franchise. District Officers were allowed ten days only to reply to the enquiries made, and the results obtained, are therefore, in many cases conjectural only.

conjectural onlyt 2. In a rural constituency based on a broad franchise, the great majority of the voters would be either, well-to-do raivats or petty proprietors and tenureholders. There would in addition be a certain number of non-agriculturists qualified to vote either by income or by education. It would have been impossible without an elaborate census to get any precise estimate of the number of persons who would be enrolled on given standards of rent or revenuer payment, income or educational qualifications, but it was thought that rough figures might be obtained by an eramination of settlement records, 'revenue registers and: district statistics of income-tax and education.

income-tax and coucations. 3. Apart from educations! qualifications, the franchise for Local Board electorates is alter-natively (a) a cess payment of Re. 1, or (0) an income of Rs. 210 a year, while for municipal electorates the franchise is essentially a rate payment of Rs. 3, recently raised from Re. 1-8. As a cess/payment of ite. I corresponds in the case of raiyats to a rental payment of Rs. 3, and in the case of landlords and tenure-holders to an estate valuation of. Re. 32, Rs. 48 and Rs. 90 being added for purposes of comparison in the case of raiyats, and such other limits in the other cases being adopted as were suitable to the existing sources of information. information.

information. 4. The plan adopted in the case of raiyats was to exattline the settlement records of 100 villages of fairly large size in each district and ascertain in respect of how many holdings rents of Rs. 16, Rs. 83, Rs. 48 and Rs. 96 or over are payable. From the figures thus obtained, proportions were deduced which were applied to the total number of holdings in the district. The results are only approximate of, course, partly, because of the method adopted, partly because the number of recorded holdings is considerably in excess of the number of cultivating families (for a payat may have, holdings in, more than one willege, or hold under separate proprietors in a single village), and partly because no attempt could be made to discriminate between male raiyats and female or minors. In one district only viz, Puri, was an effort imade to eliminate the second cause of error. If this case the ratio of holdings is cultivating families is roughly 2:1, and in the sample villages examined, where there were 45,978 holdings included, it was found that the figures were affected thus in the second cause of Rs. 40 9-12-12 19-11 (\_\_\_\_)

				<b>KS</b> ,				• .	
	Number	f holdings	rente	d at 16 a	nd over	•••			510
	.,	5	10 10	32		. <b>.</b> .	•••		55
<i>,</i>	1	87	73	48	p		•••		13
		<b>.</b>	,,	96	л	•••	···		Nil.
	11	tenants p	aying	16	ø				777
	н.	99	**	82			•••		1 119
	11	**	39	48	19	·	•••	•••	28
	67	11	19	96	70	<b>`</b>	۰		Nil.

The correction to be applied on this ground will obviously vary from district to district in accordance with the ratio of holdings to cultivators. Generally speaking it may be said, that the results obtained are less than actual, especially in the case of the larger rents. The error affects to a less extent the Rs. 16 standard, because, while on the one hand many raiyats who pay in the aggregate more than Rs. 16 have been omitted, others who have more than one holding assessed at Rs. 16 or over have been counted twice over.

It will be seen from the district and divisional figures that if a standard of Rs. 32 be taken, very large raiyati electorates will result as a rule in Bihar, but small electorates in Chota Nagpur and Orissa.

This is explained by the comparative lowness of rental incidence in the latter areas. While average rental incidence is about Rs. 8 an acre in Patna, it is under Rs. 2 an acre in Orissa and still lower in Chota Nagpar. This is a point which will have to be considered by the Committee which has been, appointed to examine the question. Meanwhile, separate figures have been compiled which show the average rent per acre and per holding in each district of the province (vide second statement ann xed).

A point to be borne in mind of course is that cess payment in itself, apart from considera-tions of income, constitutes a title to vote, for representation and taxation should go hand in

It may be mentioned that in the settlement enquiries above explained, regard was had only to occupancy holdings which constitute the great majority of the whole. A complete enquiry would have to cover also raivate on fixed rents and rent-free raivats.

enquiry would have to cover also raivate on fixed rents and rent-free raivats. 5. As regards petty proprietors and tenure-holders, it was found that the only convenient sources of information were the cess registers and valuation papers. The former, however, are very voluminous and most District Officers found it impossible to examine them in detail in order to get the required information. It was necessary to fall back on settlement and cess valuation reports which did not, however, contain the information wanted in a suitable form. and the figures are largely conjectural. The former give information regarding the numbers of estates and tenures without distinction of value. The latter divide estates and tenures into, two classes, (a) valued at Rs. 100 and over, and (b) valued at less than Rs. 100. Rs. 100 corresponds fairly close to the Rs. 96 standard, but we have no information regarding the alternative standards of Rs. 32 and Rs. 48. A point to be borne in mind as regards petty proprietors and tenure-holders is that many would be covered by the occupancy holding figures.

6. As regards income, we have nothing to go upon except the number of assesses in each district, and as the minimum income assessible to tax is Bs. 1,000 a year, this throws little-light on the number of non-agriculturists who would be entitled to vote if a lower standard of Rs. 240 a year were taken. The Local Board electorates of the Patna Division do not help in this matter, as they do not discriminate between the different franchise 'qualifications. It will be seen, however, that they have some sort of correspondence with the number of raivites paying rent of Rs. 32 and over, regard being had to the exclusion of females' and minors; and to the existing methods of roll, preparation which seems to 'be largely let't to the local 'police. The following abstract of the Patna district roll shows that the number of voters bears little relation to the subdivisional populations :---

					Population.	No. of electors.
Sadr subdivision			•••		201,193	8,711
Dinapore	***	. ***		***	314,041	2,612
Barh	• • •	•••			378,021	8,491
Bihar					575,110	22,558

7. As regards educational qualifications, while we have many sources of information not yet tapped, the appended statement gives only the number of persons over 20 years of age who have been returned in the last census (a) as literates or (5) as literates in English. For present purposes, it might be safe to assume that most of the latter would be qualified to vote. The bulk of the former category would be covered by the property qualification.

8. Two columns have been added to the statement which show the number of voters in municipalities, as it stands now when the franchise is based on a rate payment of, Ra 3 and as it was when the franchise stood at the lower figure of Re. 1-8. The municipal franchise, of course, includes other qualifications of an educational and professional nature which affect the figures.

### H. MCPHERSON,

Chief Secretary to the Government of Bihar and Orisea.

January 25, 1918.

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یک میں ا ا ب	Total	Number of from 1	00 sample	caleniated by rilinges) wit aing-	inference h rents	Number ing	of proprieto cess on valu exceeding-	ation	holders pt	of tenure- tying cess uation.	Number of In- come-tax	of Local Board	Number of electors of of rate pa	Municipal a franchise yment of -	Number of parts 20 years who a	of age	
Name of district.	population (nearest thousand).	Bø. 18.	Rs. 33.	Rs. 48.	Ba. 98.	Rs. 32.	Rs. 48,	Bs. 96.	Under Rs. 100.	Over Bs. 103.	(income exceeding Rs, 1,000 per anuum).	elceiors (Patna	Be, 1-9.	Bs. 8.	Literate,	Literate in English.	Bewarks.
1	- <u>B</u>	8	•	5	6	7	8	9	10	11	18	18	16	15	16	17	18
Shahabad Patna Gaya	1,865,000 1,609,000 2,161,00	112,488 94,861 161,977	56,244 47,430 106,731	28,122 81,620 51,688	5,624 10,540 15,312	16,298 25,578 18,297	14,944 22,885 15,721	12,114 16,849 11,095	19,968 14,010 (5,000)	4,584 7,000 (1,000)	982 1,095 1,118	32,372	7,6*4 16,437 7,249	4,424 11,000 4,937	72.976 77,792 - 67,976	5,703 6,128 2,811	Bonts in Gays are chicfly produce routs. The raiyati figures have
Total Patna Diva	<b>5,63</b> 5,000	369,826	210,605	111,490	\$1,506	60,568	53,550	40,058	(40,268)	(:2,584)	8,105	130,949	81.940	20,861	218,744	14,642	been calculated on an area basis,
Musaffarpur Champaran Saran Darbhanga	2,845,000 1,908,000 2,289,000 2,929,000	67,252 40,965 76,469 87,088	19,126 7,501 19,553 28,255	10,469 3,168 9,013 13,026	2,390 545 1,20.) 2,385	23,111 (1,373) 15,336 16,+19	18,685 (1,000) 3,791 18,975	12,713 405 1,815 9,548	484 1,591 2,911 1,461	577. 2,441 1,154 2,797	1,202 1,002 1,435 1,284		4,973 3,517 5,310 9,718	3,447 2,115 8,5 6 4,312	75,962 86,257 62,123 87,769	3,563 8,014 4,087 ,4,503	Lovel of rents is considerably lower in Champaran than in most other districts of Bihar.
Total Tirhut Divn	9,971,000	271,774	84,435	35,666	6,52J	55,939	87,451	24,481	5,867	6,972	4,923		23,418	19,430	262,111	15,187	•
Monghyr Bhagalpur Purnea Santal Parganas	2,131,000 2,139,000 1,989,000 1,882.000	76,160 73,576 55,519 48,508	33,584 28,961 16,116 8,170	19,008 18,975 8,058 2,553	5,440 2,877 906 408	19,029 (8,742) 2,403 1,599	11,562 (6,000) 2,209 974	(8,599 (4,000) 1,760 431	593 3,025 93,174 (4,900)	2,505 1,074 4,720 (2,000)	1,542 1,959 1,48 1,175	· 10	4,749 8,894 2,118 2,002	3,833 5,213 (1,40') 1,401	124,356 59,037 55,050 42,967	7,232 3,485 1,793 3,002	Aboriginal district with headman system prevalent.
Total Bhagalpur Divn	8,141,000	253,763	86,231	43,594	9,631	25,778	20,745	14,790	100,795	10,299	6,153	•	17,763	11,827	281,419	15,512	
Cuttack Puri Balasore Angul Sambalpur	2,109,0.0 1,023,000 1,055,000 199,000 744,000	10,970 8,932 9,169 1,412 3,450	1,351 1,902 1,304 -290 193	383 657 330 124 54	80 89 	(17,211) 5,076 (19,635) 875	(10,000) 5 010 10,000) 803	2,200 1,896 1,782 599	61,943 24,327 36,738	873 671 84	668 607 437 P 413		5,850 4,415 1,736 (935)	4,522 2,487 958  (935)	202,969 43,908 54,750 3,434 (30,000)	7,636 1,636 2,145 177 (1,000)	Number of holdings in Orissa districts considerably enceeds number of cultivators. Angul is a Government estate and the residents mainly aboriginal. Bambalpur is administered in se- cordance with the Central Pro-
Total Orissa Divn	5,130,000	33,933	4,740	1,548	198	42,797	23,815	5,887	122,978	1,128	2,125		12,936	4.847	835,061	12,594	vinces system.
Hazaribagh	1,387,000 1,283,000 1,647,000 694,000 687,000	7,044 14,764 15,767 23,100 5,563	744 2,577 2,452 600 1,388	213 562 700 150 53	 48 4  58	13 1,483 85 4 4,097	13 472 85 4 2,644	13 253 80 4 1,2?8	18,734 11,397 18,861 (1, 00) 8,758	835 2,554 2,765 (1,000) 767	907 551 857 895 878	· · · · · · · · · · · · · · · · · · ·	1,648 2,729 1159 810 685	1,600 1,663 1,241 626 537	29,975 20,045 46,813 10,558 7,801	2,728 2,474 4,185 1,395 1,863	A unali portion only of Manbhum .has been surveyed and settled, Bingbbhum is iargely aboriginal. Conditions are abnormal.
Total Chota Nagpur Divo.	5,603,000	66,128	7,761	2,041	106	5,682	<b>'3,218</b>	1,588	48,750	7,921	8,588		7,011	5,667	115,192	14,645	
GBAND TOTAL	84,480,000	994,924	393,772	194,279	47,961	199,769	138,779	86,804	318,658	38,904	19,894	130,949	92,468	56,152	1,213,527	73,560	

# STATEMENT II.

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# District Statistics of Area and Rent of raiyati holdings.

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District.			Number of			Average	Average	holding.	Number	Number of	Holding o oultiv	of average vator.	
			holdings (including fixed rent)	Area, in acres.	Rental.	rent per aore.	Årea.	Rent.	of cultivators.	holdings per cultivator.	Area.	Rent.	Remarks.
· · · ·	. 1		2	*3	4	5	6	7	8	9	10	11	12
hahabad atna aya	•••		562,443 553,569 694,211	Acres. 1,482,188 932,220 1,827,872	Rs. 50,06,171 78,00,531 10,96,723	Rs. 3·4 8·4 6·0	Acres. 2.6 1.7 2.7	Rs. 8·8 14·3 16·4	424,687 825,888 448,926	1·3 1·7 1·5	Acres. 3.4 2.9 4.0	Rs. 11.6 24.4 24.0	fincludes 256.213 acres held on fixed rent and 25.350 acres on produce ront. Includes 40',849 acres on produce rent converted at BS. 10 practo. Produce rents prepondente. An average general rate of Bs. 6 has been taken.
luzaffarpur hamparan aran arbhanga	184 184 184 184		956,203 469,022 690,386 888,535	1,921,375 1,319,000 1,102,382 1,402,482	47,74,479 28,29,573 47,76,731 53,04,479	2·5 2·1 4·3 3·8	2·0 2·8 1·6 1·6	5·0 6·0 8·1 6·0	595,016 406,628 - 491,201 576,040	1.6 1.2 1.4 1.5	8-2 8-2 2-8 2-5	8·0 7·0 9·6 9·2	· · · · ·
Mongh <b>yr</b> 3hagalpur Purnea Santal Parganas	••••	  	550,083 411,043 503,653 - 510,610	1,348,744 1,624,025 1,819,649 2,108,013	47,84,156 39,08,465 34,41,577 20,00,648	3.6 2.4 1.9 .9	2·4 4·0 3·6 4·1	8·7 9·5 6·9 3·9	824,991 344,812 829,528 429,830	1.7 1.2. 1.5 1.2	4·1 4·8 5·5 4·9	14.7 11.4 10.4 47	{Includes 243,570 sores on produce mant, { converted at Rs. 5 per sere.
Cuttack Puri Balasore Angul Sambalpur	*** *** *** ***	•••	814,887 \$82,295 521,670 \$4,009 69,148	720,690 521,400 570,863 161,000 832,623	18,78,174 9,26,036 10,16,533 1,24,033 2,78,836	2.6 1.8 1.8 .8 .8 .3	.9 1.6 1.1 7.7 12.0	2·3 2·8 1·9 3·7 4·0	\$36,176 177,596 \$36,446	2·4 1·9 2·2 	2·1 2·9 2·4 7·7 12 <sup>:</sup> 0	5.6 5.2 4.3 3.7 4.0	Excludes X hondowal subdivision. Courplete figures not available.
Ranohi Hazaribagh Singhbhum Palamau Manbhum	···· ··· ···	••• ••• •••	258,748 234,351 167,801 138,824	1,803,311 1,098,296 787,550 729,338	7,62,725 11,95,287 4,43,099 6,52,480	·4 1·1 ·6 ·9	7.0 4.7 4.4 5.3	2·9 5·0 2·6 4·7	···· •·· •··		7.0 4.7 4.4 5.3	2·9 5·0 2·6 4·7	Part surveyed only. Figures not available.

[No. 2.] No. 4167-29-3-G., dated Bankipore, the seth August 1918.

From-Rai Bahadur B. K. GANGULI, Offg. Magistrate of Patna,

To-J. A HUBBACK, Esq., 1.0.s., Officer on special duty in connection with the Reform Scheme, Ranchi Secretariat.

Will you kindly refer to your demi-official letter No. nil dated the 21st August 1918, about recording of votes at Council elections ?

2. I presided at Municipal and Local Board elections on several occasions. On one occasion I presided at a very keenly contested Municipal election in the biggest ward of a big municipality. The number of voters who attended was about 3,000. An Assistant Magistrate and I recorded the votes in the Register. It took us about 9 hours (from 8 a.m. to 11 a.m. and then again from 12 a.m. to 6 p.m.) to record the votes.

The new rules of the municipal election have made the work for taking votes more elaborate than before. It is presumed that similar rules will be adopted for the Council election. This is a factor to be taken into considera-tion in estimating the time that will be required for the polling.

3. In the district of Patna there are 32 Police Stations with a total population of 1,609,631. Ten of these lie within municipalities. There will of course be no difficulty in getting the requisite number of Gazetted Officers or officers or officers of similar rank and a sufficient number of ministerial officers to conduct the election in these ten Police Stations if the election is held on the same day. In Patna District there are at present 3 Joint and Assistant Magistrates, 23 Deputy Magistrates and Sub-Deputy Magtsirates, 3 Sub-ordinate Judges, 5 Munsiffs, 1 District Sub-Registrar, 4 Deputy Superintendents of Police and 18 Professors of the Provincial Educational Service. There are also other Gazetted Officers.

In some cases the teachers in Government Schools may well take the place of ministerial officers in the matter of assisting the Gazetted Officers.

I am inclined to think that there should be no difficulty in arranging in this district to depute 32 Gazetted Officers (one for each Police Station) and a sufficient number of ministerial officers and teachers to conduct the election I have consulted Maulavi Abdus Samad, Sadar Sub-divion the same day. sional Officer, and he agrees with me.

[No. 3.]

D.-O. No. J-1, dated Camp Jajpur, the 4th September 1918.

From-A. H. VERNEDE, Esq., I.C.S., District Magistrate of Cuttack,

To-The Chief Secretary to the Government of Bihar and Orissa.

With reference to your demi-official Circular letter No. 648-69-C., of 24th July 1918 and subsequent letters on the subject of the franchise under the pending Constitutional Reform Schemes, I beg to submit herewith the five required statements and to remark as follows:

**Raiyats.**—The number of raiyati holdings, paying rents not less than Rs. 16, comes to 19,455 (Column 11 of Statement A). The results, obtained by amalgamating holdings held by a raiyat under different landlords in the same village, as obtained from an inspection of 117 of the villages selected for Statement A, shows that the actual number of raiyats paying rents not less than Rs. 16 will rise still higher. (Vide columns 5 and 8 of Statement B.)

The Rs. 16 franchise will give very unwieldy electorates in many police stations assuming 500 votes as the maximum a polling officer can record in one day. day.

The results also, as between the various police-stations in the cases of all the 3 franchises are unequal and disproportionate. Yet I hardly suppose that Government contemplate a different standard of franchise for different policestations in the same district.

**Proprietors.**—The Statement O gives the information required under the head of Proprietors. Here also Rs. 3 franchise or the lowest of the 3 proposed franchises gives unwieldy results.

From paragraph 5 of your demi-official it appears that it is contemplated under this head to take the class of landholders immediately coming above the well-to-do raiyats. Proprietors, who pay Road-Cess not less than Rs. 3, hardly come under the latter category as they actually pay Re. 1 Road Cess from their own pockets, or in other words, generally hold *nijchas* lands less than most of the raiyats of the 2 higher franchises in Statement A.

I would accordingly recommend that the Rs. 12 franchise be adopted for this class. Even then, the total will be unwieldy at some police-stations and the results, as in the case of well-to-do raiyats in Statement A, will be unequal as between different police-stations, vide detailed statement marked  $O^{\circ}(1)$  and annexed to the required Statement C.

Polling unit and Government Officers available.—The police-station will presumably, as a rule, be the polling unit. But, if so, in some cases, e.g., Tirtole and Rajnagar, some electors will have to travel from 10 to 15 miles to the police-stations.

For this reason and also because one man can not record more than 500 votes a day, it may be necessary to have two polling stations in some policestation areas. We can, provided the offices are closed, supply 26, or, including Inspectors of Police, 30 Government servants as polling officers at the outside. There are 24 police-stations in the district and some of these, as explained above, will probably require at least 2 polling officers.

Tenure holders, Income tax payers, and persons having educational qualifications.—It has to be remembered that tenure holders, income tax payers and persons having an educational qualification only, have to be added to the figures shown in these statements in order to get the total number of voters for the district.

I presume the district will be the constituency and that a district like Cuttack may perhaps ultimately expect to have two members exclusive of a special representative of the Zamindars, i.e., 3 in all. At the present moment, Cuttack has actually 3 local representatives on the Provincial Council of whom one is nominated and also one on the Imperial Council.

No allusion is made in the Reform Scheme to qualifications of candddates, but presumably it will be laid down that they must be local residents, or, at any rate, persons with a reasonable stake in the district going back for at least 10 years or so. It is also desirable, in my opinion, that they should have done some actual work, either on District or Local Boards or Municipalities to be eligible.

[No. 4.]

Extract from D.-O. No. 319-C., dated Hazaribagh, the 5th September 1918. From-E. H. BERTBOUR, EEq., 1.C.S., Deputy Commissioner of Hazaribagh,

To-The Chief Secretary to the Government of Bihar and Orissa.

By way of general remarks I may point out that on the figures shown in Statement A, the number of raiyat-voters will vary from 528 to 1,690 in sixteen police-stations if the minimum qualifications for those voters be fixed at Rs. 16 rental. To these figures will be added the number of landlords, the income taxpayers qualified to vote besides those that may be declared eligible for vote on educational qualification. It follows therefore that the total number of voters in each of these police-stations will undoubtedly be too heavy for one polling officer and in some cases even for 3 polling officers. In order to make the electorate manageable and at the same time to make the franchise sufficiently broad I should recommend the minimum qualification in the case of raiyats to be fixed at Rs. 32 annual rent.

On the figures arrived at I do not think that it would be possible in this district to maintain a single electoral roll to serve the purpose of all elections, i.e., for the Union Committee, the Local Board and the Legislative Council.

In the majority of police-stations in this district it will be possible to manage with one polling booth which may be at the headquarters of the police-station. But there are some in which the headquarters of the policestation is considerably farther than 8 miles from the farthest village so that if the principle laid down in paragraph 6 of your demi-official No. 648-69-C., of the 24th July 1918 is to be followed it will be necessary to have two polling centres in each of the police-stations.

[No. 5.]

D.-O. No. 110-C., dated Daltonganj, the 7th September 1918.

From-R. G. KILBY, Esq., I.C.S., C.I.E, Deputy Commissioner, Palaman,

To-The Chief Secretary to the Government of Bihar and Orissa, Ranchi.

I enclose herewith the statements called for your Demi-Official letter No. 648-69-C., dated the 24th July 1918.

The figures now submitted in tables A, B, and D have, been very kindly compiled by Bridge, and I attach a copy of a demi-official which he has submitted with the tables as it will be of interest. Statement C asked for in the letter under reply and the other statement asked for in demi-official No. 909-29-C., dated the 12th August 1918 have been compiled by Babu Nandalal Sinha, Deputy Collector and are also submitted.

With regard to the question of the standard of Franchise, there is no Local Board here. Members of the District Board here have hitherto been appointed. If the elective system be extended to this district, the same standard could then be fixed as for the General Electoral Roll. There is only one Municipality, where the standard of Franchise is Rs. 1-8-0 Municipal Tax per annum. This Tax is composite, and is made up of (i) Personal Tax (ii) Water Rate (iii) Latrine Tax. Personal Tax is assessed on income. Water Rate and Latrine Tax are assessed on the value of holdings. It is impossible to compare this standard with the standard suggested for the General Electoral Roll. I should feel inclined to leave the Municipal Electoral Roll out of the calculation altogether, and have two separate standards as now at any rate to start with.

As to what standard should be adopted for this district, and where the polling should be done, police stations will have to be the polling stations at any rate to begin with. It is not advisable to start with too low a standard of Franchise, as it can never be enhanced. Personally I think a rental of Rs. 32 a year would be the most suitable standard for this district.

Bridge's objection that the big raiyat is the enemy of the small raiyat has considerable force, and I don't see how an electoral roll which would include the small raiyat can be prepared and the preparation of some sort of Electoral Roll is, I imagine, obligatory. I think the standard suggested by me will do as well as any other to start with. It will be noted that Thana Mahuadand will be practically unrepresented whatever standard is adopted.

> D.-O., No. 1076, dated Daltonganj, the 4th September 1918, -T. W. BRINGS, Esq., I.C.S., Settlement Officer, Daltonganj,

From-T. W. BRIDOR, Esq., LC.S., Settlement Officer, Daltonganj, To-R. G. KILEX, Esq., LC.S., C.L.F., Deputy Commissioner, Palaman

Another point in which Palaman does not conform to normal calculations is in the size and shape of its police-stations. The present distribution of areas is likely to impose on many raises journeys a long way in excess of 8 miles if they wish to register a vote at the police-station head-quarters. Balumath for instance is about 440 square miles in size and Latchar police-station is situated so near the edge of its own jurisdiction that a raise liking within 3 miles of it by an easy route may have to go 20 miles to Balumath to register

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But the special feature of Palamau which has by far the greatest importance in its bearing on the franchise question is the great backwardness of the district. This subject has been dealt with in a report on the subject of kamiauti recently submitted by me. It has been shown there that the big raigat and the small landlord (who are the same people) are the chief employers of serfs. They depend for their present method of livelihood on the complete depression and sometimes even upon the enslavement of the small raigats. The big raigat is in fact an especial enemy of the small raigat, i.e., of the vast majority of Palamau agriculturists. Their interests are in direct opposition. To make the one the representative of the other in a form of popular Government would be to enact a travesty of justice. If there is any intention of reserving backward areas, as I believe there is, from immediate participation in the Reform Scheme, Palamau, as much as any spot in India, calls for such reservation.

[No. 6.]

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No. 234-C., dated Arrah, the 7th September 1918.

From-F. P. DIXON, Esq , I.C.S., District Magistrate, Shahabad,

TO-J. A. HUBBACK, Esq., 1.c.s., Officer on special duty in connection with the Reform Scheme, Ranchi Secretariat.

The statements required by McPherson in his demi-official No. 648-69, dated the 24th July last are sent herewith.

In my opinion the electoral roll should be prepared for each police station and the names of voters arranged in alphabetical order. The list of voters from among traders, merchants and persons following other professions should be prepared from the Income-Tax Register; that of tenure-holders rent free holders and proprietors from the Road Cess Registers and the last Cess Revaluation records and that of raiyats from the Record-of-Kights. The educational qualification cannot be ignored and I think a <u>B. A. degree should entitle to vote</u>. As soon as the electoral roll is prepared it should be published locally and objections invited. These objections should be heard by a small Committee appointed for each police station.

The electoral roll once prepared should be revised and brought up to date a few months before subsequent elections by publication and disposal of objection in a similar way.

In order to make the scheme successful it is necessary to see that it is manageable. The Pandit has sent to you a copy of his note dated the 27th ultimo in which he has discussed the method of yoting: I agree with him. I think the electoral roll should be applied to both Union Committee and Local Board as well as Council elections. I can see no possibility of a one day election but a week ought to be long enough to complete elections in each Subdivision, the polling officer proceeding from thana to thana and allowing two days for the poll at each. The polling officer should be in all cases a Gazetted Government officer of rank not below a Sub-Deputy Collector. The electoral roll after formal publication should be printed and issued in book form (with columns appropriate for purposes of the polling officer) for sale to the public at cost price.

#### Extract from Pandit Lakshmi Misra's note.

I am not quite sure if I am to make any suggestion with regard to the size of the ek ctorate which will suit the local condition as well as make it truly representative of the agricultural class and at the same time not be so large as to be unmanageable. The learned authors of the Reforms have already pointed out the difficulty involved in the maintenance of the electoral roll, the attendance of voters at the polling centres, the danger of impersonation and the subsequent adjudication of electoral petitions.

I would think that payment of rent at Rs. 64 and above should under the present circumstances be fixed as the voting qualification of the agricultural class. This would I think result in an electorate of 7 per cent. of the total number of agriculturists. Considering that the percentage of literates to the total male population is 9 per cent., I would think that an electorate comprising 7 per cent of the total number of agriculturists ought to be considered to be a sufficiently representative one.

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## Dated Arrah, the 28th August 1918.

## -PANDIT LAESEMI MISBA, Deputy Collector, Arrah, То-J. А. НURBACE, Esq., 1.0.s., Officer on special daty in connection with Reform Scheme, Ram Socretariat.

I am sending you a copy of my note in reply to your demi-official No. 18-C., of the 21st instant to Mr. Dixon. He has agreed with me and has ordered me to send it to you.

### To Collector-

Please see Mr. Hubback's demi-official of the 21st instant and Kaviraj's opinion of esterday's date. I have considered the matter in the light of my own experience although cannot claim a good deal of it.

There are 3 methods of seconding votes :---

(1) In which polling officer has to record the name of each and every voter who appears before him.

- (2) In which the polling officer has before him a list of voters and he has simply to put distinctive mark against the name of each voter indicative of the candidates for whom he wotes.
- (3) The ballot system which has recently been introduced in the Municipal elections. I do not think the last system will do in the case of so large an electorate as is, contemplated by the scheme for the simple reason that the percentage of illiterate is very large. In the second system difficulties will arise in finding out the name of votor and the time that will be taken in recording names of voters as they appear before the polling officer will be shorter than the time that will be spent in turning over the leaves of the list and tracing the name of the voter in the list. Thus the first is the only method which can be adopted.

the list. Thus the first is the only method which can be adopted. The best thing would be to arrange the villages containing voters in alphabetical order of their names and prepare a list of voters in each village in the same alphabetical order. The polling officer will take the help of one or more assistants according to his requirement and the voter will go to the assistant who will satisfy himself about the identity of the'voter and make over to him a chit containing his number in the voting list. The chit will have to be prepared for each goter beforehand and voter will take it to the polling officer who will go to the candidate for whom the voter will vote. This system will be a sort of compromise between the first and the third methods shown above. By this system it will nate a polling officer will take in counting the votes at the close of the election, we may count upon one polling officer recording 500 votes a day.

[No. 7.]

D.-O. No. 294-C., dated Monghyr, the 7th September 1918.

From--BAI BAHADUR G. C. BANARJI, Officiating Magistrate, Monghyr,

To-The Chief Secretary to the Government of Bihar and Orises.

I beg to refer to your demi-official No. 648-69-O., dated the 24th July 1918, and subsequent demi-official letters, on the subject of the franchise under the pending constitutional reform schemes and submit the figures called for by you, embodied in the statements enclosed.

you, embodied in the statements enclosed.
2. Bearing in mind the principle that taxation should go hand in hand with representation, cess payment should be made the criterion for the eligibility for a vote in the case of the rural population. In view of the fact that there is a very large number of raivati holdings in Bihar, I think that the minimum amount of cess payable by a voter should be fixed at Rs. 3. This in the case of raivats will limit their number to only such as pay rent not less than Rs. 96 a year, while in the case of petty proprietors, tenure-holders and rent-free tenants, only those whose estate valuation for cess purposes comes to Rs. 100 should be made eligible as woters. This will bring the number of voters among the rural population in this district to about 22,000. But this figure is partly conjectural. An elaborate census of such voters should, I think, precede the preparation of the electoral roll.
3. The whole district may be divided into the existing police stations.

3. The whole district may be divided into the existing police stations for purposes of election. Police stations which may be found to contain a very small number of voters may conveniently be amalgamated with their adjoining police stations. I think an electoral roll for the whole district.

divided into units of police stations, may be prepared. This electoral roll may be maintained in the Collectorate Record room like Register D, mutations being made on the reports of Police Officers in charge of police stations verified by local enquiries if necessary. In each police station should be kept a list of the voters within its jurisdiction, in which mutations will be made on receipt of orders from the Collector.

4. Each police station may be made a polling centre and the polling supervised by Gazetted Officers or such persons as the District Magistrate may nominate.

5. Ordinarily election disputes may be decided by the District Magistrate just as it is done in the case of District Board elections. If such disputes be very large, a special officer may be deputed to decide them.

### [No. 8.]

### D.-O. No. 186-C., dated Purulis, the 9th September 1918. From-W. M. CEAWFORD, Esq., I.c.s., Deputy Commissioner of Menbhum,

To-The hief Secretary to the Government of Bihar and Orissa, Banchi.

Statement Y gives the approximate number of voters for each police-station area of the district as obtained by proportion from the figures obtained of tenants paying Rs. 16 and over of rent. I do not think that the electorates as shown in column 4 of Statement Y will be considered too large to be workable. Only 6 out of the whole list are over 500 electors. To take the higher limits of franchise, viz., those whose rents are 32 and-over and 43 and over, would reduce the electorates to very insignificant proportions.

### [No. 9.]

### D.-O. No. 191-C., dated Motihari, the 8th September 1918.

From-W. B. HEYCOOK, Esq., I.C.S., District Magistrate, Champaran,

To--The Chief Secretary to the Government of Bihar and Orissa.

Kindly refer to your demi-official No. 648-69-C., dated the 24th July 1918, on the subject of the franchise under the constitutional reform scheme and subsequent letters on the same subject.

A glance at column 11 of Statement A will show that if, when actual electoral rolls are prepared in this district on the basis of the franchise contemplated in your letter, they approximate to the figures in Statement A, the work of presiding over the elections at each police station will be far from heavy, except in the two areas where there are Municipalities and where also the number of literate persons is larger comparatively speaking. If Municipal areas are treated as a separate unit this difficulty will also disappear. Taking this into consideration and also considering the fact that the level of rents in Champaran district is considerably lower than in the other districts of Bihar, possibly the franchise for rural voters might be broadened a little, by fixing the minimum limit at Rs. 24 instead of at Rs. 32. I am not prepared however to press this point because in point of education Champaran is a very backward district. There are also obvious advantages in having one electoral roll for all elections in the district and it would be as well to have one standard of franchise for all Bihar Districts, just as uniform standards have been fixed for Chota Nagpur and Orissa districts.

The standard suggested will serve, as a general standard for all elections.

D.-O. No. 266-C., dated Muzaffarpur, the 15th September 1913.

From-A. W. BARNICOTT, Esq., I.C.S., District Officer, Muzsifiarpur, To-The Chief Secretary to the Government of Bihar and Oriesa.

Pers. 11 of your letter.—Generally speaking I would favour simplicity as much as possible in the preparation of the electorate roll and the machinery of voting. I am therefore, of opiniou that a single electoral roll should be maintained but that the standard of franchise should be raised all round, having regard to the fact that a large number of persons pay rent of not less than Rs. 32 and cess of Rs. 3, 6 and 9 in this district. With this modification the electorate should not be unmanageable. The thanas would probably be the best polling-stations, and the voting might be allowed to extend over 2 or 3 days.

<sup>[</sup>No. 10.]

[No. 11.]

### D.-O. No. 87-Con., dated Balasore, the 9th September 1918. From-M. K. DEB, Esq., 1 C.S., District Magistrate, Balasore,

To-The Chief Secretary to the Government of Bibar and Orissa.

I have already sent you the statements asked for in your demi-official No. 618....69-C., dated the 24th July 1918, with my demi-official No. 4213, dated the 5th September 1918. I shall now deal with paragraph 11 of rour letter your letter.

2. I think it would be impossible to have a single Electoral Roll in each district for union committees, Local Boards and the Legislative Council for the following reasons :-

- (i) An Union Committee, is established over a very small area and a Union Committee, is established over a very small area and even if every inhabitant in the area paying a tax to the union committee be given a vote, the Electoral Roll for the purpose of elections of members of the union committee will never be unwieldy. On the other hand if the qualification of voters be raised so that the Electoral Roll for the Legislative Council may be of a reasonable size, it is quite possible that the number of electors in an union committee will be less than the number of members to be elected for the negatively and the sumber of the set of than the number of members to be elected for the particular union committee. So union committee must have a separate electoral roll.
- (ii) Local Board elections take place at different centres, generally at Thana headquarters. No if there are 12 members there would be 12 centres of election and even if the total number of voters be as much as 3,000, there would be no difficulty.

(iii) In the case of the Legislative Councils the elections, I presume will be at District headquarters as the elections will be hotly contested and there would always be a likelihood of a breach of the peace. The number of vacancies for each district will also be much less than what it would be in the case of Local Boards. The result will be that if there be the same Electoral Roll the number of electors for the Legislative Council the number of electors for the Legislative Council would be several thousands and it would be impossible to record their votes in a day.

3. I think the best plan would be to have different standards for each district so that the number of electors in a district may not exceed the number of electors whose votes can be recorded in a day. From the number of electors whose votes can be recorded in a day. From the statements prepared it can easily be determined what should be the qualifica-tion of an elector in a particular district regard being had to the number of members to be allotted to that district. It is possible that this may be fixed by divisions instead of by districts. After this is done in the case of the Legislative Council, the qualifications necessary for electors in the Local Boards and union committees can easily be lowered according to the size and the number of members required in each Local Board or union committee Personally I think there would be no difficulty in any Local Board if the qualification of an elector he fixed at Each a Board cess or Bs 20 Board if the qualification of an elector be fixed at Re. 1 Road cess or Rs. 20 income; in the case of many union committees this would be too high a standard and will have to be lowered and in the case of electors of the Legislative Council this has to be considerably raised so that the number of electors may not be unwieldy. I think therefore that there should be three Electoral Rolls one for the Legislative Council, one for Local Boards, one for union committees.

[No. 12.]

D.-O. No. 161, dated Cna b sa, the 9th September 1918. From - A. GARBETT, Esq., 1.c.s , Deputy Commissioner, Singhbhum, To-The Chief Scoretary to the Government of Bihar and Orissa.

There are nine police-stations in this district and excluding the one for the Municipal town of Chaibasa there are eight only. There are three main territorial divisions of this district namely the Kolhan, Porabat and

Dalbhum, each of which has a separate settlement record and report. There is one police-station in Kolhan namely Kolhan, two in Porahat namely Monoharpur and Chakradharpur, and five in Dhalbhum namely Ghatsila, Sakchi, Swaspur, Kalikapur and Bahragora.

Kolhan — The figures have been prepared from the new settlement records which have been just made over by the Settlement Department.

Raiyats.- It would be seen from the Statement A that there would be approximately 1,243 voters. In this connection 1 would request you to peruse the report of the Superintendent of the Kolhan Government Estate, a copy of which is enclosed, who says as follows:----'' But in an Estate like the Kolhan whose population is almost aboriginal and is very ignorant and improvident, the franchise should not be extended to raiyats even if they come within the qualifying standard of cess payment. Their own tribal and feudal system of Mankis and Mundas, the representatives of the people, is a very ancient one and this is the recognised and ancient organization for the decision of disputes about land, inheritance, partition, marriage, etc., among themselves. In this view of the case they are the only true representatives of the people and alone should possess the franchise.'' There are 75 Mankis and 911 Mundas in Kolhan and the Kolhan Superintendent recommends that the franchise should go to them instead of the raiyats who come under the qualifying test. These are the hereditary village headmen and the franchise should go to them. It is not desirable to ignore this primitive village organization. The raiyats are illiterate and unfit to exorcise the right of voting and hence the Mankis and Mundas should have the power of voting. It is true that some of the Mundas also are unfit to exercise the right of voting. From Statement. C (*ii*) it would appear that only 223 Mundas and 17 Mankis come under the qualifying standard as raiyats. Although their status now is no more than that of a Government servant getting a certain percentage of the rent they collect, as commission, the institution itself is hereditary and recognised by Government. The first settlement was made in 1837 and it preserved the village organization of the Hos by which the Mankis or chiefs of the parganas became responsible for fiscal and police purposes with the Mundas or headmen in each village as their assistants.

Tenure holders and proprietors.—There are no tenure holders but there are 12 Lakhirajdars who have been included in Statement C (i) of proprietors. Nine of these are Mankis.

With reference to the above remarks I would invite attention to paragraph 199 of the Report on Indian Constitutional Reforms dealing with the Treatment of backward tracts.

In view of the fact that the inhabitants of the Kolhan are primitive and backward, there are few, if any, materials on which to found political institutions. All history is against any revolutionary break in the method of administering such peoples, and I am therefore in favour of the exclusion of the Kolhan from the jurisdiction of the proposed reformed provincial Government and would leave this tract to be administered by the head of the Province.

Porahai.-

Raiyats.—The information asked for has been obtained from the records of the settlement of 1903. Porahat is divided into two parts namely Khas Porahat and the Tenure-estates under the Roja of Porahat. Khas Porahat again consists of two divisions namely (i) The Sadant Pirs of Chakradharpur and Porabat and (ii) the eight Kolhan Pirs. In the Kolhan Pirs, as in the Kolhan Government Estates, the headmen system of Mankis and Mundas prevails. There are 13 Mankis and 270 Mundas here. Approximately there would be 1,157 raiyat voters from the whole of Porahat, but this figure seems too high, as a large portion of the tract is jungly and the villages small. My predecessor Mr. Hallett in his demi-official letter No. 6, dated the 13th January 1918 to you, has expressed his views as follows :—

"Here again in the Kolhan Pirs where there are still village headmen, votes, if given at all, should go to the Mankis and Mundas; there are 13 Mankis and 210 Mundas, but in the Sadant Pir and in the sub-estates of Kera,

Anandpur and Chainpur, where there are no Maakis and where in many cases the Mundas or Thiocadars have been ejected or are no longer representatives of the village community some other system would have to be adopted, and it is difficult to suggest any satisfactory system." Here too it is not desirable to ignore the ancient organization of the Mankis and Mundas and I would suggest that these Mankis and Mundas should have the power of voting. As regards the Sadant Pirs the criterion should be the payment of cess as proposed. The Mankis and the Mundas and headmen who come under the qualifying standard fixed for the raiyats have been shown in Statement C (*ii*).

• Tenure kolders.—'licre are 20 tenure holders and they have been shown in Statement C (ii).

**Proprietors.**—Two have been shown in Statement C (i) namely the revenue tree estates of Porahat and the rent free estate of Abhiram Tung at Monoharpur.

In view of the fact that the circumstances of the Kolhan and Porahat are practically similar, I am inclined to recommend exclusion in the case of Porahat also.

Dhalbhum.—This is the largest tract in this district and the information has been gathered from the settlement records of the year 1911.

Baiyats.-Approximately 1,454 will be qualified to vote.

Tenure holders.—I append a copy of Appendix II of the last Revaluation return. The information for Statement C (ii) has been taken from the Valuation Statement Board's Cess Return No. 1. Statement C (ii) gives the number of rent paying and rent free tenures.

Proprietors.—There is only one estate vide Statement C (i).

I do not anticipate that under any system of electorate likely to be introduced there would be any particular difficulty in managing and conducting the polling and in preparing and maintaining the rolls in this district.

### [No. 13.]

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No. 211-Con., dated Parnes, the 10th September 1918.

From-BABU J K. SINHA, Offg. Collector of Purnes, To-The Chief Secretary to the Government of Bihar and Orissa, Rauchi.

To-The Chief Secretary to the Government of Bihar and Orisa, Ranchi. With reference to paragraph 11 of your letter Mr. Hallett who is now on leave writes as follows:—"In my opinion it is desirable to have a single electorate both for Council and Local Board elections and to raise the scandard of franchise all round. This will facilitate the preparation of electoral rolls which will in any case be a difficult matter. In districts, where the record-of-rights is growing out of data the preparation of the roll will be even more difficult—especially in a district such as Purnes where much new land has been brought under cultivation since the sectilement. I find from the statements that have been prepared that the proportion of tenants paying Rs. 32 rent in the north-east of the district especially in thana Bahadurganj is considerably higher than in the couth and west, bdt these figures are misleading for since the record-of-rights was prepared much new land has been settled oftom at high rates of rent in the west and south of the district. In areas such as these where owing to new eetilement or enhancement of rent the record-of-rights was not reliable, special precautions would have to be taken to ensure that "Benami" settlements were not made with a view to creating voters and in all such cases strict proof of the rent or cess payable would have to be demanded. If the franchise is fixed on a rental of Rs. 32 it does not appear that the number of voters will be unmanageable and polling stations at the district and subdivisional headquarters would is sufficient for the district."

### [No. 14]

D.-O. No. 4557-G., dated Laheria Sarai, the 11th September 1913.

From-KHAN BAHADUE ASHFAQ HUSAIN, Offy. Collector of Darbhanga,

To-The Chief Secretary to the Government of Bihar and Orissa.

Kindly refer to your demi-official letter No. 648-69-C., dated July 24th, 1918, on the subject of the franchise under the pending constitutional reform schemes and the subsequent directions issued on the same subject. The required statements prepared accordingly are enclosed.

2. As regards the preparation of electoral roll and its maintenance my views are briefly as follows :---

Preparation.—" The unit should be a Chaukidari circle. A draft roll for each circle should be prepared under the supervision and control of an officer not below the rank of a Sub-Deputy Collector. In preparing the draft roll he will refer to the Survey khatians, khewats, revenue chalans and cess chalans produced by each person. He will also refer to the assessment books of the Sarpanch in which he usually enters the areas of holdings owned by each assessee. When a draft roll has been prepared it will be published and any objection made in time heard and where necessary corrections made. When the roll is finally published it will not be altered except under certain exceptional circumstances. If a person holds lands in more unions than one his roll will be prepared within the union or the Municipality within which he resides. Each Municipality will form a unit by itself. This process of preparation of the roll, I admit, will be expensive. But expense cannot be avoided or grudged where a body is to be formed which is intended to be the nucleus of administrations.

Maintenance.—I think the roll should only be revised after four years or just a year before the next election is to take place. In this case applications will be invited for fresh entries and the union Sarpanch will also be asked to submit reports on changes required.

[No. 15.]

No. 116-Con., dated Dumka, the 11th-12th September 1918.

From- E. L. TANNEE, Esq., I.C.S., Deputy Commissioner, Santal Parganas, To-The Chief Secretary to the Government of Bibar and Orissa.

With reference to your D.-O. No. 648-69-C., dated the 24th July and subsequent instructions I send the statements asked for with the following report.

2. For the purpose of Statement A police-stations were taken as the unit where these existed, the only exception being Dumka Police-station which is small and consists principally of the Dumka Municipality. Where policestations did not exist, the Sardari centres were taken as convenient units in the non-Damin tract. These units are somewhat smaller than an ordinary police-station but it would not be difficult to combine them together. It is difficult to do this till it is settled what size the electorate will be. If each police-station and centre is a polling station there will be 44 in the district (including 9 Damin centres) an impossible number to control if polling is to take place in one day. In the Damin the bungalow is the only existing unit. This is much too small and the bungelows have been grouped into centres, 3 in Godda Subdivision, 3 in Rajmahal, 2 in Pakur and 1 in Dumka.

3. I have had no experience of conducting or dealing with elections and am not therefore in a position to offer any suggestions of value. The following points have, however, occurred to me.

The settlement records will not be a reliable basis on which to prepare the electorial rolls except when of recent date. In regulation districts this is due to frequent changes owing to inheritance and transfer. In the Santal Parganas this diffinity will not be so acute because land is not transferable and in headmen villages the headman's copy of jamabandi is kept up to date. In khas villages too the zamindars have their jamabandi based on the settlement jamabandi and probably keep it more or less up to date. I would therefore propose that in this district the headman's or zamindar's jamabandi should be used as the basis of the electoral roll. These could be prepared in the villages or by the zamindars' staff and then a certain proportion checked by a gazetted officer and they would then be published. There will be no objection except by the people entered to try and get off to save themselves trouble because until candidates for election are in the field and know how electors are going to vote it is to nobody's interest to scrutinise the roll. The first few rolls until the

practice of nursing constituencies and having party agents grows up are bound to be defective. I think, however, that this must not allow objections at the poll to electors because they are not of the required standing. Such a question cannot be decided summarily and the only objection permissible at the poll should be on the ground of the person voting not being the one entered in the roll. This will necessitate the signing of or giving of thumb impression on the roll at the time of preparation and taking power to compel the elector to sign his name or give his thumb impression at the time of voting if required to do so by the polling officer. There must be some system of this sort, because apart from fraudulent personation, innocent personation would go on to a large extent owing to the fact that the people do not regard themselves as individuals but as members of families.

4. The question of the number of polling stations I have already referred to. If the electorate is in this district on the Rs. 16 basis the number of electors at polling stations as in Statement A will vary from 10,500 at Godda to nil at Haripur in Dumka. This excludes urban voters. None of these rural electors will dream of voting unless their zamindar is sufficiently interested to order them to. In the Damin the Subdivisional Officers will have to issue orders and the special difficulty arises of the electors having to make up their minds between two candidates when they neither know nor care about, the Subdivisional Officer being unable from his official position to advise them. The probable result will be that they will not vote at all. The number of electors at each station should therefore be well within the capacity of one polling officer. There are not enough gazetted officers to look after every station, however, and the number of electors is small it means disfranchising those outside a certain radius owing to the distance from the polling station, but as they would not in any case vote of their own free will this is not of importance. With an usual staff we could not manage more than 20 polling stations which would be as follows:—

Deoghar Subdivision 57		4 (Police-stations.)
Dumka Subdivision (outside Dainin)	2.00	3
Jamtara Subdivision		2
Pakur Subdivision (outside Damin)		8 (Police-stations.)
Rajmahal Subdivision (outside Damin)		8 . n . n
Godda Subdivision (outside Damin)		
Damin-i-koh	• • • •	

[No. 16.]

D.-O. No. 164-Con., dated Bhagalpar Magistracy, the 14th September 1918.

From-B. C. SEN, Esq., I.C.S., Magistrate, Bhagalpur,

To-The Chief Secretary to the Government of Bihar/and Orissa.

I submit below my views on paragraph 11 of your demi-official letter No. 648-69-C., dated the 24th July 1918. They are expressed with much diffidence as I have had no experience of elections on a large scale.

diffidence as I have had no experience of elections on a large scale. 2. It appears to me from the statements submitted with my previous letter that the electorate will be too large for practical management if the standard of property qualification be lower than a rent of Rs. 64 or easy of Rs. 2 in the case of tenants and of Rs. 6 in the case of proprietors. In the case of tenureholders a minimum rental of Rs. 100 will probably be adopted. With the above standards the electorate in the rural area of this District will consist, roughly speaking, of about 20,000 voters. There are altogether 24 police stations which will give a rough average of one thousand voters for every police station. In some, however, the actual number will be more. A single day will not be sufficient for the elections which will have to extend over three or four days, during which all Courts, including Civil Courts and Government officers may be available for presiding at the elections. These officers should be helped by local committees consisting of the members of the Panchait and other selected men of each Union, specially to prevent false personation.

3. I think that in view of the above numbers the standard of franchise may be the same for Local Board and Council elections. But it will be too high for elections to Union Committees.

4. As for the preparation and maintenance of electoral rolls, the preparation should, in the first instance, be entrusted to the Panchaits of each union who with proper instructions both written and personal from the District and Subdivisional Officers and their staff should not find the task difficult with the help of settlement khatians and zamindars' jamabandis. These lists may then be checked by revenue officers of the status of Kanungoes and for this purpose a temporary staff will have to be engaged, recruited chiefly from persons with experience as Settlement Kanungoes and Assistant Settlement Officers. Lists of electors qualified on grounds other than the holding of land may be further checked from information available in the offices of the District and Subdivisional Officers.

5. I doubt if the constant maintenance of the electoral rolls up to date will be practicable. It would probably be best to have a general revision before each election.

[No. 17.]

### No. 2470-P., dated Cuttack, the 15th September 1918.

From-The Hon'ble Mr. J. F. GRUNING, C.I.E., I.C.S., Commissioner of Orisea Division,

To-The Chief Secretary to the Government of Bihar and Orissa.

Will you please refer to your demi-official letter No. 648-69-C., dated the 24th July regarding the franchise under the pending constitutional reform schemes. The time allowed has been too short to enable me to go into the figures at all thoroughly; in fact the Puri report reached me only yesterday.

2. As far as I can see the District Officers have discussed the matter adequately, and Hubback is in a far better position than I am to say what is feasible, for he will have the returns from all the districts in the Province before him and will be able to compare them.

3. Although there would be undoubted advantages in having a single electoral roll for each district to serve the purpose of all elections, I do not think that it is practicable in existing circumstances. The roll for a Union Committee Election should go very low indeed. A Union is a small thing and all the respectable inhabitants in it will soon have some idea how it affects them and their affairs. If such a standard is adopted for a Council Election, the resulting electorate will be hopelessly unmanageable. On the other hand, if the figures suggested by the District Officers as qualifying for a vote for a Member of Council are accepted, the Union Electorate will be reduced to undesirably small dimensions. The Local Board for Election purposes occupies a position half way between the Union and the Legislative Council.

4. A further consideration is that the adoption of the principle of election on a wide basis renders it essential to educate the mass of the population, who are in India the cultivators, into understanding its meaning. It seems to me that it must be admitted that the idea of Election by vote is entirely foreign to them. Election by acclamation they understand to some extent, and it was often employed in Bihar in selecting Presidents of Panchayats. The present Mahant of the Nimez temple (vide the notorious murder case) was chosen in this manner by the villagers of Raghunathpur and the neighbourbood, though his appointment, owing to some peculiar local custom which I was never able to understand, was held by the people to require the sanction of the District Judge which they duly obtained. With a low franchise for Union Elections, a higher one for Local Boards and a still higher one for Legislative Councils, the people will gradually be trained in the exercise of their votes without tho risk of masses of ignorant electors being assembled together with all the possibilities of trouble that may arise therefrom. Gradually as knowledge extends, it should be possible to broaden the franchise, first for Local Boards and then for Legislative Councils,

[No. 18.]

# 2:3.

### No. G.-XXII-45-54, dated Bankipore, the 3rd October 1918.

From-The Hon'ble Mr. C. E. A. W. OLDHAM, C.S.I., 1.C.S., Commissioner of the Patna Division,

To-The Chief Secretary to the Government of Bihar and Orissa.

In reference to Local Government Memo. No. 670-75-C., dated the 24th July 1918, on the subject of the franchise under the pending Constitutional Reforms Scheme, I have the honour to say that my views are stated briefly below. I consider that any attempt to constitute electorates on the basis of the amount of rent paid or the amount of cess paid will involve great labour on the part of the District Officials, and will be beset with many difficulties not only in the original preparation of the roll, but in its maintenance in subsequent years, in view of the constant changes, to which the factors upon which such a roll would be based, are subject. The fact is that at present we have no suitable foundation on which the establishment of such a wide franchise as the inquiries contemplate can be based. I am of opinion that it is premature to establish a wide franchise on a basis of rent of cess payment. This province is not ready yet for such a system; nor is such a franchise suited to the conditions of the province or to the genius of the people.

to the conditions of the province or to the genius of the people. 3. As I have stated before in my note dated the <sup>36th</sup> September 1917, we should first of all lay an appropriate foundation for a broad franchise by developing the village and circle system. Since that note was written, I have read the Bengal Village Self-Government Bill, which was introduced in the Bengal Provincial Legislative Council on the 2tth December 1917. Legislation on somewhat similar lines might appropriately, I think, be introduced in this province. That bill contemplate the establishment of Village Committees and Circle Boards throughout the province. If such were established, we would have a self-registering local agency to utilize. Instead of widening the franchise at the outset to an unwieldy or unmanageable extent, it would be possible to give a vote, say, to every president of a Village Committee (who would be elected by the members of that Committee). Such a system would not only provide a wide franchise, but the effect would probably be to stimulate the development of the Village Committees. The votes could be recorded at the headquarters of each Circle Board in the presence of the Chairman of that Board and such special officer as might be deputed from headquarters for the purpose. If some such system as the above were introduced, the serious difficulties attaching to the maintenance of the electoral rolls would be avoided : in fact the rolls would be maintained automatically; each Circle Board would have the information required available at the time. Moreover, the difficulty of identification of voters would be minimized.

4. As regards the management of the polling booths, I think the system suggested in the note of Pandit Lakshmi Misra, forwarded with the letter from the District Officer of Shahabad, will probably be the most suitable.

## B. 4 O. G. P. (P. A. E.) No. C33-150-4-11-1518-S. A.

Note for the Franchise Sub-Committee.

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The following brief, and, owing to the very short notice given me, hastily prepared, note is submit ted. 2. I am of opinion that the people of this Province are not yet fitted, by education, by instinct or tradition, for the broad extension of the franchise on a system of direct voting contemplated by the proposals under discussion. To the great bulk of the people to whom the privilege of the vote will be extended the system of election by ballot is a strange exotic, wholly foreign to their genius. If the Provincial Legislative Council is to be enlarged much beyond its present size, our object should be to ensure the return as members thereof of persons truly representative of the most important interests in the country, and especially of the landholding and agricultural interests, of the people who have the greatest stake in the country and in the peaceful and orderly working of the administration. I apprehend that this will not be the result if the proposed scheme is carried into effect, and that the interests of the great masses of the people will suffer. 3. I am of opinion that before any such system of broad direc franchise can properly or reasonably be introduced in this Province, steps should first be taken to prepare a foundation for it, by the establishment of a network of local bodies throughout the districts based on elective principles, that will teach the future electorates what government by elected representatives really means, and develop the "citizen spirit" without which any system of broad direct franchise must be more or less of a farde.

4. Holding the above views, I consider that the rural franchise should be extended slowly and cautiously. If the franchise be extended at once to all raivats paying a rent of Rs.48/- or Rs.64/- and all holders of tenures with a cess valuation of Rs.100/-, the result will be that the vast

majority of these exercising the vote will not understand the real significance thereof. The first impulse of raiyats in these circumstances will be to go straight to their malik, or . landlord, to ask for his orders as to what they are to do. They will ordinarily give their votes for the person he memes. The success of a candidate will, therefore, depends largely upon his power of influencing the local maliks, and so upon the organization at a wandidate's disposal for securing the cooperation of these men, who have no system of combination among themselves capable of withstanding an organized canvass, and have not the education to understand the ultimate result of their action in giving a vote for any particular individual. The great magority of these maliks are men of no education, 5. who have no interests beyond the agricultural conditions of thei zamindaris and the collection of their rents, and know nothing whatever of political movements or of what goes on in the Legislative Council, of the existence of which many do not even know: much less do they understand what it means. If I were to go round the districts and ask these men who represented the landholders of their division upon the Legislative Council, I doubt if five percent of them would be able to tell me and I am certa that not five per cent would be able to tell me who represented the non-official members of the local Legislative Council in the Imperial Council, or even who represented the landholders of the Province in the Imperial Council. They know nothing of politica questions and care less. The questions that absorb their attention and concern are the payment of their Government revenue whether the seasons will be favourable as as to enable them to realise their rents, and litigation with their tenants. If a candidate should seek to win their support, he would not do so by addressing them on the political or social questions of the day - he would approach them on the only subjects that interest them, viz., litigation with temants, payment of revenue and realization of rents; and here again it is where members of the

legal profession, with the gift of ready speech, have such an advantage in canvassing them. If a hint is thrown out that by supporting such and such a candidate they will get legal assistance in litigation with their tenantry, they will most likely swallow the bait. In 1917 when measures were concerted to arouse the interest of the masses in the question of "Home Rule" and teach them their "rights against the State", I was informed that the raiyats were getting the impression that it would mean decrease of local taxation and reduction of rents ! I am referring to existing facts, to present day conditions, not to what should be, and what we all wish to be. I mention these matters to indicate how utterly ignorant the people at large are at the present time of "politics" in the most comprehensive senfe of the term, and how unfitted they yet are to exercise the vote. It is not, moreover, a case of a year or two, it will be decades, perhaps generations, before the atmosphere is congenial for a system of wide direct franchise by ballot as we understand the system in western countries. These points are all relevant to the question of the extent to which the franchise can with any reason be widened at present.

I have had long personal experience of elections of all kinds 6. in this country, and I have never known the mufassal voters want to ascertain the political or social views of a candidate before Their votes have generally been deciding to vote for him or not. given as a result of some influence brought to bear. Practically the only occasions on which the truly rural folk exercise a vote at present in these parts are the Local Board elections. In these elections my experience, and the experience of officers subordinate to me, has been that the villagers receive instructions as to whom they should vote for from their maliks. In the mufassal municipalities the only plank that I have ever heard of candidates standing on has been that of reducing taxation. I have often heard of this being stated as the inducement for giving a vote to a particular candidate. In most of the mufassal municipalities in

Hindu party, and keen rivalry is displayed between the two. When one party secures a majority, the other party form the opposition and do what they can to oust their successful opponents at the next election. Where a non-official has been appointed chairman of a municipality, I have often been requested to arrange for an official chairman on the ground that the person in question was associated with one faction, and that the adherents of the other party would be put to trouble. In the case of elections to the Legislative Councils much the same thing goes on. I have had many cases before me of charges of corrupt practice and of the use of methods of securing votes that indicate that the idea of candidates representing the opinions and interests of the persons voting for them has not permeated the masses at all, and is understood by a comparative few. Racial or religious considerations and questions of local power or influence have paramount force. I need not perhaps here quote specific instances, but I can if necessary. 7. I understand that the intention of the framers of the Report in recommending a direct franchise on as wide a basis as possible was to ensure that the successful candidates should more truly represent the feelings and interests of the mass of voters. The great bulk of the voters under the proposals submitted will consist of agriculturists, who are, no doubt, the most numerous and important section of the people in this - chiefly agricultural country. But I do not consider that, as conditions are, the effec will be as intended. I am convinced that the successful candidates will not represent the real opinions and interests of these masses any more than they are represented on the existing councils. If the true choice of rural villagers is to be ascertained, it must be taken in the villagés themselves, in the presence of their covillagers, where it is well known outside or improper influences have least effect. If we are to secure the real representation of these people we must start in the villages, and work upwards, which after all is only synonymous with the truism, that one must not build without laying a foundation.

8. As regards the danger of such an extension of the Tranchise

as might lead to a breakdown of the machinery through sheer weight of numbers, it will be necessary in the first place to fix some limit of time during which the actual work of voting should be completed. On the average, I doubt if 'it will be safe to calculate on a polling officer being able to deal with more than 350 voters per day of 8 working hours. At headquarters stations or in large towns, where officers with previous experience of supervision of polling stations are available, larger numbers can, no doubt, be put through in a day; but the supply of such officers is limited. If a polling station be established at every place where there is a police station in the mufassal, and if the recording is to be completed in one day, so far as this Division is concerned, I would estimate roughly that on the average about 12,000 voters could be dealt with in a day in each district. It is obviously desirable that the polling should not continue for several days. 9. As regards the question of communal electorates and the re presentation of the interests of minorities, I am of opinion that the necessity for such a system of representation is as great today as it was thirty years ago. I believe that the abrogatio of this hitherto accepted principle in this country would, inste of levelling differences, ultimately have the opposite effect, viz. of accentuating them and awakening and inflaming dormant jealousies. It is within my own experience, for instance, that the relations between the two great communities in this country i.e., the Hindus and the Muhammadans, are if anything more strained at the present day that they were a quarter of a centur, ago.

10. I agree that the planting and mining interests should have their own electorates, and when a chamber of commerce is established in this Province, a similar privilege should attach to it but I also consider that the great landholders should continue to have special electorates, as at present: If this limit be not granted, then many of the members of the old aristocracy and landed gentry - the men to whom the mass of the population look up as their true leaders and their proper representatives will not stand for election, as they shrink, from the mere sense of self-respect, from the risk of being bespattered with some of the mud that is flung about on such occasions, and of being confronted by methods to which they themselves are unable to stoop.

> Sd. C.E.A.W.Oldham, 21.11.1918. Commissioner of the Patna Division.

Wrech + inderect by Govt. Wrech + inderect by Govt.

## GOVERNMENT OF BIHAR AND ORISSA.

## POLITICAL DEPARTMENT.

## POLITICAL BRANCH.

## Nó. 4097-P.

FROM

### THE HON'BDE MR. H. MCPHERSON, I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF BIHAR AND ORISS

To

### THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, SIMLA

## Ranchi, the 9th November 1918.

### SIR,

I AM directed to refer to your telegram No. 1324, dated the 3rd September 1918, regarding the exclusion of backward tracts from the juris-diction of the reformed Provincial Governments, and to express regret that it was not found possible to submit the recommendations of the Local Government before the 1st November. The Lieutenant-Governor in Council was unable to form his conclusions on this important subject, till he had formulated his recommendations on the entire scheme of reforms and considered their bearing on the administration of the backward areas in the province province.

2. The areas which would naturally fall to be excluded from the 2. The areas which would naturally fail to be excluded from the jurisdiction of the reformed Local Governments and to be administered by the Head of the Province, if the spirit of the suggestion in paragraph 199 of the Report be followed, are the deregulationized districts of the Santal Parganas and Angul and the Scheduled districts which include besides the deregulationized tracts the whole of the Chota Nagpur Division and a subs-tantial portion of the Sambalpur district which was taken over from the Central Provinces in 1905.

3. The legal position in these areas is explained below :-

3. The legal position in these areas is explained below :--(1) The Santal Parganas is a deregulationized tract, that is to say, it was removed by Act XXXVII of 1855, from the operation of the general laws and regulations, and was placed under the superintendence and jurisdiction of officers to be specially appointed by the Lieutenant-Governor. By resolution of the Secretary of State in Council the provisions of section 71 of the Govern-ment of India Act 1915 apply to the district. Under the Santal Parganas Settle-ment Regulation (III of 1872), the enactments deemed to be in force in the district are set out in a schedule, and it is provided that except in so far as concerns the trial and determination of civil suits in value over Rs. 1,000 when these are tried under the Bengal, Agra and Assam Civil Courts Act, 1887, no other enactment shall, unless the Santal Parganas, but the Local Government may by notification in the Gazètte declare any other enactment to be in force, withdraw such declaration, or with the previous sanction of the Governor-General in Council declare that any enactment specified in the schedule shall cease to be in force in the district. Other regulations make schedule shall cease to be in force in the district. Other regulations make provision in respect of rent (II of 1886) the administration of justice (V of

1893), and rural police (IV of 1910) and even the civil suits of the exceptional class above referred to are tried by executive officers vested with judicial powers.

The Santal Parganes district is also named in the First Schedule to Act XIV of 1874 (the Scheduled District Act) among the Scheduled Districts of Bengal, but the Act has never actually been brought into force in the district.

(2) Angul is both a Scheduled district and a deregulationized tract. Notifications under Act XIV of 1874 were issued for the Angul subdivision, but they have been superseded by Regulation I of 1894 which in its turn has been replaced by Regulation III of 1913 (the Angul Laws Regulation). Under this regulation the laws applicable in the district consist of the following and no others: of the following and no others :-

(a) the enactments enumerated in the schedule to the regulation, and

(b) enactments thereafter passed which one expressed by special mention of the district or part thereof to extend thereto, and

(c) enactments declared in force or extended thereto by notification of the Local Government in the provincial gazette.

(3) Chota Nagpur is a Scheduled District in respect of the whole of which notifications under section 3 have been issued. It comprises the districts of Ranchi, Palamau, Hazaribagh, Manbhum and Singhbhum.

(4) Sambalpur.-The Bara Sambar, Kolabira and Rampur Zamindaris, which cover about one-third of the district, are Scheduled Districts in which the Act was brought into force in 1878.

Legislation for the Santal Parganas and Angul is ordinarily by Regulation under section. 71 of the Government of India Act, 1915. Only one Act of the Bihar and Orissa legislature expressly applies to them, and of the Acts of the Imperial legislature from 1918 to 1918 inclusive only thirteen are expressed to extend to the Santal Parganas and three to Angul.

The bulk of the ordinary laws are in operation in the scheduled districts of the Chota Nagpur Division.

Area in square District. Population. ; miles. . Ł 2 S 1,882,973 Santal Parganas 5,463 ... ••• ... Angul (including Khondmals) 1.681 199,451 Chota Nagpur-Ranchi 1,287,518 7,104 ... ... .... • • • Palamau .... Hazaribagh 4,914 7,021 4,147 3,891 \*\*\* ••• 1,258,609 ... ·... ... 1,547,576 (91,391 •••• Manbhum .... •••• Singhbhum Total of Division 27,077 5,605,362 , ••• Sambalpur-1,268 2,556 166,572\* 577,621 · Three Scheduled Zamindaris *...* .... Rest of distrct ... .... . . . · . . Whole district ... 8,824 744,193 , í.,

4. The area and population of the districts concerned are shown in the table below :-

"Norn.-Calculated by proportion from the 1901 figures;

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5. The problem cannot be correctly appreciated unless some brief account be given of the characteristics of the country and people comprized in each dstrict.

The Santal Parganas is the chief stronghold of the Santal race who form 35 per cent. of the total population. In 1855 their rebellion against the oppression of alien landlords and money-lenders led to the enactment of. Act XXXVII of that year which removed the district from the operation of the general laws and regulations." as not adapted to the uncivilized race of people called Santals". The district has its own agrarian system which is governed by Regulations III of 1872 and JI of 1886, and a distinct judicial system which is governed by Regulation -V of 1893. The Santals are a primitive people with a strong tribal organization, of which the village headman system is a leading feature. The remainder of the population includes, besides aboriginal races like the Male and Mal Paharia, a large proportion of semi-Hinduized aborigines and low class Hindus, and the middle and higber. Hindu castes account for only about 15 per cent. of the whole. There is a Bengali fringe of about 200 square miles on the east and south of the district where it adjoins Bengal, and there are numerous Bengali colonies in the west of the district where they have settled along the line of railway, which crosses the healthy uplands of the Deoghar Subdivision. These maintain constant pressure for the removal of that subdivision from the Santal Parganas system of administration, which handleaps them in their dealings with the aboriginal population. The district consists largely of hilly country and uplands with fertile valleys interspersed. It is only half cultivated and of the uncultivatfor cultivation.

Angul is a forfeit State situated in the midst of the tributary Mahals of Orissa. Attached to it is the Khond Subdivision of the Khondmals which lies still deeper in the hills and jungles of this tract. Both tracts are inhabited by wild and primitive people, and the higher Hindu castes represent only about 5 per cent of the total population. The administration of the district has always proceeded on lines entirely distinct from that of regulation districts.

Chota Nagpur is part of the old 'Jharkhand' which prior to the British conquest was a land beyond the Hindu pale and but little touched even by contact with the Muhammadan Government. It consists mostly of hilly country, forest and upland. Its agrarian system has always been distinct from that of the rest of the province and is now governed by the Chota Nagpur Tenancy Act, 1908. Aboriginal and semi-aboriginal tribes, such as the Mundas Oraons, Kharias, Hos, Santals, Bhumijs, and smaller tribes of even more backward races bulk largely in the population as will be seen from the district notes below, which are based on information contained in the District Gazetteers and the Census Reports.

Apart from its special tenancy legislation, Chota Nagpur has now been brought within the ordinary laws of the province and the ordinary system of administration; and unlike the Santal Parganas and Angul, it has returned its quota of members to the Legislative Council.

The special characteristics of the component districts are briefly as follows :---

(1) Ranchi is the most strongly aboriginal of the Chota Nagpur districts, the three principal tribes being the Uraons, who numbered in the 1911 census 388,768, the Mundas, 343,721, and the Kharias, 42.567. It is the headquarters of three important Missions, the Anglican, the Belgian and the Lutheran, which claim between them nearly 200,000 adherents, drawn almost entirely from the aboriginal population. The high caste Hindus and Muhammadans in the district who constitute only about 5 per cent. of the population are chiefly descendants, not always pure, of immigrants from Bihar, United Provinces, and Bengal who were introduced by the aboriginal, but now Hinduized, Raja and rewarded for their services by grants of land. The struggle between these aliens and the aboriginal population has been marked by at least four serious agrarian disturbances in the course of the century but has

now been brought at least to a temporary close by the recent completion of the settlement record. Much of the district is still wild and uncultivated and nearly one-third of the whole area is covered with forest.

(2) Palamau is by far the least developed of the Chota Nagpur districts. The proportion of its population returned as Animistic at the last Census is small, but the aboriginal and semi-aboriginal population which is Hindu only in name is estimated to amount to about 300,000 or nearly 50 per cent of the whole. The country is exceptionally wild and the subordination of the cultivators to the landlords is in many places absolute. The grater part of the district consists of broken hilly country, covered with jungle and intersected by narrow valleys. In the two small parganas to the north transferred to Chota Nagpur in 1871, the country approaches more closely to the South Bihar type. About one-eighth only of the total district area is under cultivation, and much of this is of the most primitive kind.

(3) Hazaribagh like Palamau has only a small section of its population returned in the census as Animistic but the so-called Hindus who account for over 90 per cent, of the total district population include such aboriginal and semi-aboriginal races as the Bhuiyas, (89,682), Bhogtas, (36,984), Turis (23,977), Kurmis (not the Kurmis of Bihar-183,589) and Rajwars (9,344), Bedeas (12,688), Chamars (43,503), Dosadhs (26,958), and even Santals (15,771 portion returned as Hindi), and it may confidently be asserted that at least one-balf of the whole population is drawn from aboriginal sources. The district consists of the undulating uplands of the higher and lower plateaus interspersed with river valleys. Less than one-third of the whole is cultivated and nearly one-half is permanently unfit for cultivation. The settlement has just passed over the district and placed the relations of landlord and tenant on a more stable footing than has ever before existed, but the Settlement Officer considered that the raiyats of Hazaribagh were less selfreliant and require a greater degree of protection than even their neighbours in Banchi; and so lato as 1914 the subdivision of Chatra was created with the express object of protecting the cultivator from the oppression of their landlords.

The district of Hazaribagh includes on the east the very small but valuable Karharbari coalfields in the Giridih Subdivision, and more extensive coalbearing areas in the Damodar valley, including the Bokaro and Ramgarh fields which may prove to be of outstanding importance. It also includes in the forest tract of Kodarma perhaps the most valuable mica producing area in the world. The existence of important and rapidly developing industries in the middle of aboriginal and backward tracts is a feature which Hazaribagh possesses in common with the districts of Singhbhum and Manbhum, and which adds greatly to the complexity and responsibilities of district administration.

(4) Singhbhum consists of three entirely distinct parts :---

(a) The Kolhan, which is a Government Estate, peopled almost wholly by aboriginal Hos, who number about 250,000 and speak their own language Ho.

(b) Porabat, where the population is largely aboriginal (Ho and Munda) and semi-Hinduized (Bhuiya) but is also intermixed with a number of Oriya and other immigrants. About three-fourths of the headmen are aborigines. Porahat was a Native State up till 1858, when it was sequestrated owing to the rebellion of the Raja, but it was only included in British India by Act II of 1893.

(c) Dhalbhum is a portion of the Bhumij country. This tribe is almost identical with the Mundas but though still very wild and untractable has adopted a veneer of Hinduism and speaks Bengali. Many Santals are now settled in the tract. Of its aboriginal headmen many have been supplanted by Bengali and Oriya immigrants from Midnapore and adjoining districts. Tata's Iron and Steel Works have been established at Sakchi in this area, which bids fair to become one of the most important industrial tracts in India within the next few years.

The first of these three trucks is in all respects comparable with the wilder parts of the Sanial Parganas, and it has always been the policy of the Government to exclude from it aliens who would deprive the aborigines of their lands. The population of Porahat is very largely aboriginal and its internal common is on much the same footing as that of the Kolhan. There would be good grounds for treating both in the same way as the Santal Parganas and Angul and in fact the question of deregulationizing the Kolhan was considered in the course of the pending settlement operations. The third tract Dhalbhum is more mixed and more advanced than the rest of the district.

The proportion of persons still returned as Animistic in Singhbhinn is much higher than in any other district of Chota Nagpur, being well over one-half. Of the rest of the population it may be said that at least is molety is only slightly Hinduized. Gultisated lands amount to only one-third of the total area of the district and about one-fourth of the whole is covered by the reserved and protected forests of the Kolhan and Porahat.

(5) Manbhum is divided into two distinct areas, the Tharia coalfields of the Dhanbad subdivision which are the most important in India, and the rest of the district which is mainly inhabited by primitive faces. The four strongest races or castes are the Kurmis (not the Bihar caste of that hame), who numbered at the last Consus 291,671, Santals who numbered 231,672, Bhumijs 115,992, and Bauris 105,859. These are all of aboriginal descent and although the Santal is the only one of the four who has preserved more or less completely the language and faith of his race, all are alike aboriginal in essentials. Between them they account for nearly one-half of the entire population ; and there are other aboriginal races. Cultivation is more advanced in Manbhum than in any other district of the division, the present proportion being 60 percent. of the whole area.

(6) Sambalpur<sup>7</sup> is governed by the revenue laws of the Central Provinces from which it was taken over in 1905 and its administration preserves all the features of the Central Provinces system. A large portion of the district is covered with hill and forest and it is within this tract that the three scheduled zamindaris of Barasambar, Kolabira and Rampur lie. The population is mixed, and the element returned as Animistic accounts for only 5 per cent. of the whole but at least one-third of the population is purely aboriginal, while another large section consists of low castes that are outside the Hindu pale or only slightly Hinduized. One-fifth of the district is covered with reserved forest, and of the remainder little more than one-half is cultivated. The scheduled areas are mostly inhabited by aborigines whose cultivation is very backward.

6. These being the conditions of the problem the Lieutenant-Governor in Council has no hesitation in recommending that the Santal Parganas and Angul which are now outside the pale of the ordinary administration should be excluded altogether from the scope of the Reform Scheme and should continue to be administered by the Governor in Council. He does not suggest that they should be left under the personal control of the Governor, because he considers it desirable that the Governor, who may be unacquainted with Indian conditions, should have the benefit of the advice, and experience of his two colleagues who, will form the official part of the new executive Government. Neither the Legislative Council nor the Minister should have any authority over these two areas and their legislation should be conducted exclusively under the provisions of section 71 of the Government of India Act, the necessary modification, being made in the Santal Parganas Settlement Regulation and the Angul Laws Regulation.

7. The problem is more difficult in the case of the scheduled districts of Chota Nagpur and Sambalpur. Both on account of the area involved, which forms a substantial proportion, of the whole province, and in view of their past history, their participation in the representation of the existing Council, and their subjection to the ordinary legislation and administration of the province, His Honour in Council is reluctant to exclude them altogether from the scope of the Reform Scheme, and he has therefore considered whether certain safeguards can be provided which would permit of their inclusion. One solution would be to place them in the category of reserved subjects, so that legislation affecting them could, at the option of the Governor, be subjected to the procedure of the Grand Committee through the device of certification, while their administration would rest with the Governor in Council in respect of all subjects. There would, however, be a double inconvenience in this. In the first place it might involve an excessive resort to the device of certification, which is intended to be an exceptional procedure. In the second place it would cause a great duplication of work, through the repetition of orders relating to subjects included within the ordinary scope of the transferred sphere. The Governor in Council would have to repeat for 'the scheduled tracts the same orders as might be issued by the Government and his Minisicr for the ordinary districts of the province.

A preferable solution would appear to be to make no hard and fast distinction between ordinary districts and the scheduled districts of Chota Nagpur and Sambalpur in respect either of legislation or of administration, but to confer authority by statute on the Governor in Council—

(1) to prescribe by notification the portions of the Scheduled districts, if any, to which any Act or portion of an Act passed by the Legislative Council shall apply; and

(2) to decide to what portions of the Scheduled districts, if any, the jurisdiction of the Minister in respect of any of the transferred subjects or any portion of them shall extend, and when such jurisdiction has been extended, to exclude any portion of the Scheduled districts from the application of any order passed by the Minister.

I have the hencur to be,

## SIR,

Your most ch.dient Servant,

П. MCPHERSON,

Chief Secretary to Government.

## APPENDIX I.

## Extract from Mr. McPherson's letter No. 3668-C.; duted the 31st October 1917.

4. Before discussing details, His Honour in Council would like to make a few remarks regarding the claims of the advanced politicians to represent the people, the reality of the demand for Home Rule in the extreme from which they have put forward, and some of the general considerations which must be borne in mind in dealing with this most difficult problem.

which they have put forward, and some of the general considerations which must be borne in mind in dealing with this most difficult problem.
The peliticians represent only a microscopic section of India's teening millions; that section is highly organized and well versed in the arts of agitation, but it would be a grave mistake to think that it is in any way representative of the inarticulate masses. The hopes and aspirations of the latter are centred on quite different ideals, and they are moved by very different springs of action. Ninety-five per cent. of the people of India ive in villages; and what the ordinary villager wants is to be left alone, to be protected from oppression, to be helped in time of famine, and to have justice meted out to him when he resorts to the law courts. From the earliest times his outlook has been limited to his own village; and he has taken not the slightest interest in the resorts to the law courts. From the earliest, times his outlook has been limited to his own village; and he has taken in the the resort in the addressed himself to the masses, who are very impression, able, might create in ephenieral interest in his propaganda, but the same would be the case with agitation of other kinds. It would be very easy for instance to get up an anti-laridlord or anti-money-fender agitation, and it would of course be easier still to stir up trouble between members of the different religious communities. The only difference is that persons who attempted the mask is allowed, within very wide limits, to go on unchecked. The masses have no idea whatever of 'Swaraj', and, if they could be made to understain the situation, they would be ineating indoubtedly prevails amongst zamindars. Even amongst the professional classes His Honow if Council believes that the great majority, it consulted quietly, would deprevals antonast zamindars. Even amongst the professional classes His Honow if Council believes that the great majority, it consulted quietly would be reluctant to as a so

6. Although the Lieutenant-Governor in Council is of opinion that the demand for Home Bule in the immediate future is confined to a very small section which is by no means representative of the people as a whole; he is in entire sympthy with the demand of those educated Indians who may be classed as moderates for a larger, share in the administration of India and considers that the time has come for a material advance in the liberalizing or Indianizing of the administration. It is only human nature that the educated classes should not be content to remain subject to the domination of foreigners from a distant, country who, however sympathetic they may be in their treatment of the Indian populations, remain completely detached from them im the social and domestic spheres, and at the close of their service return to their dwin country. The slowness of the progress that has hitherto occurred in the admission of Indians to the higher ranks of Government service or to an effective share in the control of the administration, has impressed all the educated classes of India from the red-hot revolutionary down to the inost moderate, even though the latter may still appear to accept the situation with tolerable resignation. Meanwhile the spread of education, the improvement of communications, the influence of the Indian nationality, which is beginning, in the case of the educated classes in question and given them a common platform and a feeling of Indian nationality, which is beginning, in the case of the educated of lasses, to rise above the racial and caste differences that have hitherto divided India and still divide it, though they are normally kept within bounds and obscured by the operation of the *Pax Britannica*. The natural craving of educated Indians for a larger share in the administration of their country has been sharpened by recent events. An etmosphere of unrest has been engendered by the present world convulsion, and the thirst for reform has been whetted by the examples of the Chinese and Russian revolutions which, in spite of the unsuccess that has hitherto attended them, afford illustrations of great conglomerations of mixed populations combining in a common effort to emancipate themselves from unpopular domination.

7. The opponents of progress argue that the maintenance of British control is necessary in the interests of minorities, of the cultivating classes and of the backward races, as well as for the protection of the vast amount of British capital that has been sunk in India; and they protest that the educated classes who clamour for an advance aim merely at substituting for British predominance another form of despotism that will be much more prejudicial to the interests of the masses. The much-abused burcaucracy would not, they say, be replaced by democracy but by a narrow lawyer oligarchy, which is infinitely further removed from true democracy, as understood by western nations, than the spirit which has animated British rule in India for the past fifty years. From this point of view they characterize as amusing, if not pathetic, the fraternization of Parliamentary representatives of the British working classes with Congress leaders who are utterly out of sympathy with the corresponding classes of India. There is much that is true in all this, but it is an argument for caution rather than for the perpetuation of the present regime. After all, the educated classes are the only classes that can express their aspirations, and in all countries it is the educated who give the lead. The maintenance of the present system is against human nature. It is not practical polities to stand still; and our endeavour must be so to direct the advance that it will lead to further progress in due course and meanwhile avoid as far as possible the dangers and drawbacks to which the opponents of progress have drawn attention.

the opponents of progress have drawn attention. 8. The schemes which have been put forward by the nineteen members of the Imperial Legislative Couldell and by the Muslim and Congress Leagues and, to a much less pronounced extent, that propounded by the late Mr. Gokhale, are open to the very grave objection that they seek to secure the desired advance mainly by the subordination of the executive to elected legislative assemblies. This is a position which is not paralleled even in the most advanced democratic States in Europe or America, where the executive is not controlled by the legislature, although the appointment of the former and the election of the latter ultimately depend on the will of the people. It is an impossible position for an oriental State, in which the first requisite of good government is a powerful executive and elected assemblies are far from representing the united will of the people. The Legislative Councils can make no legitimate claim to control in material ways the action of the executive until they are in a position to prove that they represent the people of India. A long way must be travelled before that contingency arises. The conditions precedent will not be fulfilled till education has permeated the masses and they have developed a political instinct and insight which will enable them to understand their own interests and have these fully asserted by their representatives on the Council.

With the exception of the representatives of zamindars and Muhammadans the existing electorates are indirect, and in present circumstances it is impossible to devise an elected Chamber which will represent all classes of the people. The introduction of direct voting will be of no avail, for many years at least, to secure a representative assembly, as the masses of the people are incapable of recording an intelligent vote. As already stated their interests are confined to their every-day village life; they do not understand political issues, and they would be quite unable to watch their representatives and see that they act in their interests. They would simply vote according to the influence (pecuniary or otherwise) brought to bear on them. That this would, be so is clearly shown by the experience of elections to Local Boards in the only three districts in the province in which such elections are held. In these

elections only a small proportion of voters go to the poll, and most of these, when asked why they have gone, say that their zamindar gave them the order. Even in the case of the direct Muhammadan electorate, which has a fairly high voting qualification, we know that many of the voters are quita, ignorant of the character and political tenets of the person in whose favour they record their vote.

The overwhelming majority of the Hindu members of our Legislative Councils are members of the twice-born casts. Most of the members are pleaders, and practically all those who are not pleaders are landholders. In other words, they belong to a small and very special class. The "nineteen" say that these men are better able to ascertain the feelings of the masses than say that these men are better able to ascertain the feeings of the masses than European officials, and it is no doubt true that in some respects they are often better acquainted with them, though this is by no means always the case. But even if their knowledge of the masses be greater than that of the European officials, it is to be remembered that their interests are fre-quently diametrically opposed, and where this is the case the masses will go to the wall. This is denied by the politicians, but it can be clearly proved by an examination of the discussions which have taken place in Council when the interests of the raivats conflicted with those of their landlords. As an illustration of what may happen when there is a clashing of interests, an when the interests of the raivats conflicted with those of their landlords. As an illustration of what may happen when there is a clashing of interests, an article which recently appeared in the "Express", a Patna newspaper, may be quoted. Speaking of the Bill for compulsory primary education which a private member is introducing in the local Council, it takes exception to the education of the children of various low castes, on the ground that "it may world is their objection block is a bioteken when a strike education of the children of various low castes, on the ground that "It may result in their objectionable rise to a higher sphere of society; it may strike at the root of the *Varnasrama Dharma*, on which the social fabrie of the Hindus is based......It is therefore hoped that some safeguards may be pro-vided in the Bill against such possible contingency." The idea of one law for high and low alike is entirely alien to the high caste Hindu. Whenever a man of good social position is sent to jail, petitions for mercy are invariably submitted to Government, and these petitions are frequently signed by the non-official members of the Legislative Council. non-official members of the Legislative Council.

9. Apart from this, experience in other countries, and especially in various British colonies, has shown that it is quite impossible to give an elected legislature control over an executive which is not removable by it. With the large non-official majority which the various Indian schemes of political reform have proposed, an impossible position would soon be created. Not only would a Legislative Council so constituted refuse to pass measures which experience has proved to be necessary, but it would carry many measures and resolutions contrary to public policy. For example, it might repeal the Press Act, or the provision for the sale of estates for arrears of revenue, or it might dispense with the existing restrictions on the enhancement of rents, 'or it Act, or the provision for the sale of estates for arrears of revenue, or it might dispense with the existing restrictions on the enhancement of rents, 'or it might reduce the salaries of high officials to such an extent as to deter Euro-peans from entering Government service. Some of the measures passed by it might strike at the very foundations of British rule; while many would be contrary to our general policy, or would favour one class at the ex-pense of another. It might be possible for a time to exclude certain classes of legislation from the purview of the Provincial Councils and to maintain an official majority in the Imperial Council for the enactment of such legislation as would ne longer be possible in the Provincial Councils; it would also in theory be possible to use the veto. It is clear, however, that these palliatives could not be maintained permanently; and that meanwhile the friction would become an increasingly difficult and dangerous one. As one officer puts it, "Given elected Councils with the powers proposed (or anything like them) you would rapidly have created a situation in which a predominantly British personnel was charged with carrying out a policy dictated by an influential Indian minority. If the British character of the administration is to be maintained, it is essential that there should be a strong official minority in the Provincial Council, and an actual majority in the Imperial Council."

The argument that bad measures should be left to their operation, so that the people may learn by experience, is fallacious. - It is frequently not

a question of learning by experience, but of the danger of unfair differentia-tion in favour of the class to which the legislators belong, and Government

cannot divest itself of its responsibility for seeing that no injustice is done. 11. I am now to submit, for the 'consideration' of the Government of India, the constructive proposals of the Lieutenant-Governor in 'Council. These may be classified under the following heads :--

(1) the largely increased admission of Indians into the superior services which have considerable influence in shaping legislation and regulating the conduct of the administration;

(2) the inclusion of a larger number of Indians in the Executive Councils, both Imperial and Provincial;

- (3) the liberalization of local self-government and its emancipation as far as possible from official control and guidance so that the political instinct may be developed in the masses and nen-official Indians may be trained in administrative work;
- (4) a great extension of primary education, the encouragement of the co-operative movement and the development of industrial and agricultural improvements, all of which will fit the masses to take part in local self-government and will facilitate the creation of constituencies that will secure their representation in the Provincial Legislative Council; and
- (5) the immediate enlargement of the powers of the Legislative Councils in directions in which discretion may be left to them without trespassing on the essential functions of the Executive, the gradual increase of the elective element, and the steady development of their authority as they become more and more representative of the people.

12. His Honour in Council considers the largely increased admission of 12. His Honour in Council considers the largely increased admission of Indians to the superior services as perhaps the most important step which can safely be taken at the present time in the direction of meeting the aspirations of educated Indians. It is noteworthy that it occupies the smallest place in the published schemes, though it held a very prominent place in Mr. Gokhale's mind, as appears from the reference to the subject at page 394 of the Report of the Public Services Commission. The reason is doubtless that which vitiates most of the recommendations of the Indian reformers, namely, that they propose to begin from the top and work downwards. Given control of the executive, the Legislative Councils would control the services and recruitment for them. for them.

Although the Indian schemes of reform deal mainly with the Legislative Councils, there is no doubt that the main thing at the back of the minds of those who framed them, or at any rate of the minds of those who sympathize with their demands, is the hope that by this means it will be possible to increase the Indian element in the services. The ordinary educated Indian is not particularly interested in the small volume of legislation which passes through the Provincial Councils. On the other hand, he feels acutely the fact that the District Judge and the District Magistrate and other high officials are almost invariably members of an alien race; and what he longs for, more than anything else, is a substantial increase in the number of his country men in the superior services. It is of course true that an increase in the number of Indians in the services is not by itself a step towards the goal of responsible Government. It is, however, undoubtedly, a long step towards the fulfilment of the aspirations of educated India, In view of this fact, and of the fact that it is quite impossible to increase the elected majority in the Legislative Councils to anything like the extent asked for in the Indian schemes, the Lieutenant-Governor in Council advocates an immediate and substantial advance in the direction of extending the employment of Indians in the administration. This may, and no doubt will, diminish the efficiency of the services, but it will not endanger the peace and prosperity of the country as would be the case if the control of the executive were handed over to the elected members of the Legislative Councils. elected members of the Legislative Councils.

B. & O. G. P. (P. A. & E) No. 116 (Ranohi) -250-11-11-1918-J. M. R.

# Extract from Mr. McPherson's A letter No. , dated to the Secretary to the Government of India, Home Department.

15. I am new to explain. the scheme, which has been framed by the Local Government, for the composition of the Provincial Legislative Council and for the electorates in accordance with the suggestions continued in paragraphs 225 to 232 of the Joint Report. A copy of the scheme and of the tabular statistics on which the franchise and electorate proposals are based is annexed to this letter as Appendix III. Advance sopies have been forwarded to the Franchise Committee for their examination.

16. The Lieutenant-Governor in Council agrees that the principle of direct elections should be extended to all constituencies. This system is already in force in Bihar and Orissa as regards the landholder and Muhammadan electorates, as well as the special constituencies of planting and mining interests. The indirect system obtains in the District Board and Municipal electorates; and-when consulted last year, His Honour in Council emphasized the artificiality of both and recommended that, for the former should be substituted a direct electorate in which the franchise would be given at first, to members of panchayats and then gradually extended to a wider circle of responsible persons, united by the bond of a common local interest: for the latter he proposed the substitution of a system of direct election by Municipal rate-payers, the vote being given to all persons paying rates in excess of a prescribed sum or possessed of other suitable qualifications, educational, professional, etc. Further enquiries have now been made on the subject of the franchise, of which the results are discussed in paragraph 19 below.

17. The next important question is whether the new electorates should ordinarily be of the territorial type and to what extent the principle of communal election should be admitted. The Local Government are agreed that the constituencies of the future should ordinarily have a territorial basis, being divided into two main categories, rural and urban. They consider, however, that the principle of communal election should be admitted more generously than is proposed in the Joint Repeat. The principle is rightly conceded in the case of Muhamadans. The representatives of this community in Bihar and Orissa protest that the concession has been made somewhat grudgingly and contend that it should be extended to provinces where the Muhammadan population is in the majority. The large landholders of Bihar and Orissa have pressed for the retention of their existing communal electorate, and His Honour in Council considers that; their claim should be admitted; they undoubtedly form a distinct class in the Province, such as is contemplated in parsgraph 232 of the Report, and it would jeopardize the popularity of the scheme with an important body of opinion if this privilege were withdrawn. His Honour in Councell is of opinion that it would be highly undesirable to lower the existing franchise in the case of the special landlord constituencies, as the sole object of the concession is to secure the representtion of the large landholders by members of their percentage. The smaller landholders may well he merged in the drainity territorial electorates, in which their influence will secure their adequate representation. The large landholders at present hold nearly one-fourth of the jotal electorates, in which their influence will secure their adequate representation. The large landholders at present hold nearly one-fourth if the jotal electorates, and the should he highly but it is now proposed, as explained below, to reduce this percentage very considerably. The special electorates of the planting and mining communities

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18. The enquiries which have been made by the Local Government with a view to the collection of materials for consideration by the Franchise Committee ard explained in detait in Appendix III. The Local Government concur fully in the recommendation made in the Joint Report that the ordinary franchise of the territorial and Muhammadan electorates should be on the broadest possible basis which it is possible to introduce without a breakdown of the electoral machinery involved; indeed they regard this as a fundamental condition of the proposed reforms. The rural franchise, moreover, must be sufficiently low to admit of the adequate representation of the cultivating classes who form the most important-section of the population. However much the raivat voters of the future may at the outsot be devoid of political instinct and incapable of appreciating their strength aright, or exercising their power wisely; however much they may be subject in the beginning to undue influence and intrigue; it is absolutely essential that their training in the duties of citizenship should begin at once, if they are to attain to the place in the body politic to which their numbers and economic importance entitle them. There are already signs of an awakening. The co-operative movement has begun to teach them the virtues of thrift and the advantages of union. Great efforts are being made, and will continue to be made in the near future, to develop and expand primary education, and it may be hoped that the existing ignorance and political indifference of the cultivating classes will not take long to disappear. Raivati associations are beginning to spring up in different portions of the province, and although there may be a certain amount of wire-pulling behind these, the fact of their formation is significant.

In endeavouring to form an estimate of the number of voters who might be included in the tural constituencies, the Local Government confined their enquiries mainly to the three large classes of (a) raiyats. (b) zamindars, and (c) tenure-holders, who occupy an intermediate position between the two former classes. They took as the general basis of qualification for a vote the payment of cess, which in the case of the raiyat is calculated at the uniform rate of half-an-anna per rupee of rent. As rental incidence varies duormously from slistrict to district, being dependent not only on comparative fertility of soil and the play of competition but also on innumerable local factors, it was found that a wide range of rental standard would be necessary in order to bring within the limits of the electoral foll a more or less even proportion of well-to-do raiyats, which would be sufficiently large in each district to avoid being swamped by the other two elements in the electorale. Paragraph 226 of the Report contemplates such a differentiation both between provinces and between districts of the same-proyince and the Lieutenant-Governor in Council considers that it is inevitable at the outset and must be faced, although it may possibly give rise in the more presparous districts to a sense of grievance. An enquiry has been made to ascertain whether the local variations would be reduced, if the raiyats' franchise were fixed on the basis of area rather than rent. The figures are incomplete. So far as they go, they indicate that greater uniformity would thus be secured, but His Honour in Conneil considers that on the whole it is preferable to adhere to the cess basis, as this represents a contribution to local taxation and it is desirable to emphasize that the right to vote is based on a payment to the State. The scheme which has been prepared for the Franchise Committee contemplates the fixing of the franchise at such amounts of cess payment for raiyats, zamindars and tenure-holders, respectively, as will produce rural

landlord) were fixed as the general standard for the raiyats' franchise, this limit being reduced to Rs. 16 in the Orissa and Chota Nagpur Divisions limit being reduced to Rs. 16 in the Orissa and Chota Nagpur Divisions and increased to Rs. 64 in certain of the Bihar districts. For-zamindars a cess payment of Rs. 12 is proposed, the fact being recognized that of this amounf more than half is recovered from raivats while in many cases a share of varying amount is borne by intermediate tenure-holders. For tenure-holders a cess valuation of Rs. 100 is proposed, the cess actually paid being borne in varying proportions by the raivat, the tenure-holder and the superior land-lord. It will be seen that provision has also been made in the rural franchise for the inclusion of (a) non-agriculturists who pay income-tax or make an annual contribution of not lees than Re. 1-8-0 to Local funds in the shape of union rates, and (b) of persons who have certain educational qualifications. These two classes will be very insignificant in numbers, but it is necessary that provision should be made for them.

The case of the urban franchise is simple as Municipal electorates already exist, and it is proposed that all persons eligible to vote in municipal elections should also be eligible to vote in the urban constituencies of the Legislative Council. The ordinary franchise in municipal electorates was formerly based on a rate payment of Re. 1-8-0 but was raised to Rs. 3 in recent years. As the underlying principle of the Reform Scheme is a franchise on the broadest possible basis, it is proposed to revert to the former standard of Re. 1-8-0. This has the additional advantage of tallying with the general basis of the rural franchise. The existing Muhammadan franchise yields only an - average of about 300 voters for each constituency. The Local Government see ho reason why it should not in future be placed on the same basis as those proposed for the general rural and urban constituencies.

The franchise of the special landlord electorates has already been discussed

In the case of the planting and mining electorates, His Honour in Council would adhere generally to the existing arrangements. The member who represents planting interests is returned by the Bihar Planters' Association which is a fully representative body, and no change is required. The present mining member is returned by the Indian Mining Association, and the Lieutenant-Governor in Council considers that that body should continue to return a member. But as it is composed mainly of representatives of the Calcutta agents, His Honour in Council thinks that a second member should be provided to represent the interests of local collicry owners who are not members of the Indian Mining Association and of those who are employed in the coal-fields as managers, assistant managers, etc. It has not yet been possible to work out the details for this constituency.

For the new University constituency the franchise should correspond to. that in force for Senate elections under the Patna University Act, 1917, and Regulations. .

19. Reference has been made in the last paragraph to the limitations which must at the outset be placed on the franchise on account of the practi-cal difficulties which will be experienced in the installation of electoral machinory on a scale never before attempted. The nearest approach to this has been the system of Local Board elections, which has been introduced so has been the system of Local Board elections, which has been introduced so far only in the Patna Division. Although the Local Board unit is compara-tively small, the experience of past elections has not been very promising, as-will appear from the note included as Appendix IV. The conduct of a general election on the lines now proposed will entail a vast amount of preparation and local organization which will throw a very heavy burden upon the District Officers and their subordinate staffs. The provisional views of the Local Government on this subject are contained in Appendix V. Here it need only be observed—that all unnecessary complications should be avoided and that the election organization should be so arranged as to work in, as far as possible, with the administration of the Local Self-Government Department. As regards the latter point, it is a feature of the present franchise proposals that the Council electoral rolls will be useful for other purposes than Council elec-tions, e.g., for Local Board and municipal elections.

The Local Government have considered the questions of (1) plural constituencies with reservation of seats for particular classes of candidates, and (2) proportional representation. They are emphatically of the opinion that such devices are likely to cause undue complication of the electoral, machinery, and will not, in the present undeveloped condition of the proposed electors, lead to any useful results in the direction of securing fair representation for minorities. They have therefore framed their proposals on the principle that each constituency will be a single member constituency and they will, if the proposals are finally accepted, proceed to divide up the districts for which more than one member is proposed, into suitable areas for electoral purposes. As the average single constituency will include a larger number of voters than can be polled by the district staff in one day, the elections will ordinarily be spread over two days and in the case of the larger districts which will be represented by two or more rural members, the elections will extend over the greater part of a week. This arrangement will leave certain loopholes for intrigue and personation, but these are necessary evils which it will be the task of the future to reduce within the narrowest limits.

20. The important question of the constitution of the Provincial Legislative Council remains to be considered. The present Council includes :—

3 ex-officio members.

19 nominated members of whom not more than 15 may be officials.

21 members elected as follows :---

G. .

(1) by Municipal Commission	ioners	•••		5
(2) by District Boards.		•••	·	5
(3) by landholders				5 -
(4) by Muhammadans	` <b></b>			4
(5) by mining interest				1
(6) by planting interest	•••			.1
	-			

Tetal ... 43, to which may be added one expert member, official or non-official.

While the Local Government accept the principle that the new Council should contain a substantial majority of elected members, they do not consider it desirable in the present circumstances of the province that the Council should be unduly large or that the proportion of elected members should be so large as is demanded in certain quarters. Non-official opinion which clings to the Congress-League Scheme asks for a Council of 125 with an elected majority of four-fifths. In the opinion of the Lieutenant-Governor in Council, neither of these demands is suitable under the existing conditions of Bihar and Orissa. There is much less diversity of intorests in a province that is mainly agricultural than in the Presidencies, and His Honour in Council believes that there will be ample room for the representation of all important interests, while the standard of ability and character will not be unduly lowered, if the new Council be limited to <u>96 of which two-thirds should be</u> elected members. This is the figure which he has decided to recommend, after further consideration of the tentative scheme laid before the Conference of non-official members, which contemplated a Council of 90, two-thirds elected and one-third ex-officio and nominated.

	21. The	scheme	which	the ]	$\mathbf{Local}$	Government	recommend	is	as
folle	ows :			•		· · · ·			

Elected -	· •		· •		
Rural non-Muhammadans	•••			•••	. 32
Urban non-Muhammadans			***		• 6
Rural Muhammadans		•••		•••	12
Urban Muhammadans					8
Large landholders					7 20
The Planting Community					1
The Mining Intereste			•••	· •••	2
The Patna University	•••	<b></b> .			1
			Total .	•••• ^	64

Ex-officio and nowinated officials-	• • • • •	·		а. •
The Executive Councillors		-115		2
The Commissioners of Divisions	•••			- 5
The Secretaries to Government	••••		83 F	5
The Legal Remembrancer		· · · · · · · · · · · · · · · · · · ·		,1
Heads of Departments or Experts	· · · ·			° 6
			•••	
The Vie-Chancellor of the Patna Ur	iversity			1
	liversity	Total		1 
	niversity	Total		1 20

The Lieutenant-Governor in Council in Iraung has taken.

(1) The allotment of seats to Muhammadans follows the basis adopted by the Lucknow Convention of the Congress and the Muslim League which gives the Muhammadans of Bihar and Orissa 25 per cent. of the elected Indian seats. It will be seen that 15 seats have been provided for them out of 60, the four secial electorates (Planting, Mining, and University) being excluded.

(2) The proportion of rural to urban constituencies is 44 to 9. This gives the residents of chies and towns a larger share in the Council than their population justifies, but His Honour in Council has taken into acount both the relative position which municipal bodies enjoy in the present Council and also the much higher standard of education and general level of intelligence which prevails in urban areas.

of intelligence which prevails in urban areas. (3) It is proposed to give even seats to the large landholders. This will leave them with a much smaller proportion of representation in the enlarged Council than they now enjoy in the existing Council, but the class is numerically small and it will have little difficulty in securing further representation in the general rural electorates, until such time as the cultivators begin to recognize their political powers. The Local Government propose to distribute the seats for the large fandholders, by giving one each to the Patna, Orissa and Chota Nagpur Divions, which have populations of between five and six millions, and two to the Tirnut and Bhagalpur Divisions with populations of ter and eight millions, respectively.

(4) Of the nominated members, it is proposed that 20 should be efficials and 12 non-officials. With a smaller number than 20 the selection of official members for the Grand Committee would be unduly limited.

official memoors for the Grand Committee would be unduly limited. The communities and interests for which it will be necessary to provide representation by nomination are fairly numerous in Bihar and Orissa and include the following :--(1) industrial interests other than planting and mining, represented at present mainly by the colony at Sakchi but likely to develop greatly in the near future, (2) aborigines who form a large section of the population in Chota Nagpur and the Santal Parganas, (3) the depressed classes who will remain outside the scope of the franchise, (4) domiciled Bengalis who may or may not succeed in carrying a fair proportion of the general seats, (5) Anglo-Indians and Indian Christians. A general reserve out of the total of 12 would be retained for adjustment of election results and for the appointment, when necessary, of non-official experts.

22. The distribution of seats assigned to the urban and rural constituencies, both general and Muhammadan, is set forth at page 1 of Appendix III. It is founded primarily on population hasis but this has been confused to some extent by the disproportionate allotment of seats to Muhammadans and by the preference shown to urban areas, both of which causes have operated so as to give the Bihar divisions an advantage over the others.

## The divisional figures are as follows :---

Patna-	Pop	nlation 5,63	4,789.	-		
	(Urban			3	(Muhammadan)	<b>3</b> )
Number of members	Rural		•••	10	(Muhammadan	8) .
		Tota	al ,	18	(Muhammadan	4)
Torbut-	Den	1-1	• • • • •		•	
	(Urban	ulation 9,97	0,008.	2	(Muhammadan*	'n
Number of members	Rural	Ωźε.	•••		(Muhammadan	8)
	( nurai		•••		Lorunammadan	•
		Tota	<u>_</u> لا		· · -	<del>.</del> ,
Bhazaloun	Populs	ation-8,144,8	21 (a).		i na secondaria de la constante br>La constante de la constante de	
	(Urban	***		2	(Muhammadan	- 1)
Number of members	Rural	****		8	(Muhammadan	5)
	Total			10	(Muhan madan	4)
			, - <u>1</u> - 4			
Orina	Papul	ation 5,131,4	58 (5).			÷.
، م	(Urban	,			•	•
Number of members	Rural		it. Dans 2		(Muhammadan	1)
and and a second se	Total			- 7	(Muhammadad	1)
<b>61</b>			°, ♥			······
Ohota Nagpur-	Populatio	n 5,605,862		-		÷,
	(Urban			1		
Number of members-	Rural		and.	8	(Muhammadan	1}
	2				and the dependence	

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23. The Lieutenant-Governor in Council has considered the question of the qualifications of candidates for the seats in the Legislative Council, which are to be filled by election. This point is not dealt with in the Beport, but it is presumed that the Government of Iadia would wish to have the views of the Local Government upon it. The existing rules on the subject are contained in Regulations IV and V framed under section 6 of the Indian Council Act, 1909, published in Notification No. 66, dated the 21st November 1912 of the Legislative Department. The conditions of eligibility prescribed in Regulation IV will presumably be retained, but in view of the general change of system now proposed to be introduced. His Honour in Council is doubtful whether it is mecessary to prescribe any additional rule for individual constituencies except the general condition that no person shall be eligible for election unless he possesses the qualification for a vote within the constituency concerned.

(a) Includes Santal Parganas which is excluded from the scheme. (b) Includes Angul which is excluded from the scheme.

B. & O. G. P. (P. A. & E.) No. 103(a)-30-8-11-1918-J. M. R.

# No. 146 P.T. GOVERNMENT OF BIHAR AND ORISSA.

## POLITICAL DEPARTMENT.

### (Political Branch.)

The Hon'ble Mr. H. MCPHERSON, I.C.S. Chief Secretary to Govern

The SECRETARY, Reforms Committee (Franchise), Calcutta,

titl point takes in para prectudes this commattee ma considering any planting incep she time to the Book .. Intative to mile It greats conclusions' & inertimations

This is so ? had if as frink - hi any particular province set electric braile fire an utilities sisult. it wet. ysten, prevalent in Egypt. 8.1.10-50

ster No. 4110-P., dated the 10th November 1918, which the constitution of the Legislative Council

Camp, Puri, the 29th December 1918.

from seven to five on the distinct unders from seven to five on the distinct unders five landlord seats should be allotted o d be reserved for a European electorat the remaining seat should be allotted t of the provin app

d how the extra seat allotted to Ori (eida ald saidaged how the extra seat allotted to Orisss ah o the rural electorates rather than to the urba III to my letter cited above, it will appear that ra seat are Balasore and Puri. The population he other hand will have at the outset a larger nu I Local Covernment are accepted. In the circ arese would be to let the two districts have the e will to Puri in view offits larger initial electorate. , III to

5 sort. In the old Bengel Legislative Council one ares of the Ohots Nagpur and Orissa Divisions, the ately to the District Boards of the same two Divi-The same principle is followed in connection with incial Civil Service of Bihar and Orissa.

## 6

Population 5,634,789.

Number of members Urban ... 3 (Muhammadan 1) Bural ... 10 (Muhammadan 3) Total ... 18 (Muhammadan 4)

Population 9,973,359.

Number of members { Urban ... 2 (Muhammadan 1) Rural ... 14 (Muhammadan 8) Total 5)

Population 8,144,821 (a).

Bhapaloun

Number of members { Rural Orima--

Population Number of members { Urban Rural

Chota Nagpur-

Population 5 Number of members {Urban Rural Tota]

23. The Lieutonant-Governor I of the qualifications of candidates' which are to be filled by election. The but it is presumed that the Governme views of the Local Government upor are contained in Regulations IV Indian Council Act, 1909, published November 1912 of the Legislative is prescribed in Regulation IV will is the general charge of system now p in Council is doubtful whether it rule for individual constituencies ex shall be eligible for election unless is within the constituency concerned.

(a) Includes Santal Parganas
(b) Includes Angul which is e

B. & O. G. P. (P. A. & E.) No. 103(a)-30-

it wit, Paper, unt is fr us, in View of the nprot, to exeminent an entrich midnich such a his olderan advorates, in less we fully convinced is and advorates to direct i whild h put hispore it is put plane in the print plane in the print of the price is prace of finely in an anging for direct volting.

# No. 146 P.T. . • •

# POLITICAL DEPARTMENT.

## (Political Branch.)

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- From The Hon'ble Mr. H. MCPHERSON, I.C.S.
- Chief Secretary to Government,
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Camp, Puri, the 29th December 1918.

Sm. I am directed to refer to paragraphs 21-22 of my letter No. 4110-P., dated the 10th November 1918, to the Government of India in the Home Department in which the constitution of the Legislative Council ander the Reforms scheme was discussed.

be the Government of Hous in the Home Department in Which the constitution of the Legislative Council inder the Reforms schemes was discussed.

 At the informal conference with the Reforms Committee held at Patns the Local Government agreed that the number of seats for large landholders should be reduced from seven to five on the distinct understanding that the present franchise should not be lowered, that the frem seven to five on the distinct understanding that the present franchise should not be lowered, that the frem seven to five on the distinct understanding that the present franchise should not be lowered, that the frem seven to five on the distinct understanding that the present franchise should be bewrent that the frem seven to five on the distinct understanding that the franchise should be gavenet of income-tax, and that the remaining seat should be allotted one to each Division, the zeoliar position of which in the body politic of the province appeared on further consideration to have been insufficiently recognized in the original scheme.
 The Lieutenant-Governor in Council has now considered how the extra seat allotted to Orissa should be atilized. He is of opinion that it should be added to the rural electorates rather than to the urban or Muhammadan. From the figures contained in Appendix III to my letter cited above, it will appear that the two districts which have the strongest claim to the extra seat are Balasore and Puri. The population of values aligned greater than that of Puri, but Puri on the other hand will have at the outsets larger number of voters than Balasore, if the franchise proposals of the Local Government are accepted. In the circumstances His Honour in Council thinks that the fairest course would be to let the two districts have the extra seat in alternate Councils, the seat going in the first Council to Puri in view offits larger initial electorate.
 There are precedents for an arrangement of this sort. In the old Bengal Legislative Co

4. There are precedents for an arrangement of this sort. In the old Bengal Legislative Council one scat was allotted alternately to the Municipal Commissioners of the Ohta Nagpur and Orissa Divisions, the former having the first right of election, and one seat alternately to the District Boards of the same two Divisions, the certain divisional nominations of candidates for the Provincial Civil Service of Bihar and Orissa.

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SGPI-No. 270 BBC-6-1-19-50.

### No. 777-P.P.

### GOVERNMENT OF BIHAR AND ORISSA.

## POLITICAL DEPARTMENT

# (Reforms.)

From	·
<b>*</b>	The Hon'ble Mr. H. McPHERSON, I.C.S.,
	Chief Secretary to the Government of

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## Chief Secretary to the Government of Bihar and Orissa,

To

### The SECRETARY to the Reforms Committee, Franchise. ------

### Paina, the 16th December 1918.

Sns, I am directed to say that in compliance with the undertaking given to Lord Southborough, the Local Government have considered the extent to which the system of indirect election may suitably be adopted in the case of the Legislative Assembly and have prepared the following scheme as an alternative to that already submitted in my letter No. 4110-P, dated the 10th November 1918. Local Gom

that aready submitted in my letter NO. 4140-F., dated the 10th November 1918. 2. The Lieutenant-Governor in Council does not desire to make any change in the case of the electorate for large landholders, whose existing franchise is the payment of Land Revenue of not less than Re. 10,000 or of Cess not less than Re. 2,500. This produces an electorate of just over 100, and is more truly representative of the large landholders of the province than the landhord electorates secured by the lower franchise which obtains in the case of existing elections to the local Legislative Council.

obtains in the case of existing elections to the local Legislative Council. 3. As regards the general electorates, His Honour in Council is in entire agreement with the view expressed in paragraph 273 of the Joint Report that if direct election on a fairly broad franchise is impracticable, the most suitable form of indirect election and the most acceptable to Indian opinion will be election by the non-official members of the provincial councils. And as it has been proposed to constitute the Muhammadan electorates for the provincial council on the same basis of franchise as the general electorates, the Local Govern-ment consider that the same principle should sply in the case of Muhammadan elections to the Legislative Assembly. The decision of this point should not be affected by the fact that Muhammadans at present return a member to the Imperial Legislative Council by a system of direct election based on a franchise which is primarily payment of Rs. 760 of land revenue or Rs. 187-80 cess. A restricted electorate of this kind represents only a small section of Muhammadan opinion and is open to the same objection as would be a similarly restricted general electorate.

similarly restricted general electorate.
4. In my letter cited above it has been proposed that there should be five seats, one for each division, and either one or two Muhammadam neats, according as the quots of members for Bihar and Orises is restricted to seven, or enlarged to eight. The Lieutenant-Governor in Council considers that the elections for the Legislative Assembly should be carried out in groups according to this distribution of seats, and not by any system of joint voting, as the feels that only thus will the interest of different portions of the province be adequately represented. The representatives of the landholders in the provincial council should not take part in the voting, as the landholders' interest will be separately represented in the Legislive Assembly, but His Honour in Council sees no reason why the representatives of other special interest should not participate in the elections; and for this purpose he would group the planting member with the Patha Division, the two Mining Members with the Chots Nagpur Division and the University member with the Patha Division. anah constituener would then he as follow

THE HUMBER OF	100010 11	cuch complication	100000			
Patna Tirhut Bhagalpur	т	- 10 12 6		Orissa Chota Nagpur Muhammadans	· · ·	7 8 15
If an extra seat	is grante	d to Muhammadan	s the Mu	hammadan votera mir	aht he grouned	thus

### 9 ] Bhagalpur, Orissa and Chota Nagpur 6 Patna and Tirhut

Patna and Tirhut 9 Bhagalpur, Orisas and Chota Nagpur 6 5. As between the two alternatives of direct election and indirect election, the Local Government con-sider that in theory the former is much to be preferred, and that it would be most satisfactory if it could be precognize, however, that there would be vary great difficulties in practice, and that it would place an excessive burden on local officers if two sets of elections on this wide basis had to be conducted every three years. It was for this reason they originally proposed for the Local Council. It must be admitted that the result would be to exclude the great bulk of the agricultural population from representation, but this objection seemed to carry less weight in the case of the Legislative Assembly, which will be conceived ohiefly with Imperial and all India legislation, than it would in the case of the Provincial Councils which will deal with spratical one that even with a restricted franchise the strain imposed on the lector is ould be vary severe. Indirect elections would of course be very easy to arrange, while in their favour it may be urged that the masses would have a better objection that, on account of the smallness of the electorial officers in proper intere is however the grave objection that, on account of the smallness of the electorial to be their personal fitness. Having regard to all the aspects of the case His Honour in Council is prepared, though not without some hesitation, to accept the indirect system for the first electors on the olear underestanding that is merely a provisional arrangement pending actual experience of the system proposed for elections to the provincial Legislative Council, and that the system of direct electoris on the broadest practicable basis will be introduced as soon as experience justifies this course.

## SQPI-No. 232 SBC-20-12-18-50, ....

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### GOVERNMENT OF BIHAR AND ORISSA.

## POLITICAL DEPARTMENT.

# SPECIAL BRANCH.

## No. 4110-P.

FROM .

### THE HON'BLE MR. H. MCPHERSON, I.O.S., CHIEF SECRETABY TO THE GOVERNMENT OF

## BIHAR AND ORISSA,

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## THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT.

### Banchi, the 10th November 1918.

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SIR,

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To

I AM directed to refer to your letter No. 950, dated the 15th July 1918, on the subject of Indian Constitutional Reforms; and to submit, for the information of the Government of India, the opinions which the Lieutenant-Governor in Council has formed on the proposals contained in ; paragraphs 212 to 295 of the Joint Report prepared by His Excellency the Viceroy and the Secretary of State for India.

Secretary of State for India. 2. When the Local Government were invited last year in Sir James DuBoulay's letter No. 666, dated the Sth September 1917, to submit their views on Indian Constitutional Reforms, they reviewed the conditions of the problem in Bihar and Orissa and stated their recommendations at considerable length in my letter No. 3668-C, dated the 31st October 1917, of which an extract (paragraphs 4 to 12) is annexed. The Lieutenant-Governor in Council does not desire to travel over the whole of this ground again but he considers it necessary to draw attention to his previous statement of the conditions of the problem as it then presented itself and to state briefly what were the recommendations he then made, because local conditions remain unchanged in all essentials; and although the general political situation may necessitate the adoption of a more advanced policy than was recommended a year ago, this necessity has been created from without rather than from within, and the unaltered circumstances of the Province indicate at least the need for caution in the application to it of experimental measures of reform.

3. The constructive proposals which 'His Honour in Council put forward a year ago were summed up under the following heads :--

- (1) the largely increased admission of Indians into the superior services which have considerable influence in shaping legislation and regulating the conduct of the administration;
  - (2) the inclusion of a larger number of Indians in the Executive Councils, both Imperial and Provincial;
  - (3) the liberalization of Local Self-Government and its emancipation as far as possible from official control and guidance, so that the political instinct may be developed in the masses and non-official Indians may be trained in administrative work;

- (4)-a great extension of primary education, the encouragement of the co-operative movement, and the development of industrial and agricultural improvements, all of which will fit the masses to take part in Local Self-Government and will facilitate the creation of constituencies, that will secure their representation in the Provincial Legislative Council; and
- (5) the immediate enlargement of the powers of the Legislative Councils in directions in which discretion may be left to them without trespassing on the essential functions of the Executive, the gradual increase of their elective element, and the steady development of their authority as they become more and more representative of the people.

His Honour in Council attached great importance to the first of these measures, because he was much impressed by the feelings of discontent and irritation which had been aroused amongst the educated classes of India by the slowness of the increase in the Indian element in the superior services and their general disappointment with the proposals of the Public Services Commission. It was on this discontent that the extremist critics of British rule in India played most successfully, especially amongst the student community, and it was to the same sentiment that the anarchist propaganda appealed in inflaming youthful minds against the burden of the British yoke. The Lieutenant-Governor in Council was therefore prepared to make a bold advance in this direction and to regard the Indianization of the superior services up to a limit of one-half as the immediate goal of endeavour; but as a much larger measure of advance than he had then thought desirable is now proposed in other directions, his recommendations under this head, which it is understood will form the subject of a separate reference, will call for further consideration.

4. The first four of the recommendations recited in the previous paragraph all find a prominent place in the Joint Report. It is with regard to the fifth, the development of the Legislative Councils, that the authors of the Report have travelled far beyond the limits contemplated by the Local Government. The Licutenant-Governor in Council is not convinced that the advance now proposed was either justified by the political conditions obtaining in India before the publication of the Report or necessitated by the terms of the announcement made in the House of Commons on the 20th August 1917. He considers that the policy then enunciated of the increasing association of solf-governing institutions with a view to the progressive realization of responsible Government in India as an integral part of the British Empire would have been satisfied by the adoption of the proposals mentioned above. The announcement did not preclude the intervention of a period of preparation and training before the first actual instalment of responsible Government was granted, and for such preparation and training provision was made in the Local Government's proposals. The general situation has, however, been changed very considerably since last year by the publication of the Joint Report; and the measures then advocated have in consequence ceased to be adequate. Although the Cabinet have not yet considered the recommendations contained in the Report, the fact that they have been put forward by His Excellency the Viceroy and the Secretary of State has given rise to the confident expectation that they will be carried into effect without any substantial abatement. The failure to do so would create very grave disappointment and would be regarded as a breach of faith which would alienate all shades of educated opinion throughout the country. National sentiment, moreover, amongst the educated classes of India has been steadily rising, and will not be satisfied with concessions that might have been regarded as adequate a year ago. This sentime

people, who are the foremost exponents of the principle, to meet the demand with a cold negative. The task of the British administrator in India must henceforth be to give his cordial support to the application of this principle, so far as this is possible without injury to the interests of the nonvocal classes, who constitute the great mass of the population, and without prejudice to the rights of the races, classes and religious communities who constitute minorities of varying size and importance throughout India. In view of these considerations the Lieutenant-Governor in Council is prepared to subscribe generally to the proposals of the Joint Report without further discussion of their *a priori* merits and on the distinct understanding that the safeguards which they provide will be maintained intact. Granted the necessity for the immediate introduction of the first instalment of responsible Government, they seem to him to form on the whole the best attempt which has so far been placed before the public to attain that end, and the onus is on those who criticize the scheme of the Joint Report to propare a more acceptable plan.

5. Before discussing the proposals of the Report in detail, it will be convenient to notice the general trend of the opinions which have been received from officials and non-officials in response to the invitation of the Local Government. A selection from these opinions is appended to this letter together with a copy of the proceedings of an informal conference of the nonofficial members of the Bihar and Orissa Legislative Council which the Liceutenant-Governor in Council called together to discuss the proposals of the Joint Report, and, in particular, the division of functions between the official and popular elements of the new Executive Government.

In general it may be said that official opinion is either hostile or resigned. Few officials like the proposals, and many of those who have been consulted dwell on the dangers to which an ignorant peasantry will be exposed through the expected predominance in the Councils of the landholding and professional classes; others, though by no means enthusiastic, accept the proposed reforms as inevitable. It is not altogether surprising that the services which have had the greatest share in shaping the past administration of India should regard the proposed changes with apprehension. They have helped in the task of building up in India a fabric of administration which they justly regard with pride. They believe that the masses in India have confidence in their justice and integrity and are grateful for the protection they have received from the oppression of the powerful and for the security in which their daily life is passed. They fear that with any weakening of the present system of Government, the structure which has been reared so patiently may fall to pieces and that the people who will suffer most will be those whose security and welfare British rule in India has done most to foster and advance. On the other hand, it is contrary to human nature that three hundred million people should acquiesce in the perpetual domination of a small body of foreigners from a distant land, however high-minded and efficient the latter may be. The present régime cannot continue for ever, and British rule will have failed of its purpose in India, if it does not draw out all that is best in Indians and help them to build up a fabric of self-government, which will stand unshaken on its own foundations. In this view a step in the direction of responsible Government may be regarded as essential. The task of the existing services must be to do their utmost to make it a success; and the Leutenant-Governor in Council has every confidence that they will be equal to the task. For, in spite of the changes in, the administrative Governm 6. The vocal sections of the non-official classes recognize that the scheme is an earnest attempt to satisfy their political aspirations and express the hope that it will be applied in full measure to Bihar and Orissa, no distinction being drawn between this and other provinces, which may possibly be regarded as more advanced. Where criticism is offered, it is directed not against the dangers of the scheme, but against its proposed safeguards; and there is a tendency amongst the more advanced politicians to decry the proposals as inadequate and falling far short of the Congress— League scheme, which in spite of the defects pointed out by the authors of the Joint Report is still preferred by them. Much of this criticism is a repetition of the views which have been put forward at the special session of the Congress. Muhammadan opinion in the province, where it is not merely a reassertion of the Congress— League scheme, is content to dwell upon the necessity for Muhammadan element in the population bears to the whole. The politicians of Orissa concentrate their attention on the claims of Orissa to a separate provincial administration and to the reunion with the parent stock of all Oriya-speaking. tracts which are now included in the adjacent provinces. The reference to this subject in paragraph 216 of the Report is not considered adequate; and in particular it is represented that the question of re-distribution of areas in the case of the Oriya-speaking population should be taken up before and not after the Provincial Governments are constituted on the reformed basis now proposed.

7. I am now to submit, for the consideration of the Government of India, the views of the Local Government on the details of the scheme proposed in the Joint Report.

The first question which arises is the extent to which devolution should be carried in the matter of legislation, and the method by which the respective spheres of the Imperial and Provincial Legislatures should be defined. It is suggested in paragraph 212 of the Report that the administrative control over all provincial legislation, which the Government of India now maintain by virtue of their instructions to Local Governments, should be abrogated, and that the control of the Government of India should be excressed by virtue of statutory provisions, framed on the model of sections 79 to 62 of the Government of India Act, 1915, together with a general overriding power of legislation for the discharge of all functions which they will have to perform.

The Local Government concur in these proposals. They see no necessity for any further definition of the powers of the Provincial Legislatures by statute, as the sphere of provincial business will have already been demarcated by a process of exclusion, that is, by the Imperial statutory reservations. Constitutional practice will come into play in deciding the boundary between Imperial and Provincial business in cases where there may be doubt or obscurity through interconnection of subjects.

8. The question of administrative devolution involves a mass of minor detail, which cannot easily be dealt with on broad lines. The proposals of the Local Government on this subject are contained in the schedule attached to this letter as Appendix II.

9. The Lieutenant-Governor in Council accepts the proposal that the executive Government of each province should consist of two parts, corresponding to a division of subjects between those which may be made over to popular control and those which for the present must remain in official hands. He agrees that as a necessary corollary to this the number of Executive Councillors in Bihar and Orissa should be reduced from three to two. One of these Councillors should be an Indian and the other a European member of the Indian Civil Service. His Honour in Council strongly holds the view that, except in the three Presidencies, the Governor should ordinarily be a member of the Indian Civil Service. It is most desirable that the Governor should have a first-hand knowledge of Indian conditions; and although this qualification need not be insisted on when a man of first-rate ability and

wide experience is appointed from Europe, it is highly improbable that any Indian province ou side the three Presidencies would offer attractions sufficient to secure a Governor of the requisite calibre.

The Local Government also accept the proposal that the Minister or Ministers who will form part of the executive Government should be selected by the Governor from the ranks of the elected Members of the Legislative Council. Provision should be made in the statute for the appointment of two Ministers in Bihar and Orissa, but it should be open to the Governor at the outset to appoint only one Minister. The work of the province is not at present excessive for a Council of three, but it may be regarded as certain that it will increase greatly in volume when the reforms now contemplated are introduced. The pay and status of the Minister should be the same as thosa of an Executive Councillor. Although the selection of the Minister must rest with the Governor, his appointment should be by Royal Warrant, as it is important in the eyes of Indians that the connection with the Crown should be emphasized.

The Local Government consider that nothing will be gained by the temporary arrangement proposed, whereby for five years Ministers will be responsible, not to the Legislative Council, but to their individual constituencies. The sentiment of the Legislative Council towards the Ministers will be the nearest approach to the popular will which can at first be hoped for. The vote of the constituency, especially if it be one of the communal type, might have no significance. If adequate safeguards are provided against the danger that the Legislative Council may use its authority to force the hands of the Governor or embarrass Government, there seems to be no good reason for delaying the introduction of responsibility to the Legislative Council, The safeguards that are required are :--

(1) That the salary of the minister shall be retained as a reserved subject.

(2) That a vote of censure shall be regarded as corried only when it secures a majority of two-thirds of the non-official members.

(3) That the Governor shall have power to refuse to accept a resignation consequent on a vote of censure.

This modification with the safeguards suggested was unanimously recommended by the Conference of non-official members of the present Legislative Council.

10. There remains the proposal in paragraph 220 that power should be given to the Governor to appoint one or two additional members of his Government as members without portfolio. Non-official opinion is unanimously opposed to this suggestion and official opinion is either hostile or lukewarm. His Honour in Council is willing to accept this proposal but he would not press for it, if non-official opinion in other parts of India is strongly opposed to it. In any case, care should be taken to provide that the appointments will be made only for a special purpose and for a specified time.

11. As to the actual working of the Provincial Executive Government, the Lieutenant-Governor in Council accepts the proposals contained in paragraph 221. He also agrees that the Governor should possess a power of control over his Minister or Ministers, to be defined by an Instrument of Instructions. The general tenor of those Instructions may be as indicated in paragraph 219, but it is essential that the Governor's exercise of his control shall not be open to question in the Courts, though it might be subject to revision by the Government of Indja. His Honour in Council would be glad to have an opportunity of considering these Instructions before they are finally shaped.

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12. The Local Government agree that the Governor in Council must, as proposed in paragraph 240, have full power to intervene in matters (a) which concern law and order, (b) which raise religious or social issues, and ( $\epsilon$ ) which affect the interests of existing services. The reference to the last mentioned class of cases is understood to cover imporsonal questions of cadre, pay, and other conditions of service, and not questions affecting individual officers. The right of intervention by the Government of India in these matters should be maintained.

13. The Lieutenant-Governor in Council agrees with the proposal in paragraph 239 that the question whether a particular matter should be dealt with by the popular or the official part of the Government, must be finally settled by the Governor and that no opportunity must be conceded for questioning his decision by reference to a Court of Law or to the Government of India.

14. His Honour in Council assents to the proposal in paragraph 224 that the Governor should be empowered, if he so wishes, to appoint members of the Legislative Council, whether elected or nominated, to positions<sup>-</sup> analogous to that of a Parliamentary Under-Secretary in Great Britain. This expedient might materially lighten the work of the Ministers and Secretaries to Government, and at the same time be useful in educating future Ministers in their responsibilities.

15. I am now to explain the scheme, which has been framed by the Local Government, for the composition of the Provincial Legislative Council and for the electorates in accordance with the suggestions continued in paragraphs 225 to 232 of the Joint Report. A copy of the scheme and of the tabular statistics on which the franchise and electorate proposals are based is annexed to this letter as Appendix III. Advance copies have been forwarded to the Franchise Committee for their examination.

16. The Lieutenant-Governor in Council agrees that the principle of direct elections should be extended to all constituencies. This system is already in force in Bihar and Orissa as regards the landholder and Muhammadan electorates, as well as the special constituencies of planting and mining interests. The indirect system obtains in the District Board and Municipal electorates; and when consulted last year, His Honour in Council emphasized the artificiality of both and recommended that, for the former should be substituted a direct electorate in which the franchise would be given at first to members of panchayats and then gradually extended to a wider circle of responsible persons, united by the bond of a common local interest: for the latter he proposed the substitution of a system of direct election by Municipal rate-payers, the vote being given to all persons paying rates in excess of a prescribed sum or possessed of other suitable qualifications, educational, professional, etc. Further enquiries have now been made on the subject of the franchise, of which the results are discussed in paragraph 19 below.

17. The next important question is whether the new electorates should ordinarily be of the territorial type, and to what extent the principle of communal election should be admitted. The Local Government agree that the constituencies of the future should ordinarily have a territorial basis, being divided into two main categories, rural and urban. They consider, however, that the principle of communal election should be admitted more generously than is proposed in the Joint Report. The principle is rightly conceded in the case of Muhammadans. The representatives of this community in Bihar and Orissa protest that the concession has been made somewhat grudgingly and contend that it should be extended to provinces where the Muhammadan population is in the majority. The large landholders of Bihar and Orissa have pressed for the retention of their existing communal electorate, and His Honour in Council considers that their claim-should be admitted; they undoubtedly form a distinct class in the Province, such as is contemplated in paragraph 232 of the Report, and it would jeopardize the

popularity of the scheme with an important body of opinion if this privilege were withdrawn. His Honour in Council is of opinion that it would be highly undesirable to lawer the existing franchise in the case of the special landlord constituencies, as the sole object of the concession is to secure the representation of the large landholders by members of their own class. The smaller landholders may well be merged in the ordinary ferritorial electorates, in which their influence will secure their adequate representation. The large landholders at present hold nearly one-fourth of the total elected seats in Council, but it is proposed, as explained below, to reduce this percentage very considerably. The special electorates of the planting and mining communities should certainly be retained as indicated in paragraph 232 of the Roport and a University electorate should be added as contemplated in the same passage. The European members of the present Council who represent the planting and mining communities have pressed for the representation of Europeans and Anglo-Indians by election rather than by nomination, but, apart from the two classes which they represent and from European officials, the number of Europeans and Anglo-Indians in the Province is small and scattered, and His Honour in Council does not consider that it is necessary or feasible at present to make provision for these two classes except by nomination.

18. The enquiries which have been made by the Local Government with view to the collection of materials for consideration by the Franchise Committee are explained in detail in Appendix III. The Local Government concur fully in the recommendation made in the Joint Report that the ordinary franchise of the territorial and Muhammadan electorates should be on the broadest possible basis which it is possible to introduce without a breakdown of the electorial machinery involved; indeed they regard this as a fundamental condition of the proposed reforms. The rural-franchise, moreover, must be sufficiently low to admit of the adequate representation of the cultivating classes who form the most important section of the population. However much the raiyat voters of the future may at the outset be devoid of political instinct and incapable of appreciating their strength aright, or exercising their power wisely, however much they may be subject in the boginning to undue influence and intrigue, it is absolutely essential that their training in the duties of citizenship should begin at once, if they are to attain to the place in the body politic to which their numbers and economic importance entitle them. There are already signs of an awakening. The co-operative movement has begin to teach them the virtues of thrift and the advantages of union. Great efforts are being made, and will continue to be made in the near future, to develop and expand primary education, and it may be hoped that the existing ignorance and political indifference of the cultivating classes will not take long to disappear. Raiyati associations are beginning to spring up in different portions of the province, and, although there may possibly be a certain amount of wire-pulling behind these, the fact of their formation is significant.

In endeavouring to form an estimate of the number of voters who might be included in the rural constituencies, the Local Government confined their enquiries mainly to the three large classes of (a) raivats, (b) zamindars, and (c), tenure-holders, who occupy an intermediate position between the two former classes. They took as the general basis of qualification for a vote the payment of cess, which in the case of the raivat is calculated at the uniform rate of half-an-anna per rupee of rent. As rental incidence varies enormously from district to district, being dependent not only on comparative fertility of soil and the play of competition, but also on innumerable local factors, it was found that atwide range of rental standard would be necessary in order to bring within the limits of the electoral roll a fairly even proportion of well-to-de rafyats, which would be sufficiently large in each district to avoid, being symmed by the other two elements in the electorate. Paragraph 226 of the Report contemplates such a differentiation both between provinces and between districts of the same province; and the Lieutenant-Governor in Council considers that it is inevitable at the outset and must be -faced, although it may possibly give rise to complaints in the more prosperous

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districts A summary enquiry has been made to ascortain whether the local variations would be reduced, if the raiyats' franchise were fixed on the basis of area rather than rent. The figures are incomplete. So far as they go, they indicate that greater uniformity would thus be secured, but His Honour in Council considers that on the whole it is preferable to adhere to the cess hasis, as this represents a contribution to local taxation and it is desirable to emphasize that the right to vote is based on a payment to the State. The scheme which has been prepared for the Franchise Committee contemplated the fixing of the franchise at such amounts of cess payment for raiyats, zamindars and tenure-holders, respectively, as will produce rural electorates averaging about two per cent. of the population, or approximately one-tenth of the rural householders of the province. The actual figures, however, on account of the necessity of securing some degree of uniformity, work out to a percentage of 1.7 only. The total number of presons who participate in the present Council elections is roughly 2,500. At a general average of 1.7 per cent. of th population the total number of voters in the province is in the vicinity of 600,000, and the average district electorate about 30,000, of which roughly three-quarters would be raiyats and one-quarter landlords including tenure-holders. This scemes as far as it is possible or expedient to go at present in the direction of numbers, as any further increase would place a dangerous strain on the new electoral machinery which is discussed in the next paragraph. The result proposed above is obtained by fixing a rent payment of Rs. 48 (on which cess of Re. 1-8-0 is payable through the landlord) as the general standard for the raiyats' franchise, this limit being reduced to Rs. 16 in the Orissa and Chota 'Nagpur Divisions and increased to Rs. 16 in the Orissa and Chota 'Nagpur Divisions and increase valuation of Rs. 100 is proposed, the cess actually pail being borne in varying proportions by

The case of the urban franchise is simple, as Municipal electorates already exist, and it is proposed that all persons eligible to vote in municipal elections should also be oligible to vote in the urban constituencies of the Legislative Council. The ordinary franchise in municipal electorates was formerly based on a rate payment of Re. 1-8-0 but was recordly raised to Rs. 3. As the underlying principle of the Reform Scheme is a franchise on the broadest possible basis, it is proposed to revert to the former standard of Re. 1-8-0. This has the additional advantage of tallying with the general basis of the rural franchise.

The existing Muhammadan franchise yields only an average of about 300 voters for each constituency. The Local Government see no reason why it should not in future be placed on the same basis as those proposed for the general rural and urban constituencies.

The franchise of the special landlord electorates has already been discussed.

In the case of the planting and mining electorates, His Honour in Council would adhere generally to the existing arrangements. The member who represents planting interests is returned by the Bihar Planters' Association which is a fully representative body, and no change is required. The present mining member is returned by the Indian Mining Association, and the Lieutenant-Governor in Council considers that that body should continue to return a member. But as it is composed mainly of representatives of the Calcutta agents, His Honour in Council thinks that a second member should

be provided to represent the interests of local colliery owners who are not members of the Indian Mining Association and of those who are employed in the coal-fields as managers, assistant managers, etc. It has not yet been possible to work out the details for this constituency.

For the new University constituency the franchise should correspond to that in force for Senate elections under the Patna University Act, 1917, and Regulations.

19. Reference has been made in the last paragraph to the limitations which must at the outset be placed on the franchise on account of the practical difficulties which will be experienced in the installation of electoral machinery on a scale never before attempted. The nearest approach to this is in the system of Local Board elections, which has been introduced so far only in the Patna Division. Although the Local Board unit is comparatively small, the experience of past elections has not been very promising, as will appear from the notes included as Appendix IV. The conduct of a general election on the lines now proposed will entail a vast amount of preparation and local organization which will throw a very heavy burden upon the District Officers and their subordinate staffs. The provisional views of the Local Government on this subject are contained in Appendix V. Here it need only be observed that all unnecessary complications should be avoided and that the lection organization should be so arranged as to work in, as far as possible, with the administration of the Local Self-Government Department. As gards the latter point, it is a feature of the present franchise proposals that the Council electoral rolls will be useful for purposes other than Council elections, e.g., for Local Board and municipal elections.

The Local Government have considered the questions of (1) plural constituencies with reservation of seats for particular classes of candidates, and (2) proportional representation. They are emphatically of the opinion that such devices are likely to cause undue complication of the electoral machinery; and will not, in the present undeveloped condition of the proposed electors, lead to any useful results in the direction of securing fair representation for minorities. They have therefore framed their proposals on the principle that each constituency will be a single member constituency; and they will, if the proposals are finally accepted, proceed to divide up the districts for which more than one member is proposed, into suitable areas for electoral purposes. As the average single constituency will include a larger number of voters than can be polled by the district staff in one day, the elections must ordinarily be spread over two days; and in the case of the larger districts, which will be represented by two or more rural members, the elections must extend over the greater part of a week. This arrangement will leave certain loopholes for intrigue and personation, but these are necessary evils and every effort will be made to reduce them within the narrowest limits.

20. The important question of the constitution of the Provincial Legislative Council remains to be considered. The present Council includes :---

3 ex-officio members.

-19-nominated members of whom not more than 15 may be officials.

21 n	nembers elected as foll	ows :		ÿ.	
	(1) by Municipal Comm	issioners		•••	5
	(2) by District Boards	- 111			5
	(3) by landholders				5
	(4) by Muhammadans		•••	•••	4
	(5) by mining interest				1
	(6) by planting interest	•••		·	1

Total ... 43, to which may be added one expert member, official or non-official.

While the Local Government accept the principle that the new Council should contain a substantial majority of elected members, they do not consider it desirable in the present circumstances of the province that the Council should be so large, or that the proportion of elected members should be so high, as is demanded in certain quarters. Non-official opinion, which clings to the Congress-League Scheme, asks for a Council of 125 with an elected majority of four-fifths. In the opinion of the Lieutenant-Governor in Council, neither of these demands is suitable under the existing conditions of Bihar and Orissa. There is much less diversity of interests in a province that is mainly agricultural than in the Presidencies, and His Honour in Council believes that there will be ample room for the representation of all important interests, while the standard of ability and character will not be unduly lowered, if the new Council be limited to 96 of which two-thirds should be elected members. This is the figure which he has decided to recommend, after further consideration of the tentative scheme laid before the Conference of non-official members, which contemplated a Council of 90, two-thirds elected and one-third *ex-officio* and nominated.

21. The scheme which follows :	the	Local	Government	recommen	nd is as
Electrd	-,			•	
Rural non-Muhammadans		•••			58
Urban non-Muhammadans	•••	•••			5
Rural Muhammadans	• • • •	•••	•		12
Urban Muhammadans					. 3
Large landholders					7
The Planting Community					1
The Mining Interests			•••		. 9
The Patna University	•••				1
	•		Total	<b>* * .</b>	64
Ex-officio and nominated officials-		-			
The Executive Councillors The Commissioners of Divisions	•••	•••	•••	•••	2
The Secretaries to Government	***		•••	•••	5
The Legal Remembrancer			•••		1
Heads of Departments and Exper	ts				8
The Vice-Chancellor of the Patna	Unive	ersity		•••	1
			Total	•••	20
Nominated non-officials		•••			12
		. a.	and Total		96

In framing the scheme the Lieutenant-Governor in Council has taken the following points into consideration :---

(1) The allotment of seats to Muhammadans follows the basis adopted by the Lucknow Convention of the Congress and the Muslim League which gives the Muhammadans of Bihar and Orissa 25 per cent. of the elected Indian seats. It will be seen that 15 seats have been provided for them out of 60, the four special electorates (Planting, Mining, and University) being excluded.

(2) The proportion of rural to urban constituencies is 44 to 9. This gives the residents of cities and towns a larger share in the Council than their population justifies, but His Honour in Council has taken into account both the relative position which municipal bodies enjoy in the present Council and also the much higher standard of education and general level of intelligence which prevails in urban areas.

· \_ 10

(3) It is proposed to give seven seats to the large landholders. This will leave them with a much smaller proportion of representation than they enjoy in the existing Council, but the class is numerically small, and it will have little difficulty in securing further representation in the general rural electorates, until such time as the cultivators begin to recognize their political powers. The Local Government propose to distribute the seats for the large landholders, by giving one each to the Patna, Orissa and Chota Nagpur Divisions, which have populations of between five and six millions, and two to the Tirbut and Bhagalpur Divisions with populations of ten and eight millions, respectively.

(4) Of the nominated members, it is proposed that 20 should be officials and 12 non-officials. With a smaller number than 20 the selection of official members for the Grand Committee would be unduly limited.

members for the Grand Committee would be unduly limited. The communities and interests for which it will be necessary to provide representation by nomination are fairly numerous in Bihar and Orissa and include the following :--(1) industrial interests other than planting and mining, represented at present mainly by the colony at Sakchi but likely to develop greatly in the near future, (2) aborigines who form a large section of the population in Chota Nagpur, (3) the depressed classes who will remain outside the scope of the franchise, (4) domiciled Bengalis who may or may not succeed in carrying a fair proportion of the general seats, (5) Anglo-Indians and Indian Christians. A general reserve out (of the total of 12 would be retained for adjustment of election results and for the appointment, when necessary, of non-official experts. 22. The distribution of seats assigned to the urban and rural constituen-

22. The distribution of seats assigned to the urban and rural constituencies, both general and Muhammadan, is set forth at page 1 of Appendix III It is founded primarily on a population basis, but this has been confused to some extent by the disproportionate allotment of seats to Muhammadane and by the preference shown to urban areas, both of which causes have operated to give the Bihar divisions an advantage over the others. The divisional figures are as follows :---

Popula	stion 5,6	34,7 <del>8</del> 9.			
{Urban Rural	•••	····			1) 8)
÷	Tot	al	18	(Muhammadan	4)
Popula	ation 9,97	78,859.			
C Thhan	•••		2	(Muhammadan	1)
Rural	• • •		14	(Muhammadan	3)
	Tot	al	18	(Muhammadan	5)
			,	÷	
Populati	on 8,144,	821 (a).		•	
(Urban	•	•••	2	(Muhammadan	1)
Rural			8	(Muhammadan	3)
Total	•••	•••	10	(Muhammadan	4)
Dopulati	on 5 191	729 (1)			
	···		1		
Rural	•••	•••	6	(Muhammadan	1)
Total		••••	7	(Muhammadan	1)
	{Urban Rural Populs {Urban Rural Urban Rural Total Populati {Urban Rural	Urban          Rural          Population 9,92         Urban          Rural          Total          Population 5,131,       Yeban         Urban          Rural          Rural          Rural	( Rural          Total          Population 9,973,859.         (Urban          Rural          Total          Population 8,144,821 (a).         (Urban          Rural          Total          Population 5,131,758 (b).         (Urban          Rural          Rural          Rural	Urban         3         Rural        10         Total        10         Total        10         Total        10         Total        10         Total        13         Population 9,973,859.        2         Rural        14         Total        14         Total        16         Population 8,144,821 (a).        16         Varban        2         Rural        8         Total        10         Population 5,131,758 (b).        1         Rural         6	Urban Rural3 (Muhammadan MuhammadanTotal10(Muhammadan (Muhammadan MuhammadanTotal13(Muhammadan MuhammadanPopulation 9,973,859. Urban2(Muhammadan Muhammadan Total2Mural14(Muhammadan Muhammadan TotalPopulation 8,144,821 (a)16(Muhammadan Muhammadan MuhammadanPopulation 8,144,821 (a)2(Muhammadan 

(a) Includes Santal Parganas (1,882,973) which is excluded from the scheme. (b) Includes Angul (199,451) which is excluded from the scheme.

Chota Nagpur-

# Population 5,605,862. Number of members Total ... ... 1 Total ... ... 7 (Muhammadan 1)

12

23. The question of the qualifications of candidates for election to the Legislative Council, is not dealt with in the Beport, but it is presumed that the Government of India would wish to have the views of the Local Government upon it. The existing rules on the subject are contained in Regulations IV and V framed under section 6 of the Indian Council Act, 1909, published in Notification No. 66, dated the 21st November 1912 of the Legislative Deparment. The conditions of eligibility prescribed in Regulation IV will presumably be retained, but in view of the general change of system now proposed His Honour in Council is doubtful whether it is necessary to prescribe any additional rule for individual constituencies except the general condition that no person shall be eligible for election unless he possesses the qualification for a vote within the constituency concerned.

24. The Local Government do not consider that 'it would be desirable to establish the convention suggested in paragraph 233 that the official members of the Legislative Council should abstain from voting on questions connected with the transferred subjects. For several years to come the official members will be the main repositories of actual administrative experience. It is proper therefore that they should express their views regarding all measures proposed in the Council which affect the administration of the transferred subjects, and that they should give point to their speeches, by their votes, provided that they are allowed complete freedom by Government in this matter. To deprive them of the power of voting would materially lessen their interest in these subjects, a result which the Local Government would sincerely deplore. His Honour in Council welcomes the proposal to give freedom of speech and vote to nominated official members in the discussion of reserved subjects, except when Government find it necessary to issue a special mandate to the contrary. He agrees that it is desirable to drop the title "Honourable" for members of the Legislative Council, to substitute the affix M. L. C. as proposed in paragraph 234, and to abandon the term 'additional member.'

25. The proposal, made in paragraph 235, to constitute Standing Committees to advise the Member or Minister in charge of Departments commends itself to the Local Government. They also agree that the Governor should be the President of the Legislative Council, with power to appoint a Vice-President who, as suggested in paragraph 236, for the present should ordinarily be appointed from the official members. The existing rules of procedure should continue in force, subject to modification by the Legislative Council with the sanction of the Governor. They accept the proposal to allow any member to ask supplementary questions and also the restrictions on putting questions, and the power of refusing to answer questions. The Governor should retain some power to disallow the moving of resolutions; and resolutions, other than those which relate to the budget, should not be binding on the Executive.

26. The Local Government accept as generally suitable the list given in Appendix II of the Report of subjects which should be handed over to provincial administrations; but as regards the division of those subjects between reserved and transferred suggested in Illustrative List II of that Appendix, they wish for the reasons stated below, to make the following omissions from the category of transferred :---

(i) Registration of births and deaths should be reserved, as it is effected in this province by the agency of the police and no other agency is available. Coroners are not known and inquests are carried out

under the provisions of the Criminal Procedure Code. Questions

relating to such inquests should' therefore be reserved. Village Courts are not yet in existence. The Local Government would prefer to leave the question of their administration open, until it is decided what shape they will take.

- (ii) His Honour in Council is strongly opposed to the immediate transfer of secondary and technical education. Several large schemes for the development of these subjects are already far advanced, and might be seriously delayed, if a new element of control were introduced. It is, moreover, difficult to draw a definite control were introduced. It is, moreover, difficult to draw a definite line between collegiate and secondary education, while in view of the recent creation of the Patna University the relations between that body and secondary schools are still in the experimental stage. It is probable too, in view of the findings of the Industrial Com-mission, that technical education will be taken away from the general subject of education and dealt with by a separate Depart-ment of Industries. It is also desirable to see how the Minister deals\_with primary education, before extending his control to secondary and technical education. secondary and technical education.
- (iii) Under the head 'Medical' the Local Government prefer to reserve the administration of medical schools, as being on a similar footing to secondary and technical education, while there is also a likeli-hood of their conversion into colleges in connection with the scheme for the development of the University.
- (iv) The subject of forests should be entirely reserved. The Forest Department deals primarily with Government forests, and only to a very limited extent with forests that are under the temporary management of Government in wards and encumbered estates, or under special provisions of the Forest Act. In Government estates, ou unclassed and protected forests are so closely mixed up with estate management, and consequently with land revenue and agrarian questions, that His Honour in Council can see no good reason for the introduction of the non-official element into their administration. Moreover, the forests of this province lie mainly in the "backward areas", referred to in paragraph 199 of the Report, for which the Local Government have proposed special treatment *vide* my letter No, 4097-P., dated the 9th November 1918.

(v) It is not understood why the subjects of franchise; electoral law, and constituencies have been included in the list, since it is not proposed to transfer them until the Commission, which will sit ten years after the introduction of the Reforms, has reported, and it is impossible to say now what view the Commission will take of the matter. Prima facie these would seem to be subjects which should be reserved till the last, as the whole structure of the reformed Government rests on this foundation.

27. On the other hand, the Local Government are prepared to include as transferred subjects the following additional items of business which are not in the Illustrative List :---

(i) Private Trusts.

(ii) Court of Words and Encumbered Estates.

(iii) The control of all services which are exclusively devoted to trans-ferred subjects, saving the power of intervention already reserved by the Governor in Council, as proposed in paragraph 240.

The transfer of these three subjects was recommended by the Conference of the non-official members of the Legislative Council. The Conference also recommended the transfer of-

(i) The control of village chaukidars and headmen.

(ii) Prisons.

(iii) Land Improvement and Agriculturists' Loans.

(iv) University Education, Reformatories and Industrial Schools.

(v) All forests and forest products.

(vi) All agriculture.

The Local Government cannot accept recommendations (i) and (ii) as these subjects are intimately connected with the preservation of law and order. Item (iii) is unsuitable for transfer, as it is closely connected with agrarian questions and famine policy. Items (iv) and (v) have been discussed above. Item (vi) appears to be already included in List II and is accepted by the Local Government.

The Lieutenant-Governor in Council accepts the reservations proposed in the remarks column of Illustrative List I. In the matter of Local Self-Government in List II, however, he sees no reason why the power of supponding defaulting local bodies should not be exercised by the Minister, subject to the control of the Governor.

28. The question raised at the end of paragraph 216 of constituting Orissa as a sub-province will be dealt with separately.

29. The safeguards proposed in paragraphs 217-254 to be provided against irresponsible action on the part of the Legislative Council have now to be considered. The Lieutenant-Governor in Council while accepting the expedient of the Grand Committee as the best practicable method of securing the enactment of essential legislation, during the transitional period, is unable to agree that the Grand Committee should be composed precisely as suggested. He considers it essential that the power of the Executive to pass necessary measures should be sufficiently guaranteed; and he does not think that this is provided by the arrangement whereby only 14 out of a total of 41 members would be nominated officials. It may be urged that the Grand Committee has not been devised as a definite and unqualified check upon the Provincial Legislative Council, and that its function is not quite identical with that of the Council of State in relation to the Legislative Assembly. It may also be urged that the bare majority proposed is designed to operate as a check upon the Governor exercising hastily or indiscriminately his power of certification and that the scheme of the Report aims at his carrying his Legislative Council with him and only in cases of sheer perversity resorting to the Grand Committee. Nevertheless His Honour in Council considers that the handicap proposed in the Report is too heavy, and he would not be prepared to acquiesce in the proposal unless the margin between the official and the non-official vote be somewhat reduced. With a Legislative Council of 96, he would suggest a Grand Committee of 39, of whom 19 should be chosen by the elected. members, and 20 selected by the Governor from the *ex-officio* and nominated members, not less than one-fifth of the 20 to be non-officials.

30. The Local Government accept the proposals in the Report as regards the occasions on which the device of the Grand Committee may be called into operation and the procedure to be followed when such occasions arise. They entirely support the proposal in paragraph 254 by which the Governor is empowered to dissolve his Legislative Council, and also those which require the assent of the Governor, the Governor General and the Crown to provincial legislation.

31. The proposals contained in paragraphs 255 to 257 on the subject of budget procedure in the Legislative Council commend themselves to the Lieutenan -Governor in Council.

32. The Local Government see no present need for a Provincial Upper " House but suggest that the question be kept open for consideration by the first of the periodic Commissions. They approve the proposals contained in paragraph: 260-264 for securing further progress towards responsible government although they would, as already stated above, make the Ministers respon ible to the Legislative Councils from the beginning.

33. Coming now to the proposed changes in the Government of India, contained in paragraphs 271 and 272 of the Report, the Local Government

do not think that the number of ordinary members who have served for ten years under the Crown in India should be less than three. Subject to this stipulation they agree to the removal of statutory restrictions on appointments to the Executive Council and consider that the time has come to appoint a second Indian. If it is not found convenient to give him a definite portfolio, he might be appointed as an additional Member without a portfolio. He would have more time to advocate the Indian standpoint in the cases of all Departments, if he had no Department of his own to supervise and control.

34. The next group of proposals that require consideration are those contained in paragraphs 273 to 286 relating to the composition and procedure of the Indian Legislature. Indian opinion is dissatisfied with these proposals. The Conference of non-official members of the local Legislative Council pressed for a further liberalization of the Legislature and opposed the creation of the Council of State. Many urge that some subjects in the sphere of the Government of India should be transferred to popular control. As to the latter point it seems: evident to the Local Government that the goal of the whole body of the proposals embodied in the Report is the creation of semi-sovereign States, with as large a degree of autonomy as it is possible to give them. There is consequently very little room in the business retained in their own hands by the Government of India, for subjects which estabe transferred to the control of Ministers responsible to the Legislature. The Local Government regard the creation of a Council of State as an essential asfeggaard to the experiment in autonomy and responsible Government in the provincial sphere, and they are altogether opposed to any changes is the Government of India, which go beyond these recommended in the Report itself.

35. The Lieutenant-Governor in Council accepts the proposed composition of the Imperial Legislative Assembly (paragraph 273), the abandonmentof the title "Honourable" (paragraph 273), and, subject to the proposal below, the allotment, as between the provinces, of the seats to be filled by election, (paragraph 274). If seven seats only be allotted to Bihar and Orissa, he would retain the existing seats for representations of the large landholders and the Muhammadans and he would give one general seat to each of the five divisions of the province. The drawback to this arrangement is that it' gives the Muhammadans only one seat in soven or considerably less than the proportion agreed to at the Lucknow Convention. For this reasons His Honours in Council would be glad if an eighth seaf could be allotted to Bihar and Orissa in which case it would be reserved for a second Muhammadan. His provsional views on the franchise of the general and Muhammadan electorates are stated in Appendix III. He would retain the existing franchise in the case of the large landholders.

The Local Government accept the proposals, contained in paragraph 275, which relate to the nomination of non-official members, the employment of Secretaries to relieve Members of the Executive Council from constant attendance in the Assembly, the appointment of members of the Assembly to positions analogous to those of Parliamentary Under-Secretaries, the partial exemption of official members from restrictions in speaking and voting, and the nomination of the President of the Assembly.

36. As already stated, the Local Government regard the scheme for a Council of State as an essential safeguard, at least during the period of transition. They also welcome it as a means of securing a permanent element, which will make for stability in the future development of the Constitution. They agree that the personal qualifications of members should be of a character appropriate to the dignity of the body, that they should enjoy the title of "Honourable", and that the life time of the Council proposed in paragraph 277, and the procedure explained in paragraphs 279 to 281:

37. The proposals in paragraph 283 to give the Governor General power to dissolve either of the Legislative bodies and to retain the existing power of

the Governor General and the Secretary of State in respect of assont, reserva-tion and disallowance of all acts of the Indian Legislature commend themselves to the Lieutenant-Governor in Council as valuable safeguards.

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38. It is understood that, under the proposals in paragraph 234, the 35. It is understood that, under the proposals in paragraph 252, the Council of State will have no say whatever in the Budget, and that the Legislative Assembly will merely be able to pass resolutions, which will be advisory in character. On this understanding the Local Government accept the proposals. A fortiori resolutions of either House on subjects other than financial must be devoid of any mandatory character.

39. The Lieutenant-Governor in Council sees no objection to the B. The Lieutenant-Governor in Council sees no objection to the proposal made in paragraph 285 to attach to some of the Departments of the Government of India Standing Committees drawn from the two Legislative bodies. The recommendations in paragraph 286 regarding the procedure of these bodies require no comment. The Local Government would welcome the institution of an Indian Privy Council.

40. In respect of the proposals contained in paragraphs 290 to 295, which deal with the position of the Secretary of State for India in Council, his relations to Parliament and the organization of the India Office, the Local Government accept the recommendations of the Report with two qualifications. In the first place while they consider that it would be an undoubted advantage to secure the presence in the India Office of men who have a first-hand knowledge of Indian affairs and conditions, they are not certain that the reverse procedure would be equally advantageous. The Imperial Secretariat, as it is, tends to be somewhat out of touch with provincial conditions and district work, and this tendency would be accentuated, if a place were reserved in it for officers trained in the India office. The Select Committee on Indian affairs should be a joint Committee of both Houses of Parliament, or, failing this, each House should have its own Committee. Otherwise most of the Members of Parliament who have first-hand knowledge of the large questions of policy Parliament who have first-hand knowledge of the large questions of policy with which the Committee will be concerned, e.g., retired Governors General and Governors, will be deprived of the opportunity of sharing that knowledge with those members whose interest in India is greater than their experience of it.

41. In conclusion, I am to explain that the present Indian Member of Council does not subscribe unreservedly to the views which were expressed a year ago by the Local Government as then constituted, though he fully concurs in the recommendations which are now submitted.

I have the honour to be,

<sup>-</sup> Sir,

Your most obedient Servant,

### H. MCPHERSON,

Chief Secretary to Government.

B. & O. G. P. (P. B. & B.) No. 103 (Ranchi)-S0-10-11-1912-J. M. R.

# LIST OF ENCLOSURES.

## A.-APPENDICES.

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H.-Extract from Mr. McPherson's letter No. 3663-C. dated the 31st October 1917.

II.—List of proposals for the delegation of powers to the Local Government.

III.—Proposals for distribution of seats in the Legisla-tive Council, notes and statement on the subject of franchise and franchise qualifications.

IV.-Notes on Local Board Elections.

V.- Note on the conduct of a general election.

B.-OPINIONS.

I.-Official opinions on the subject of the franchise.

II.—Official opinions on subjects dealt with in the joint report other than the franchise.

III.-Non-official opinions.

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IV.-Proceedings of the Conference of non-official mem-bers of the Legislative Council.

## APPENDIX III. -

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APPENDIX III. -The proposed distribution of seats assigned to the urban and rural constituencies, both Muhammadan and general, is set forth in the following statement. The population figures relate only to males of 20 years of age or more and are expressed in thousands. In view of the proposal of the Local Government to exclude from the jurisdiction of the reformed Council, the districts of Santal Parganas and Angul, the figures for those tracts have been excluded from those for the rural population. It is, however, proposed to give the franchise to the urban population of these tracts, and hence figures are shown against Santal Parganas. There is no urban area in Angul.

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	District.	. * · .	Populstion.	Mcmberv.	upulațiu	Members.	Population.	Membars.	Population.	Membera.	Romarks.
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Shahabad	· · · · · · · · · · · · · · · · · · ·		13	ļ,	7	μ.	411	2	22	1	- `
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Champaran	·		12	1	4	} 1	4,50	2	52	1	
Darbhanga	··· ··		. 8	1	1	11	4,17	2	68	1	].
∿ern πøn8g	••• •••	,	19	ľ	6		6,19	3	78	1	
	Tirhat Divi		., 56	ŗ	18	1	20,85	10	۲	6	9 - 9 <sup>-</sup>
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	Dargarpur Divi	. alog	44	1	15	- <b>1</b>	12,47	5	2,90	8	
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Sambalpur		· ·	. 8	J-		-	1,84	1		IJ.	of Orissa and Chota Nagpur Divisions includ- ed with rural.
				<u></u>		<u> </u>	<u>}</u>		<u> </u>		
	Orissa Divi	sion .	. 39	] 1		÷ ·	11,53	5	26	1	
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Asabhum Singhbhum	••• •••		7	11			8,61	2	28		
wirfobbpp			-] 2	P			1.55	1	1	<b>∱</b> ~ .	
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		•		<u> </u>				6	79	1	
	Provincial T	otal .		6		8		- 32	·	12	

# Note by Mr. J. A. Hubback, I.C.S., on the statement showing probable number of electors.

1. The appended statement gives the results of the detailed enquiries, made by the District Officers in August 1918, into the probable size of constituencies.

2. Preliminary Enquiry.—A preliminary enquiry was very hastily made in January 1918. It was recognized that the following factors of unknown weight were ignored in the result, then ob inel :—

(i) The eases in which two or more holdings are held by the same raiyat, either in one village or in more than one village.

(ii) The cases in which there is no adult male co-sharer in a holding.

(iii) The cases in which a raiyat, who would be entitled to a vote on the rental of his holding, is also a proprietor or a tenure-holder.

3. Present Enquiry.—The District Officers, therefore, were asked in Mr. McPherson's demi-official No. 648-69-C., dated the 24th July 1918, to make more extensive enquiries on the lin s detailed below.

- 4. The records of rights of villages covering one-sixth of the total area of each police station jurisdiction were examined. (The preliminary examination was confined to 100 villages in each district, or about 24 per cent. of the total number of villages in the Province.)

From the figures of raivati holdings so obtained the probable total number of holdings of different rental value in each police station jurisdiction was deduced by rule of proportion. The raivati holdings included those held by (a) fixed rent raivats, (b) settled raivats, (c) occupancy raivats, (d) nonoccupancy raivats. Rent-free tenancies were separately dealt with and underraivats completely ignored. The value of the rent when paid on the produce or actually in kind was estimated in each district. The rates adopted are discussed below for all districts where produce rents are common.

Large villages were as a rule selected, but in some cases villages were selected by a mechanical process of taking every sixth village.

5. In order to estimate the correction to be applied, owing to the fact that raiyats often have two or more separate holdings, in the same village, either one or two villages in each police station jurisdiction were selected, and the records-of-rights examined.

This is often a big factor, as in the districts where produce rents are prevalent nearly every raiyat has two holdings, one on cash rent and one on produce rent. Further in districts where the number of proprietors is large a raiyat frequently holds under two or more proprietors. The general effect on the figures of the amalgamation of holdings is to increase slightly the figures for the lowest standard considered, and to increase materially those for the higher standards. For the amalgamation of two holdings below the lowest standard gives one holding above it, but the amalgamation of two holdings above the lowest but below the next higher standard, gives only one holding in the lowest standard and one in the next higher.

The results so obtained have been applied as a district percentage to the figures obtained from an examination of one-sixth of the area of the district.

The records of the same villages were also subjected to a cross check between the *khewat* (record of proprietary interests and tenures), and the

terij (the list of the raivati holdings), in order to detect cases, in which raivats, whose holdings after amalgamation reached the various standards were a'so found to be propri tors or tenure-holders. (It was not thought necessary to consider the precise value of their proprietary interests or tenures, as that would have been extremely laborious, and as a matter of fact the number of cases has proved to be scarcely ever more than 3 per cent. in the lowest standard or 10 per cent. in the highest).

6. With a view to eliminating as far as possible the error of omitting to consider cases in which raivats have holdings in more than one village, it was at first arranged that the largest village, in each police station jurisdiction should be taken for-the enquiry mentioned in the preceding paragraph. It was, however, decided that this error could not be ignored, and hence in the latter part of the work some smaller villages were taken.

A further enquiry was ordered to estimate the effects of what may be called amalgamation of extra village holdings as distinguished from the amalgamation of intra village holdings dealt with in paragraph 5.

For this purpose some 10 villages in each district were taken and the records were first examined to obtain the results of "intra village" amalgamations, and then examined with those of all adjoining villages to obtain the results "extra village" amalgamations. Only those cases, in which the largest part of the holding formed by amalgamation is situated in the selected village, were taken into account.

The results were expressed as a percentage for the whole district, obtained by dividing the number of holdings of a certain standard, after "intra village" amalgamations only, into the number of holdings of that standard, after both "intra " and "extra" village amalgamations.

7. Yet another enquiry was undertaken to gauge the effect of omitting holdings, in which there is no adult male cosharer. As this depends on actuarial factors, modified slightly by local or communal laws of inheritance, it was decided to limit the enquiry to six villages in every district. In each of these the rent roll was examined on the spot in the presence of the bulk of the raivats and the rent-collecting agency, and the facts noted. The percentage was found to lie in nearly all districts between 3 and 9 per cent., only Sambalpur with 19 per cent. exceeding the latter limit. It would probably be safe to take 6 per cent: as the reduction to be made on this score throughout the province. It is noteworthy that the figures of Santal Parganas, with a large Animist population, Purnea with a large Muhammadan population, and Monghyr with a population which is a fairly typical of the province are 6, 4 and 3 per cent.

8. Thus percentages have been obtained for the effect of-

(i) "intra village" amalgamations;

(ii) overlapping of raivats and proprietors or tenure-holders;

(iii) "extra village" amalgamations; and

(iv) omission of females and minors.

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These percentages have been multiplied togethor and applied to the district figures for the total number of holdings of each standard obtained as explained in paragraph 4, and the resulting figures have been given in columns 7 to 11 of the double page statement attached.

It should be noted that the standards chosen for the Bihar districts are Rs. 32, Rs. 64 and Rs. 96 and for the Orissa and Chota Nagpur districts Rs. 16, Rs. 32 and Rs. 49.

The holding or group of holdings belonging to the same set of persons has been taken throughout as the unit, and no attempt has been made to see what the individual's interest is as distinct from the interest of the joint family:

- 8

This is based on the idea that the "Karta" or equivalent head of the family would get the vote.

In the actual preparation of the electoral ro'l the difficulties of holdings in the common posession of several families will have to be faced. But these are not very common.

9. Proprietors and holders of rent free lands.—The figures of columns 12 to 15 have been obtained from a detailed examination of the Cess Tauzi Registers.

They include proprietors of both revenue paying and revenue free estates, and also persons who, holding lands without payment of rent, pay cess direct into the Treasury or to the proprietors of estates to which the rent-free lands have for cess purposes been assigned.

The unit is the estate or the separate account, where such accounts have been opened.

It may be taken that the cess paid by proprietors out of their own pocket is about one-third of the aggregate payment. Hence a proprietor paying Rs. 3 is making a contribution equal to that of a raiyat whose rent is Rs. 32. Rs. 6 cess from a proprietor equals Rs. 64 rent from a raiyat. Rs. 9 equals Rs. 96 and Rs. 12 equals Rs. 128. Rent-free holders pay a much larger proportion of the cess out of their own pockets, but they do not contribute directly or indirectly to the land revenue.

Rent paying tenureholders.—The figures of those whose tenures have been valued at Rs. 100 or more were reported by most District Officers in January and have merely been repeated except where corrected. Such tenureholders may perhaps be taken to be paying as much cess from their own pocket as raiyats paying rent of Rs. 32.\*

10. Column 6 is also taken from the same statement. It has been obtained by dividing the total rental of the district by the number of actual workers among ordinary cultivators (total of columns 14 and 15, Table XV on pages 150 and 151 of Part III Volume V of Census, 1911). The total rental includes cash rents and produce rents on an average district valuation.

11. The remaining columns 17 to 20 contain no new material but have been taken from the results obtained in the preliminary enquiry of January 1918.

12. Probable Error.—The work appears to have been carried out both intelligently and carefully in the district offices. After making allowance for actual errors, and for possible overlapping of voters, I think the total number of voters on any of the franchises chosen can be obtained within 20 per cent. In a few districts, however, the number of proprietors who would get the vote has been exaggerated, because no allowance has been made for the great fandowners, who hold a large number of revenue paying estates.

13. Maximum number of voters for one polling officer.—I made some enquiries from officers who have had experience of conducting elections as to the number of votes that can be polled under the supervision of a single officer in one day. One officer said he had polled 2,700 votes, in 14 hours with 15 candidates for 5 vacancies, and that another officer had polled 4,000 votes with two candidates. In these cases the polling officer himself noted the candidate for which the electors wished to vote.

Other officers however are much less hopeful and range from 500 to 1,000 as the number that can be polled. In Gaya Municipal election, in March 1918, a ballot was taken, and I arranged to have two polling officers for

• A tenure-holder, whose tenure is valued at Bs. 100, who ho'ds all in his own possession and pays a quit rent of Ba. 8, pays cess out of his own pocket of Bs. 6. A tenure-holder, whose tenure is valued as Bs. 100, who has sublet the whole and pays a rent of Bs. 80, pays cess out of his own pocket of 10 annas.

all wards in which the number of electors exceeded 500, and we got through comfortably be ween 9 a.m. and 5 p.m.

If the arrangements for the Gaya Municipal election are followed, I should say it would be unwise to expect an officer to poll more than 1,000 in a day. It is unlikely hat more than 30 officers of the required standing will be available in a district and in the smaller districts not more than 20.

14. Details for Districts.—On this basis I proceed to examine the figures district by district, assuming that the proprietors' franchise is payment of Rs. 12 as cess and tenure-holders a valuation of Rs. 100.

**Paina**.—Produce rent land was valued at Rs. 10 per acre. This is important as 404,000 acres out of a total net cropped area of 1,023,000 acres are held on produce rents. Cash rents are high (Rs. 8-4-0, per acre); and I do not think the rate adopted is excessive.

Rs. 32 clearly gives an unmanageable electorate. Rs. 64 will give about 46,000 rural electors and Rs. 96, about 31,000.

Gaya.--Produce rent land was valued at different fates from Rs. 9 to Rs. 4. The average will be about Rs. 6-8-0 which is reasonable. Cash rent averages Rs. 6, but includes all the best land.

Produce rents are paid for 1,104,000 acres out of 1,829,000 acres of net cropped area.

Rs. 32 is obviously out of the question. Rs. 64 will give about 60,000 rural electors and Rs. 96 about 38,000.

Skakabad.—Produce rent land was valued at Rs. 5 per acre. Much of it is infertile land towards the south and west. The rate is reasonable. Cash rent averages Rs. 3-4-0 per acre. Produce rents are paid for 254,000 acres out of 1,746,000 acres of net cropped area.

Rs. 32 is here also out of the question. Rs. 64 will give about 46,000 rural electors and Rs. 96 about 28,000.

Patna Division.—On the whole Rs. 64 rental for the raivati franchise for Council Elections, may just be manageable.

Muzaffarpur.-Produce rents are rare. The feature of this district and of Baran is the large number of proprietors who will come into the electorate.

Rs. 32 will give about 47,000 rural voters. Rs. 64 will give about 20,000. Out of these two-thirds will be proprietors.

Saran.-Produce rents are rare.

Rs. 32 will give about 42,000 rural voters, but Rs. 64 about 14,000 of whom more than half will be proprietors, or tenure-holders.

Champaran.—Produce rents are rare, and cash rents very low. Rs. 32 will give about 23,000 rural voters, but Rs. 64 only 7,000,

Darbhanga.-Produce rents are rare.

Rs. 32 will give about 46,000 rural voters. Rs. 64 will give about 22,000 and Rs. 96 about 15,000.

Tirkut Division.—On the whole I would put the franchise at Rs. 48, which will probably give 38,000 for Muzaffarpur, 38,000 for Saran, 19,000 for Champaran, and 38,000 for Darbhanga. If the franchise is put higher the raivats'.vote will be in danger of swamping by the petty landlords.

Bhagalpur.-Produce rent lands are valued at Rs. 12 per acre, which is in my opinion excessive. Rupees 6 would be more reasonable. At the last cess revaluation of North Bhagalpur Rs. 12 was taken as an initial all-round rate for these lands and the superior land in possession of landlords.

It was reduced after objections had been considered to about Rs. 6-8. The same procedure was followed in South Bhagalpur, where the !ulk of the produce rent land lies, and the final assessment was made at ra es between Rs. 6 and Rs. 12 per acre. The total area of produce rent land is only 157,000 acres out of the net cropped area of 1,684,000 acres.

If there were no produce rent area, it is clear the figures -supplied would be accurate.

If the whole district were held on produce rent, then the figure for Rs. 64, now given, would be the figure for R. 32. It is clear then that the true figure for Rs. 32 will lie between 44,389 and 19,505, and as the produce rent area is only about 10 per ce. t. of the whole, it is probable that the true figure for Rs. 32 will be about 41,000. This would give about 47,000 rural voters.

Rs. 64, after applying the same kind of correction, would probably give about 24,000 rural voters.

Monghyr.—Here again the produce rent lands have been over-valued, as the Collector took three times the cash rent of each village as the equivalent of the rent paid in kind. I have calculated, by taking the produce rent area and the average cash rent in each revenue thana, that this means an average produce rent rate of Rs. 14 per acre. I should say from my ewn experience of Monghyr that this is about double the true value. The Cess Revaluation Final Reports do not give a clear indication of the rates actually adopted. Produce rent lands cover 285,000 acres out of a net cropped area of 1,469,000 acres or about 20 per cent.

The true figure for Rs. 32 must lie between 78,602 and 34,060. It will probably be about 70,000, giving a to al of about 78,000 rural voters.

The true figure for Rs. 64 will probably be about 30,000, or 39,000 rural voters, and that for Rs. 96 about 19,000, or 27,000 rural voters.

*Purnea.*—Produce rents are comparatively rare and cash rents low, but the Collector says that there has been a good deal of new settlement at high rates since the record-of-rights was prepared about 12 years ago. This will of course raise the number of raiyati voters on each standard of franchise.

A feature of the district is the comparatively large number of tenureholders. Even so the number of rural voters on Rs. 32 franchise will be not more than about 29,000 and on Rs. 64 franchise 10,000.

Santal Parganas.—Produce rents are rare and cash rents very low. The conditions are much more like Chota Nagpur than Bihar. The aboriginal element is stronger than in any other district of the province. It is a Scheduled district and will probably be administered by the Head of the Province. If an electorate is constituted at all it may perhaps be based on the yillage headman system, at any rate in parts of the district. Rural voters on a cess basis would number about 9,000 on Rs. 32 basis. The Deputy Commissioner thinks they might be about 50,000 to 55,000 on Rs. 16 basis.

Bhagalpur Division.—The division consists of two exceptional districts, Purnea and Santal Parganas, and of two fairly similar districts, Bhagalpur and Monghyr, both lying partly north and partly south of the Ganges. The northern portions resemble Tirhut and the southern Patna Division.

If the Santal Parganas is to have no rural electorate, then the Tirlut Division franchise of Rs. 48 can be adopted for Bhagalpur and Purnea, giving rural electorates of 40,000 and 23,000, while the Patna Division franchise of Rs. 64 may be adopted for Monghyr, giving an electorate of 39,000. South Monghyr closely resembles Patna and Gaya districts in many respects.

Cuttack.--Produce rents are not very important. Es. 16 basis will give a rural electorate of about 25,000. Rs. 32 will only give about 7,000 of whom scarcely half will be raiyats.

Balasore.—Produce rents are not very important. As there is not a complete record-of-rights for the district some of the figures are more conjectural than in other districts. Rs. 16 basis will give a rural electorate of a little less than 13,000. Rs. 32 will scarcely give 4,000 of whom hardly a third will be raiyats.

Angul.--About half the district is inhabited by exceedingly primitive aborigines, who could not in any circumstances vote. This part has been excluded from the compilation of figures. The rest is also backward.' Rupees 16 will give a rural electorate of barely 2,000 votes, but it is proposed that this district should be completely excluded.

Puri.-Produce rents are rare. Rupees 16 will give a rural electorate of about 17,000 and Rs. 32 about 7,000.

Sambalpur.—Produce rents are rare. The form of land tenure is unique in the province and the cess legislation peculiar to the district, which was only taken over from the Central Provinces in 1905. Special instructions were given for the enquiries in this district and special forms used. The raiyati figures include "gaontias", who are revenue collectors for the other cultivators, but have proprietary rights in some of the lands in their own possession. The figures also include "bhogra bhogi" tenures, which are grants from the proprietary lands of gaontias to the younger branches of their families, and a few rent-free tenancies mainly of a religious character. Parts of the district are, however, held by raiyats direct from Government and other parts are cultivated by raiyats under proprietors, who have a semi-feudal position or under temporary tenure-holders, who hold under such proprietors.

Rupees 16 basis will give a raral electorate of, about 6,000 and Rs. 32 scareely 3,000.

Orisea Division.—The division contains 3 normal districts, Cuttack, Balasore and Puri. Angul is scarcely fit for any franchise, and will probably be excluded from the jurisdiction of the reformed Council, though representatives might be nominated. Sambalpur is also backward but perhaps not so backward as to justify complete exclusion.

Any franchise higher than Rs. 16 will give in the Orissa Division very small electorates, and, though the variation between this standard and the standard of Rs. 64 proposed for the Patna Division is wide, it is necessary to secure a reasonable number of voters in all parts of the Province.

Ranchi.-Produce rents are rare.

The district is notable for the number of Animists and, Christians nearly 60 per cent. of the population. The bulk of the Hindus, too, are of aboriginal descent.

Rupees 16 franchise would give a rural electorate of about 12,000 and Rs. 32 less than 4,000.

Hazaribach.-Produce rents are rare.

The number of Animists is important, and many of the Hindus are of the castes recruited from aborigines.

Rupees 16 franchise would give a rural electorate of about 24,000 and. Rs. 32 about 8,000.

Palamau.—Produce rents are rare. A considerable part of the district is held by raiyats direct from Government. The aboriginal and semi-aboriginal element is strong, and generally the district is very backward. There is a fairly strong case for exclusion from the jurisdiction of the réformed council, especially as both the Deputy Commissioner and the Settlement Officer agree that the interests of the big raiyats who would form the bulk of the electorate are by no means identical with those of the small raiyats. This

feature is, however, by no means peculiar to Palamau, and the argument is weakened as long as agrarian questions are reserved.

Rupees 16 franchise would give 15,000 rural electors and Rs. 32, 6,000.

Manbhum.—Produce rents are unimportant. The aboriginal and semiaboriginal element is strong. The district is peculiar in having a large proportion, nearly three quarters, who speak Bengali. Education is more advanced than in the rest of the Chota Nagpur Division, but there is a considerable tract in the district which is as backward as any part of the province except Angul. Rupees 16 franchise would give about 14,000 rural electors, and Rs. 32 about 6,000 of whom less than one-third would be raiyats.

Singhbhum.—Produce rents are unimportant. The aboriginal element is stronger than in any district of the province except Santal Parganas and Ranchi and is relatively stronger than these. For most of the district the only electorate possible would be the village headmen, who are elected by the yillagers subject to the Deputy Commissioner's approval. Rupees 16 franchise would give a rural electorate of about 8,000 and Rs. 32 barely 3,000.

Chota Nagpur Division.—The districts are all different. If they are all to be included in the scheme, then Rs. 16 will give a fairly wide rural electorate, but Singhbhum will require special treatment, both as regards the Hos and possibly as regards the industrial area. The coal mining areas of Manbhum and Hazaribagh may also require special treatment. A higher standard than Rs. 16 would swamp the raiyats' vote with landlerd electors.

15. Apart from the franchise for raiyats, there must be in the rural constituencies a franchise for the smaller proprietors and the tenure-holders, and possibly also a franchise which will bring in the small traders and professional men in the larger villages. These last do not ordinatily pay anything for the maintenance of the administration except chaukidari tax, unless they pay income-tax. Chaukidari tax is of course paid by raiyats as well as local cess. As long as local traders, etc., escape both income-tax and local cess, it seems inequitable to give them a vote. Some few, however, are assessed for the maintenance of Unions under the Local Self-Government Act, and those who make a contribution comparable to that which will qualify for the franchise in the Municipalities might get the rural franchise. It is likely that Unions will develop rapidly now. (In Gaya about 10 are already in existence or being formed.) When every village of population exceeding 2,000 has its Union, the great majority of this class will be enfranchised.

16. The District Board and Local Board electorates should be as a rule the same as those for the Legislative Council, as it will not be possible to poll a larger electorate at present. This will result in disenfranchising some people in the Patan Division, but I doubt if one of them will care. Elections have been more or less of a farce, and have only been possible because so many constituencies have been left uncontested by arrangement. The electorates proposed will secure that all intelligent persons will have votes, and local bodies will only administer subjects in which all classes of the same locality have the same interests, except (a big exception) primary education. Nothing, however, except the British element in the administration is likely, at present, to secure to the lower classes a fair distribution of educational facilities.

17. As to the Union franchise, there seems to be no reason why this should not remain quite low, only the persons who pay fairly large Union cesses being entitled to vote for the Council and Local and District Boards. Unions will contain, even after the utmost possible expansion of them, only a small fraction of the rural population, and it will not be an alarming task to prepare and maintain their electoral rolls and to conduct their elections. It will also be an advantage to give training in the use of a vote to a lower class than it is possible to enfranchise at present for the Council elections.

18. The Municipal franchise at Re. 1-8 and Rs. 3 will give electorates as shown in columns 19 and 20. Of the Patna Division figures about one-third represent the electors of Patna City.

			*	Bura	l électo	rs.		<b>.</b>	Urbân tou	élea-
Constituency.	Franchies proposed.	Raiyats.	Pro- prietors and rent-free holders.	Tenure holders paying rent.	Others.	Total.	Non-Muham- madan.	Muhammadán	Non-Muham- madan.	Muhammadan
1	2	8	84	5	8	7	8	9	10	11
Patala 4 (	Reivats Rs. 64 rental. 3 Propriators and rent-free holders Rs. 12 cess.	80 47	,10 T	1 5	61	<b>4</b> 6 60	<b>38</b> 54	8		
Shahabad	holders Es. 12 cess. Tenure-holders Es. 100 valuation.	32	8	5	1	6	43	8 8 1 1 1		
Patna Division ex- cluding - Fatna City.	Be. 1-8 Municipal rațes					1 = 1		*.	15 15	) 
Patna City	Be. 1-8 Municipal rates	-					2		63	Ĵ,
Musaffarpur Baran Champaran Darbhanga	Baiyats Bs. 48 rental. Proprietors, etc., ss 'in' Patna.	26 - 25 - 15 - 28	10 6 3	1	1	58 53 19	83 29 16 33	5 64 8 5		
Tirbut Division	Be. 1-8 Municipal rates						8		17	<b>.</b>
Bbagalpur Mongbye Purnes Santel Parganes	As in Musaffarpus »As in Patna As in Musaffarpur Excluded except Munici- palitics	84 80 16	4 5 1		1	ସ କ୍ଟି- ଅ ଅ	86 85 18	4		
Bhagalpur Division	Be. 1-8 Mnnicipal rates								131	
Cuttaok Balasoro Furi Sambalpur Augul	Raiyats Rö. 16 rental. Proprietors, sto., as in Pat- na. Wholly excluded	22 11 15 5	1 2 1		1 1	25 18 17 6	24 12} 6			
Orissa Division	Re. 1-8 Municipal rates								- 11 - 11	- 2
Eanchi Hazaribagh Pelaman	As in Cuttack	9 20 -12	) 0		1	12 24 15	11) 91) - 14	21 1		
Manbhum Singhbhum	-	10	0	8	1	14 8	19 8	1	, 	-
Chota Nagpur Di-	Re. 1-8 Municipal rates			-					6	1
Provincial Total Number of Consti- tuencies.	1 1 2 2 2 1 1 2	893	64	40	19	516	457	62 12	- 69- 6-	20+ 
Average number of Electors per con- stituency.		- <u>-</u>					.143	52	11.5	6.7

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`	Name of district	with			er of males years of ag		Rent paid by average	Probable on the b	number asis of pa	of raivate ying rent	•
	number of Poli Stations therein	ce	Total population		<b>.</b>	•	cultiva- tors in rupees,			,	
	×, 1-1	-		<b>A</b> 11.	Literate.	Literate in English,		Rs. 16.	Rs. 32.	Rs. 48.	
	1.		2	3	4	5	6	7	8	9	
	PATNA DIVISIO		{	¦	, 	1		: 	· · ·	<u></u>	
	Population 5,634										· ·
	Patna 30	:	1,609,631	455,330	77,792	6,128	24-4		59,546		
	Gaya 35	•···	2,159;498	657,843	67,976	2,811	24 <sup>.</sup> 0	, <b></b>	72,517		
	Shahabad 30	•	1,865,660	468,276	60,411	4,002	11.8		81,722		
	TIBHUT DIVISIO	n.		Ţ.							
	Population 9,973,	359.					•				
	Muzaffarpur 22	411	2,845,514	694,389	71,616	8,420	<b>8</b> .0		35,066	· · · · ·	
7	Saran 27		2,289,778	527,918	60,043	2,778	9.6	••• ·	94,077		
	Champaran 21	•••	1,908,385	496,277	36,582	1,577	. 70	•••	18,817		
	Darbhanga 22	•••	2,929,682	722,471	- 184,908	_ 3,189	92		86,767		
	BRAGALPUR DIVI	ION.			1997 - 19		×	.		) · .	
	Population 8,144	821.							44,389		
	Bhagalpur 24		2,139,318	534,627	59,037	3,485	11·4 14·7	, <u>, , ,</u>	78,602	••• •	
	Monghyr 19		2,132,893	532,924	61,302	3,291 1,793	104	•••	21,945		-
-	Purnes 27 Santal Parganas 44	•••	1,989,637 1,892,973	517,837 425,455	55,059 41,189	2,801	47	••••	-8,727		
	ORISSA DIVISIO		1,000,010	100,000		-,001	1.1				
٠	Population 5,131									Ň	
÷ .	Cuttack 24		2,109,139	502,359	101,751	8,963	5.8	21,595	3,576	965	•
	Balazore 20		1,055,568	255,955	53,672	1,709	<b>4</b> ·3	11,425	1,564	274	
	Angul 5		199,451	48,429	8,246	130	8.7	2,059	539	343	
	Puri 21		1,023,403	271,619	43,908	1,636	1 52	15,230	8,116	2,983	
, <b>1</b>	ambalant 22	<b>.</b> ,	744,193	187,714	15,392	726	40	4,973	1,893	1,143	
	CHOTA NAGPU Division. Population 5,605							2			
	Ranchi 81	***	1,387,516	300,405	27,465	2,596	2 9,	9,165	960	• 198	
	Hazaribagh 35		1,288,609	292,781	19,544	1,844	50	20,296	4,479*	1,880	
•	Palamau 20	<b></b>	687,267	162,825	7,853	699	47	11,512	<b>3</b> ,128	1,314	
-	Manbhum 24	- #9	1,547,576	\$90,298	46,813	4,185	Not available.	9,649	1,841	- 754	
1	Singhbhum S	) in	694,394	157,104	12,380	1,479	26	5,897	684	92	

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• . •	•		Parahal	le numbe			tenure- d for cess	x Assesses, i.e., exceed Rs. 1,000	s, Patna		
who w	ould a	et a vote	would	get a vote	r on the ∣	basis of	sing B.	Ameri	ectors	Numbe	r of Mu- Electors
of no	lese (	ban	بها	ids paying leas t	c ceas of :	not	nt-pa are a	N S	la p	on Irai	syment.
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× .					•		Ha ge	Inco Die in	Local Jy.		
Rs.	6L	<b>Rs.</b> 96.	Re. 9.	Rs. 6.	Rs. 9.	Ra. 13.	Probable number of rent-paying 1 holders whose tenures are "alued purposes at Rs 100 or more.	Number of Income Tax persons whose incomes es	Number of Local Board Electors, Division only.	Be, 1-8,	( Rs. 8,
		11	12	13	14		/ ## 	1	F		-
				61		15	16	_17]	18	19	80
ŀ		÷.,							·		
29	9,611	15,504	22,610	16,362	12,599	10,036	4,867	1	00.075	30 -00-	
1.	5,917	26,094	16,386	11,638	8,919	7,076	4,628	1,005 1,118	32,372 68,170	16,437 7,249	11,000 4,937
8	1,289	14,980	16,112	12,429	10,022	-8,178	4,584	\$82	30,407	7,654	<b>6</b> ,424
	·.				а А						
						~.'		V = 1	•	-	
L.	,527	-2,324	24,711	16,888	12,503	9,789	577	1,202	•••	4,973	8,44
1.4	i,729 3,242	2,520 1,277	13,995 2,283	9,928	7,600	6,049	1,154	1,435	•••	5,210	8,556
1 1	1,930	<b>4</b> ,709	2,285	1,088 10,314	747	644 5,759	2,444 2,797	1,002	+11	8,517	2,115
	•			10,011	1,410	0,108	4,101	1,284		9,718	4,913
•			, îr		+						
1	,505	8,677	7,546	5,824	4,610	3,971	1,074	1,953	1.004	8,894	6,218
- T - 2	<b>L</b> 060	22,755	12,228	8,823	6,871	5,393	2,505	1,542	in	4,749	3,853
	8,862 8,017	~~ 811	4,589	2,671	1,868	3,414	4,720	1,483		2,118	- 1,400
		770	544	431	360	827	<b>393</b>	1,175	<b>9</b> 31	2,003	1,401
										an in Arrig	• (
1. :			6,422	8,795	2,738	2,158	373	668		<b>5</b> ,850	- 4,529
	н т,	, m	3,594	2,237	1,704	618	84	437		1,736	953
	•	·				un.		•	. <b>.</b>		. m.
		<b>249</b>	1,584 222	950	718	589	671	607	***	4,415	2,437
	" • '	<b>631</b>	2026	132	93	55	- 10 - 10 - 10	413	- 10	935	600
			1						· ·		
	•		1,291	828	717	595	835	907		1,648	1,600
1 3	•	***	920	. 573	433	849	2,554	551		2,729	1,665
	1	918 -	1,345	1,179	1,041	911	767	. 878	•••	665	537
			213 103	140	137	106	2,745	857		1,159	800
		***	103	72	. 59 	42	1,899	895	014 //	810	626
· .						Iro					

### Note by Mr. J. A. Hubback, I.C.S., on the probable results of adopting an area basis for the franchise.

1. In accordance with the orders on the case I have examined the probable result of substituting an area qualification, as a basis of the raiyats' franchise, for a qualification of rental.

Statement I attached shows, district by district, the average acreage on which the rents previously selected as standards are paid. These figures have been obtained from the average rent per acre of each district for occupancy raivats, which has been ascertained by dividing the total area held by such raivats into the sum of the cash rents, recorded in the course of the proparation of the last record-of-rights, and of the value of the produce rents, arrived at by multiplying the total area held by occupancy raivats on produce rent by the rate adopted by the District Officer in the course of the enquiries into the franchise question during August 1918. (This has necessitated some corrections in the figures given in column 5 of Statement II of Mr. McPherson's note, dated the 25th January 1918.) The next step was to see what rentals might be taken as paid for areas of 10 and 15 acres, and then, using the figures in columns 10 to 14 and 20 to 28 of the big statement compiled after the August enquiries, to arrive at an estimate of the total number of electors, which might be expected, in each district, if the franchise were fixed at 10 or 15 acres for raivats, and at corresponding levels for tenure-holders, rentfree tenants and proprietors. This estimate is given in Statement II attached.

2. The estimate is a very rough one. There appear to be two factors, which may go far to vitiate the figures. In the first place it is almost certainly the case in the Bihar districts that well-to-do raiyats who hold large areas generally hold them at lower rates than the average rate of the district. In the second place in Chota Nagpur, where lands vary in value immensely more than they do in Bihar, I understand that the well-to-do raiyats usually hold comparatively small areas of the finest land at high rates, while the poorer raiyats hold large tracts of extremely inferior land, for which they pay very little rent. The former factor would tend to make the number of electors larger than is shown in statement II. For example in Patna a rent payment of Rs. 64 would indicate a holding of 10 acres instead of 76 acres, and thus on the 10 acre basis the number of raiyati voters alone would be about 30,000 with perhaps another 12,000 of others, as against 30,000 in all. The second factor would operate to diminish the number of voters of a certain standard from the number shown in Statement II. It is difficult to decide as to the magnitude of the probable error, and how far these two factors would in any particular district cancel one another. I am by no means certain, that these are the only sources of error, which the method employed might introduce, and the figures which are bracketted in the statement are particularly conjectural, owing to the fact that the area standard adopted is equivalent to a rental standard which falls either below or above the standards adopted for the enquiries already made.

3. At the same time a glance at the figures in Statement II shows at once that if any reliance at all can be put on them, the plan of an area qualification will do away with practically all the variations in the standard of franchise between districts. A standard of 123 acres would give an electorate not very far removed from 2 per cent of the total population of the district, in all except the Orissa districts, where it might be fixed at 8 acres. The only other exceptional districts are Patna, Shahabad, and Ranchi.

4. The adoption of an area standard, as has been pointed out by the Hon'ble Mr. Maude, does away with any question of the correctness of the entries of rent in the record-of-rights, and avoids the complication of produce rents. It would probably be possible to prepare draft lists of raiyati voters from the Settlement records, even where they are not of recent date. On the

other hand the rental or cess qualification is more in accordance with the principle, that franchise should be based on contribution towards the expenses of Government.

5. I submit that, in respect of rent paying tenureholders, it will be best to adhere to cess valuation which can be ascertained without much difficulty from the Cess Register. I would fix a cess valuation of Rs. 100 as the standard throughout the province. For proprietors and rent-free holders I would fix as the qualification a cess payment of Rs, 12.

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STATEMENT I.	

The average area in acres on which the rent paid is-

•	·. •		- :	-	Rs. 16.	Rs. 32.	Rs. 48.	Rs. 64.	Re. 96,
Patna			). To	m	1.9	8-8	57	7.6	11-4
Gaya		•••			2.7	5.3	8.0	107	16.0
Shahsbad	щ			ì	4.7	9.4	14.1	19-8	28-2
Muzaffarpu	r				64	12.8	19.2	25.6	88-4
Saran-		•••		•	8.7	. 7.4	10.2	14.9	20.4
Champaran	i,		111		7.6	15-2	22.9	30 5	45.8
Darbhanga			\ <del></del>	· · · ·	4.2	8.4	12 6	16 8	25 8
Bhagalpur				- in [	4.5	9.1	18 6	181	27-2
Monghyr			Ĩ.	*	- 8-1	6-2	9.2	12.8	18.5
Purnea	L.,	•••	•••		8.4	16.8	25.3	83.6	<b>5</b> 0 e
Bantal Parg	anas		4.4		_ 17.8	85.5	53 <sup>.</sup> 4	71.0	106-1
Cuttack	•••	•••			6.5	12.3	18.4	24.6	86·8
Balasore				<b>.</b>	6·7	13 3	190	_ 26.7	88
Angul	·•••	- 			20	40	60	80	120
Puri	ñ.			- 111	6.7	13-3	490	26.7	88
Sambalpur		1.			53·3	106-7	160.0	218-4	8201
Ranchi					<b>4</b> 0	.80	120	160	240
Hazaribagi	hi		e 113	16	14-5	29-1	<b>4</b> 3·1	68·2	~ 86'2
Palamau		***	***	<b></b>	17.8	35·5	53·4	71.0	1061
Manbhum <sup>°</sup>				- <b>.</b>	•	Not avail-			
Ginghbhun	1		•••	- :	27	able. 53-3	803	106 6	160-6

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# 15 STATEMENT II. -

### · -\_ `` Total population, in thousands: 10 acre basis. 15 acre basis. ~ --1 8 8 4 📉 2 36,000 1,609 · Patna (26,000) ••• Ì. .... 85,000 40,000 2,159 Gaya 2.... ... ••• 84,000 1,866 . Shahabad 74,000 .... ... ... Muzsffarpur (70,000) \$2,000 2,846 ••• . 111 ...<sup>°</sup> 2,290 \$0,000 15,000 Saran ... \_> • ••• .... Champaran (35,000) **25,000** 1,908 .... .... ••• ÷ 45,000 2,980 Darbhanga 25,000 110 143 ... 45,000 Bhagalpur 36,000 2,139 ,... · . . . . . 48,000 Monghyr ... 88,000 133ز\$ ų, ... (48,000) 1,990 Purnea 82,000 .... ... .... Cuttack 15,000 5,000 2,109 ... -----... Balasore 10,000 ų, ••• 8,000 1,056 ... ł Puri 14,000 Б,000 1,023 .... ... .... Sambalpur (30,000) (15,000) 744 mè í., <u>,</u>... 11 - **/**. Ranchi (40,000) (25,000) 1,388 ••• ••• Hazaribagh (40,000) 24,000 1,289 ... ... 4 ... Palamau (20,000) 14,000 687 \*\*\* .... Manbhum .... ••• (20,000) .... (10,000) 1,548 Singhbhum (20,000) (11,000) 694 10 . ... ....

Probable number of voters for rural constituencies, including Muhammadan rural constituencies if an area davis is adopted for raigats and standards for tenurcholders, rent-free kolders and proprietors as proposed in paragraph 5.

The figures enclosed in brackets are exceedingly conjectural.

## PROPOSED QUALIFICATIONS FOR FRANCHISE.

The following tentative, scheme is put forward for the consideration of the Franchise Committee :--

Qualifications for the exercise of the franchise in rural constituencies, whether general or Muhammadan.

Every male person of the full age of 21 years, resident within the territorial limits of the constituency, who is qualified in one of the manners following, that is to say :--

(1) Has, during the year immediately preceding the election, held as a raiyat land on which a local cess of Re. 1-8-0 is payable (annas eight in the Orissa and Chota Nagpur Divisions and Rs. 2 in the Patna Division and the district of Monghyr).

(2) Has, during the year immediately preceding the election, held a tenure, whether rent-paying or rent-free, assessed for the purpose of local cess at not less than Rs. 100 per annum.

(3) Has, during the year immediately preceding the election, held an estate or estates or portion of an estate or portions of estates, for which a separate account or accounts have been opened, whether revenue-paying or revenue-free, or rent-free land, for which an aggregate amount of not less than Rs. 12 is payable direct to the treasury as local cess.

(4) Has, during the year immediately preceding the election, paid an assessment of not less than Re. 1-8-0 to a Union Committee established under Chapter III of the Local Self-Government Act [Act III (B. C.) of 1885].

(5) Has passed the Matriculation Examination of a recognized Indian University or obtained the school-leaving certificate from a recognized high school or has passed the Vernacular Mastership Examination.

(6) Has, during the year immediately preceding the election, paid incometax.

In cases where property is held or payments made jointly by the members of a family, the family shall be adopted as the unit for deciding whether the qualification exists, and, if it does, the vote shall be exercised by such member of the family as the officer, entrusted with the preparation of the electoral roll, may decide.

Qualifications for the exercise of the franchise in urban constituencies, whether general or Muhammadan.

Every male person of the full age of 21 years, resident within one of the municipalities, which together make up a constituency, and who is qualified in one of the manners following, that is to say :---

(1) Has, during the year immediately preceding the election, paid in respect of any rates an aggregate amount of not less than Re. 1-8-0.

(2) Has, during the year aforesaid, paid income-tax.

(3) Has passed the Matriculation Examination of a recognized Indian University or who has obtained the school-leaving certificate from a recognized high school or has passed the Vernacular Mastership Examination.

Muhammadans, who are thus qualified in municipalities of Orissa and Chota Nagpur Divisions, will be qualified to vote for the election of the Muhammadan rural members of the district in which they reside.

Persons other than Muhammadans thus qualified in the district of the Santal Parganas will be qualified to vota for the urban constituency of the Bhagalpur Division. Muhammadans in the Santal Parganas municipalities will be qualified to vote for the urban Muhammadan constituency of the Bhagalpur Division.

# Qualifications for the exercise of the franchise in the constituency for the large landowners.

Landholders of the full age of 21 years, having a place of residences within the Division or part of the Division which forms the constituency and who-

(a) Pay either land revenue or local cess as follows, namely :---

- (i) In the case of the Patna, Tirhut and Bhagalpur Divisions, pay land revenue amounting to not less than four thousand rupees or local cess amounting to not less than one thousand rupees per annum.
- (ii) In case of the Orissa and Chota Nagpur Divisions pay land revenue amounting to not less than six thousand rupess or local cess amounting to not less than five hundred rupess per annum.

(b) Hold titles conferred or recognized by the Government not lower in rank than that of Raja or Nawab.

### Qualifications for the exercise of franchise in the constituency of the Palna University.

Persons (i) Who are authorities or officers of the University; or

(ii) Whose names appear on the current Register of Graduates maintained under section 14 (1) (i) (d) of the Patna University Act; or

(iii) Whose names appear on the current Register of College Teachers, maintained under Chapter XIII, section 1, of the Patna University Regulations; or

(iv) Whose names appear on the current Register of School Teachers, maintained under Chapter XIII, section 1, of the Patna University Regulations.

The elections for the Patna University should be carried out on the lines of the elections for the British Universities, voting by proxy being permitted.

### Qualifications for the exercise of the franchise in the constituency of the Planting Community.

The members of the Bihar Planters' Association, Limited, qualified to vote and for the time being resident in India.

Qualifications for the exercise of the franchise in the constituency of the Mining Community.

I.-Constituency for the Mining Firms and Companies-

The members of the Indian Mining Association voting at a special general meeting.

II .- Constituency for persons employed in the mining areas-

Every person of the full age of 21 years, not being a Member of the Indian Mining Association,

- (i) who is the owner of a mine situated in the Province of Bihar and Orissa, which is subject to the operation of the whole or any part of the Indian Mines Act, 1961, or
- (ii) whom the authority, appointed in this behalf by Government, shall certify to be employed and to have been employed, during the year preceding the election, in such a mine on a salary of not less than Rs. 100 per mensem, and to hold a certificate of competency granted under the provisions of section 20 (2) (e) of the Indian Mines Act, 1901.

### 17\* /

# 18 General.

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No person shall exercise more than one vote at a general election for the Legislative Council, except that persons who are qualified to vote in any of the special electorates other than Muhammadan may vote in the election for that constituency in addition to voting for one other constituency for which they are also qualified.

Qualifications for the exercise of the franchise for the constituencies of the Legislative Assembly.

Raiyats	·	Cess payment of Rs. 6 in the Bihar Divisions and Rs. 3 in Chota Nagpur and Orissa.
Proprietors and	rent-free	Cess payment of Rs. 50 per annum.
holders paying the treasury.	urrect to	

Tenure-holders	Cess valuation of Rs. 400 per annum.
Income-tax-payers	Assessment on an income of Rs. 2,000 or over.
Municipal rate-payers	Payment of Rs. 10 per annum.

It is impossible to form an accurate estimate of the number of voters that would be obtained by these standards, and further enquiries will be made in the districts. But, at a rough guess, it is expected that no constituency would have more than 10,000 voters.

B. & O. G. P. (P. A. & E.) No. 125 (Banelii)-30-8-11-1918-J. M. R.

## APPENDIX IV.

Note on Local Board Elections at Dinapore in June 1915, by Mr. W. B. Breit, I.C.S. (late Subdivisional Officer of Dinapore).

The Local Board elections in the Patna Division are the only instance in Bihar of direct election on a wide franchise held in a rural area. An examination of the methods used and the results obtained may therefore be of use for the purposes of the present constitutional enquiry. At the last general election in 1915 I supervised the elections in the Dinapore Subdivision and I have lately had an opportunity of examining and analyzing the papers.

2. The area is somewhat interesting for this purpose since it contains two very dissimilar tracts. The northern portion, consisting of Dinapore, Khagaul and Maner police stations is usually regarded as an advanced tract. The inhabitants are in fairly close touch with the towns and are more sophisticated than the average Bihar rustic. There are no very large estates and few persons whose influence extends over more than a limited number of villages. As compared with other Bihar areas the prevailing influences are village cultivators. The direct influence of great zamindars is not strong and though it would give a wrong impression to say that the raiyats of this area are accustomed to think and act for themselves, the influences which sway them are very much more decentralized and varied than those prevailing in the southern part of the subdivision. The Diara tracts to the north especially are inhabited by a particularly independent body of tenants. The southern portion of the subdivision is absolutely typical of the ordinary social system of south Bihar. The population is entirely rural and the whole area is parcelled out among several great estates whose owners exercise immense power over the people. As an example of the length to which this power extends, I may mention the fact that less than 10 years ago the authority of the criminal and civil courts in practice hardly extended to the estates of the chief family of this area. They held their own courts and imposed fines, and any of their tenants who dared to approach the authorities risked total ruin and often in fact met with that fate. At the present time, this power is exercised with moderation. Raiyats are seldom ill treated unless they have given considerable provocation, but practically nothing of importance is done in these areas without the consent of one or other of the great zamindars.

3. Some importance attaches to these elections, because they are the primary basis on which the election of the member who represents the District Boards in the Legislative Council ultimately depends. The Local Boards elect a certain number of their members to sit on the District Board and the District Boards themselves elect for the Council. The aspect on which Mr. Whitty laid stress in his note on the Gaya Local Board elections--the keen interest taken by persons who intended to stand for Council—was as far as I could judge wholly absent in Dinapore. Influence from outside the subdivision played no part in the elections, and, as far as I remember, when the Board elected members for the District Board I had to -propose the members myself, since none of the members cared to propose anyone until he knew my wishes on the subject.

4. The system of election is simple. Any person who pays one rupes a year in cass is entitled to have his name registered as a voter by presenting a petition to the Magistrate. Taking the average cash rent for these areas at something over seven rupees an acre, this means that any raivat, who holds two and a quarter acres and over is entitled to vote if he takes the trouble to have his name recorded. The average area of occupancy holdings in Dinapore Subdivision is 1538 acres. Each police station forms a constituency returning one or two members according to its population. The police stations of Bikram and Maner return two members each, and Dinapore, Lagaul, Naubatpur and Paliganj one each. An electoral rollis formed by publishing the existing list of voters. Objections, if any, and fresh applications for registration are then decided and the election is held on the roll which results from these enquiries. The election takes place on the same day at the head-quarters of each police station under the presidency of a gazetted officer or Honorary Magistrate.

5. Before dealing with the general aspects of the elections, I will describe what occurred at each election.

Disappore.—The constituency contains about 12,000 male inhabitants of whom 1,500 would be literates over the age of 20. The great majority are substantial calibrators. It must be remumbered that the urban area of the police station was excluded, the Local Board being a rural institution. The old electoral roll contained 156 names and as the result of new applications 245 names were added to the list.

There was originally to have been a contest, four candidates coming forward. Two were bankers and two pleaders. Neither of the former had any land, save what they had acquired as a result of money-leading transactions, while one of the pleaders had a small share in an estate just outside the town.

One of the bankers and one of the pleaders were rejected as candidates because their applications were out of order. The other pleader withdrew at the last moment because he did not expect to be successful and the remaining candidate was therefore elected unopposed. On the polling day 167 persons appeared to vote. They represented about 40 per cent. of the registered electors.

**Khagaul.**—This is a very small constituency containing 637 male inhabitants. Almost the whole of this police station is an urban area and is therefore excluded. The original electoral roll contained 17 names and no new names were alded for the purpose of this election. The candidates were 'A' a retired Sub-Inspector of Police who had come into an estate; 'B' a zamindar and Honorary Magistrate, and 'C' a zamindari manager. 'B' was rejected bacause he lived in the town and 'A' because he applied after the proper date. At the election no one appeared. Some hours later one voter, a railway clerk, appeared and complained that candidate 'A' had intimidated him and the remaining 16 voters, in the hope that the election would fail. This actually occurred as-less than 10 per cent. of the voters appeared.

Maner.—A real contest took place for the two seats in this constituency. Elevon candidates originally expressed their intention of standing, five being zamindars, one a mukhtear and one the banker who failed to secure nomination for Dinapore. The mukhtear was rejected as unqualified. The contest finally narrowed down into a struggle between A, a zamindar of old family who stood with B, his banker; and C, a low caste zamindar of small influence and D, his son. C was one of the previous members and had done a certain amount of good work as a member. He was, however, regarded as a social upstart by the higher castes. The election turned at most entirely on caste questions. A and B were

The election turned almost entirely on caste questions. A and B were both men of good caste, the former being a Babhan, while C and D were Kurmis. At the polling, seeing that the Babhans had turned up in force, C and D tried to with r is but were persuaded to stand and were defeated.

The voting v	ras A	196 votes.
Ditto	в	182 "
Ditto	0	]44
Ditto	D	124 "

The organization of C and D was good and they registered and drought to the poll nearly all the men of their own villages whom they could trast. B however, had large money-lending connections with the Babhans of the area and these naturally supported him and A.

An analysis of the figures is instructive. The male population is about 40,000 nearly 3,500 being literates over 20 years of age. The old voting list was exceptionally large, containing 728 voters. This was, I believe, the r sult of vigorous electioneering conducted by candidate C at the previous election, when he was successful.

When the electoral roll was revised for the present elections 96 new names were added. Out of the total of 823 voters, 326 voted (each having two votes). But whereas 86 per cent. of the new voters appeared, only 33 per cent. of the old voters appeared.

Bibram.—This constituency belongs to the southern part of the area. It contains 41,732 male inhabitants, and the list of voters contained 330 names. 150 new names were added, of whom-61 per cent, voted, only 39 per cent. of the old voters appearing. The total number of voters who attended was 241.

Four zamindars and one mukhtear were candidates. Two of the zamindars were disqualified for presenting a forged nomination petition and the contest was between A, the greatest landlord of the area together with B, his haw agent, and C a smaller zamindar of allied family. There were no disturbing influences in the shape of low caste candidates and the election was a pure matter of zamindari influence and prestige. Candidates A and B were successful polling 213 and 171 votes, while G only secured 69 votes.

Candidate B, though a local man, owed his success entirely to the fact that A supported him for the second seat. By himself he would not have polled a dozen votes.

Naubatpur.—The male population is 21,000 and of these 530 were voters. No new names were added and of the voters only 120 appeared to poll. They all voted for the same candidate, a powerful resident zamindar of good family, the chief man of this neighbourhood, completely illiterate and possessing a reputation for oppression. His opponent who had no real local influence, dil not secure any votes.

Paliganj.—Male population 24,000. They were 199 old voters and preparations were evidently made for a contest because 62 new voters were registered. Two powerful resident zamindars stood but whereas one polled 132 votes, the other who was the more powerful of the two, only polled four. I never found out what really happened over this contest, but probably the unsuccessful candidate was too late to get his supporters registered. His opponent was an experienced electioncer and was said to have spent thousands of rupees in the Patna City elections.

Constiluency.		Male popu- Literates		Electoral Roll.		Poll.	Perceptage of persons actually voting.		
			lation.	over 20.	Old.	New.		Old list.	New list.
Dinapo.e Khagaul	<sup>-</sup>		- 12,057 637	1,500 80 (es- t mated).	156 - 17	245 	167 -1	6	•
Maner Bikram Naubatpur Paliganj	•••	••••	40,109 41,732 21,212 24,289	3,439 } 6,268	4728 330 520- 19€	96 180 82	826 241 120 126	33 39 22 89	86 61 70
- anganj	× •••	•••• *	1,40,096	11,287	1,980	603	100		70

6. The following table collects the statistical results :--

The general result of this is that only 38 per cent. of the registered voters appeared at the poll. It is difficult to work out the proportion which the electoral roll bears to the total number of persons eligible for a vote, but it can hardly be more than one in fifteen:

The outstanding criticism which must be made of this system is that, though it exhibits the form of an election, the spirit was entirely absent. Not only was there a complete absence of any interest on the part of the, general population, but also the reasons why candidates stood and the reasons why voters supported them appeared to be entirely divorced from the purposes for which the election was held. In the first place nobody applied of his own accord to be registered as a voter. Six hundred applications

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were made by agents of the prospective candidates. On examination these turned out to consist of three or four batches in each constituency, each batch being in the same bandwriting. It was clear that the voters themselvos took no part in securing their registration. Each candidate collected the names of persons of the necessary qualifications in his own villages who could be relied upon to obey orders and prepared and presented the necessary applications. I much doubt whether most of the voters themselves ever heard anything of the matter beyond receiving an order to go to the polling station and vote.

to the polling station and vote. 7. The artificiality of the electoral roll is borne out by the fact that whereas almost all the new voters appeared, little more than a third of the oll voters took the trouble to come. They had fulfilled their purpose at past elections, and were only required in cases where the interests seeking election were the same as in the past. It was noticeable that there was no attempt on the part of candidates to question the qualifications of their opponents' supporters. In the absence of any effective machinery for the purpose of examining the claims, it is probable that a good many unqualified persons, were registered as voters. It was not however worth the candidates, while to attempt to disfranchise these persons, since it was simpler to collect a few more names among their own supporters. The clearest example of this artificiality of the electoral roll is to be found in the constituency. As a matter of fact the strength of their poll was simply the result of intensive electioneering of the type described above in not more than half a dozen villages where the candidates were landlords. It bore no sort of relationship to their real position in the area. Had there been any general interest in the election, they\_would with difficulty have polled 5 per cent. of the votes.

It will be observed that this lack of interest was not confined to **No**. southern or more primitive part of the subdivision. Out of the six constituencies there was no real contest in four, two of these lying in each half of the subdivision.

8. I do not know of any case in which a candidate made any announcement of what he would do if he were elected, or even held out any promise that he would secure any material advantages for his supporters. The issues on which the contested elections were fought were in three cases the question of zumindari prestige and in the fourth zamindari prestige combined with caste questions. And throughout their period of membership none of the elected members gave any indication that they considered that their work on the Board had any relation to the question of their re-election. In fact, what indications there were pointed to the opposite conclusion. Candidate O at the Maner election had served for three years as an elected member of the Board and had also been a member of the District Board. He had taken a prominent part in the management of the local dispensary and had done what he could to secure the improvement of communications. He was defeated at the election mainly because he was of low caste. Neither of his successors resided in the constituency, one of them hardly attended one meeting in a year, while the other did nothing of any value.

Candidate C at the Bikram election had been a nominated member of the Board. I subsequently nominated him in a vacancy and he proved to be the only mufassal member who attended with any regularity or took any interest in the Local Board work which went on near his residence. He was defeated at the election because his tenants were fewer than those of candidate A.

9. This indifference of the elected members, and the total absence of any opinion on the part of their constituents that they could exercise any control or influence over them, was the more striking because there was much work to be done. I had no reliable supervising staff and had much reason to suspect that large sums of money were being paid for work which was never done. I tried therefore to get members to send me reports as to the progress of work which was being done in their neighbourhoods. I hardly ever got a report.

The 26th October 1918.

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#### APPENDIX V.

## Note by Mr. J. A. Hubback, I.C.S., on the conduct of a general election.

1. The first task will be to prepare the electoral roll. It may be possible to utilize the presidents of the chaukidari panchayats in the work of framing a draft roll, giving them a remuneration based on the population of their union. It may, however, be necessary to depend on an official staff from, the beginning, and employ some such agency, as the Inspectors of the Survey-Settlement Department. Whatever agency is employed, their work will have to be supervised and checked by an officer of the rank of a Sub-Deputy Collector, and in districts where the number of electors is likely to be large two or more such officers will be required. It will be their duty to go through the draft roll with the people calling them in to centres, which should not be much more than 3 miles or so from the yillages concerned. The work of the Sub-Deputy Collectors, again must be supervised by Deputy Collectors, one for each Division, and a member of the, Indian Civil Service will probably be required to organize and co-ordinate the whole work. If the task is imposed on over-worked Collectors, it will in some districts at any rate be done without proper care and system. At the same time the staff should, be instructed to work in close co-operation with the Collectors and the Subdivisional Officers. After the rolls are complete they should be printed and published widely and objections invited and heard by the same staff, possibly with a provision for a final appeal to the Collectors of the districts. The preparation of the draft rolls in urban constituencies, or at any rate in large Municipalities, could be carried out by the municipal staff, but the official staff must hear objections and generally exercise control and must have powers to obtain information. There will of course be little difficulty in preparing the rolls for Muhammadan electorates simultaneously with those for the general electorates and in selecting, from the electoral rolls for the Provincial Legislative Council, the persons qualified to vote for the Indian L

Assembly. 2. When the rolls have been revised after objection, arrangements should be made to secure the signature or thumb impression of every person on the roll. The need for this is explained later. Some little time before the actual poll is taken "authorities to vote", showing the names of candidates and the time and place of polling should be distributed to qualified voters through the chaukidars. On the day of election these "authorities" should be exchanged at the polling station for actual voting papers, which will of course bear no indication of the person to whom they are given. This exchange could be carried out very quickly by clerks working under the supervision of a Gazetted officer. The clerks would have copies of the electoral roll arranged in the most convenient way which would probably be alphabetical order of names in each village, the villages being grouped together by chaukidari unions. There would probably be attempts, mainly innocent, to vote by proxy. These could be checked only by challenge from the candidates' representatives, who would be sworn to scorecy as in the United Kingdom. A voter, whose identity is challenged, would have to give his thumb impression or signature; his voting paper would be marked with a number, and the question of his identity would be examined after the close of the poll. Penalties for personation must be prescribed, and also for frivolous objections to voters. 3. The actual voting would be by ballot. As soon as a voter got his

3. The actual voting would be by ballot. As soon as a voter got his voting paper, he would place it unmarked in the box provided for the candidate he selected, in the sight of the Polling officer but screened from the view of all other persons. The boxes would be coloured and numbered to indicate to what candidate they belonged, in order to help illiterate and semi-literate voters. The Polling officer himself would have to assist blind electors to vote. To prevent fraudulent insertion of extra voting papers, the official voting papers should be marked with a secret mark, a device adopted in the United Kingdom. This mark could be put on the voting papers by the Press, at the final printing off and the papers securable sealed up thereafter. The Polling officers would have to keep a strict account of voting papers issued, showing the humbers actually used, including a separate account of those used by challenged and incapacitated voters, and the number spoilt, returned without being used, etc. This account would be checked with the total quarters of the candidates. The ballot boxes would be brought into the headquarters of the district and kept in safe custody until the poll is declared, and for a period thereafter.

4. The electoral rolls will have to be revised before each election and for this reason it will be convenient to have all elections, i.e., for the Legislative Assembly, the Legislative Council, the District and Local Boards, the Municipalities and the Union Committees in a single year. On the other hand, that will mean a large expenditure of time in that year on the elections. The staff required for revising the rolls should be similar to that employed on preparing them in the first instance, but need not be so large. The thana registers of vital statistics could be used for the revision of the rolls.

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At Patna on Saturday November the 23rd 1918.

Present:-

The Right Hon'ble Lord Southborough G.C.B., G.C.M.G.,

G. C. V. O., Sir Frank G. Sly, K. G. S. I., Sahibzada Aftab Ahmad Khan, Mr. W. M. Halley, C. S. I., C. I. S., The Hon'ble Mr. Malcolm Hogg, The Hon'ble Mr. Srinivasa Sastri, The Hon'ble Mr. H. McPherson, I. C. S. The Hon'ble Mr. H. McPherson, I. C. S. Added members.

Mr. P. C. Tallents, I. C. S., Secretary.

The Franchise Committee met the Lieutenant Governor (the Hon'ble Sir K. Gait, K.C.S.I., C.I.E.) and the members of his Executive Council(the Hon'ble "r. Majde, C.S.I., I.C.S, the Hon'ble Mr. LeMesurier, C.S.I., C.I.E., I.C.S., and the Hon'ble Sir Ali Imam, K.C.S.I).

Lord Southborough said that as the result of the evidence which had been taken during the week a certain number of questions had arisen in regard to which the Committee would like to have the advice of the Lieutenant Governor in Council. They were desirous of obtaining from the Local Government information and support.

His Honour said that the non-official witnesses had been nominated by the leading Associations of the Province, others were members of the Provincial Council and some of them were gentlemen with special 2.

knowledge, such as the Rev. Mr. Dann, who had for years worked amongst the poorer classes. There had been no attempt on the part of the Local Government to procure witnesses who would support their views.

The following questions were then discussed:-

1. A proposal to raise the franchise in order to reduce the size of the electorate.

A proposal to lower the franchise of the landholders' special electorate, so as to increase the number of electors and widen the representation of landlords.
 A proposal to separate altogether the landlords from the rural electorate.

4. A proposal to include as a separate qualification for voters the matriculation or some other educational at qualification.

5. The question of special representation for (1) European (2) Anglo-Indian and (3) Bengali domiciled communities, by (a) direct election, (b) through recognized association or (c) nomination.

6. Separate constituencies for a few large towns in addition to satna. If this be approved the question whether the remaining small municipal towns should be grouped or merged into the rural constituencies.

7. Special electorates for (a) traders (b) educated classes, jointly or separately.

8. Possibility of reduction in number of nominated members, official and non-official.

9. Question whether the Orissa Province has its reasonable quota of representation.

10. Question of employment of non-official agency as palling officers.

11. Proposal for system of direct election to Indian Legislative Assembly.

12. The qualifications requisite for candidates seeking; election to (a) the provincial Legislative Council,(b) Imperial Legislative Assembly and (c) Council of State.

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Question No.1. Mr. Hailey said that the Bihar and Orissa scheme gave one member to approximately 14,000 electors in the rural areas and one member to approximately 11,000 electors in urban areas. Only one-eights of the voters were literate and he thought it might be dangerous suddenly to open so wide/s register. In England up to 1910 the average of the constituencies was 9,906. There every voter was accessible to the candidate and the standard of education was higher. He thought that the electorates proposed by the Local Government would impose a strain on the electoral machinery and he suggested that it might be possible to start with a smaller electorate and extend it after the periodic commissions had reported.

His Honour said that the Local Government was satisfied that the necessary electoral machinery was available. If power was to be transferred to the people all classes should be represented. If the franchise was pitched higher only the landlords and tenure-holders would be included. From the constituencies proposed by the Local Government all wholly illiterate classes would be excluded.and for thought the majority of the voters would be literate. Probably every voter would send his son to School. The proposed electforates only represented 1.7 of the total population.

Er. Banarjee pointed out that the percentage proposed in the United Provinces was 3.5widely spread revenue agency in the United Provinces and that uniformity could not be expected.

<u>Question No.2.</u> Sir Frank Sly said that the local Government's scheme provided a special landholders' electorate of 321 voters returning 7 members. A large number of the witnesses examined, and even the representative of the Bihar Landholders' Association, thought it desirable to lower the franchise. It had been suggested that, if the franchise was lowered, the tenants would have a better chance of electing their own representatives in the general rural consituencies. With this object it had even been suggested that all landhords should be included in the class electorate.

His Honour did not agree with this suggestion. -Even if the landlords were given a separate eled**r** torate they would still take an interest in the general electorates and run their own men. The landholders would obtain all the seats earmarked for the special m electorate without losing any of the seats which they would otherwise secure in the general constituencies. Th .Local Government proposed special representation of the landlords in order to get diversity in the Council. The big landlords would not risk their izzat by contesting seats in the general constituencies. The 321 members of the existing constituency paid 1/8rd of the whole cess paid in the Province and therefore it was only reasonable to give them a small number of special seats.

Sir Frank Sly said that the principle recommended in the report was that special representation should only be given to distinct classes.

His Honour said that no hard and fast line could

could deny that there was a special class of landholders. There were quite fifty large and historical families. In Orissa also there were a class of landholders who were only not feudatory princes owing to N.P. an historical accident./ Sir Ali Imam said that there

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were at least 50 impartible states in the Province.

His Honour said that the Local Government exclude: these men from the ordinary electorates. He had heard some doubts expressed as to whether the witnesses who appeared on behalf of the Bihar Landholders' Association had really represented their views. He was quite clear that the landholders would consent to lowering of the landholders franchise only if they kept their existing 25 per cent of representation.

Question No.3. This was covered by the discussions in connection with the preceding question.

Question No.4. As regards the educational qualification Sir Frank Sly said that the evidence received had shewn a desire to go below the matriculation standard; there was a danger of widening this qualification if it was once introduced.

His Honour said that this qualification was alread recognized for municipal elections. He saw that there was no payment to the State; but he thought that if the principle of giving it to persons who made no such payment was introduced at all it might well be allowed in this case.

Sir Frank Sly said that this qualification had been recommended so as to admit members of Hindu joint families who might not satisfy the property ۰. qualification.

Sir Ali Imam said that there was now a tendency

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for such families to break up. Personally he would accept the educational qualification in order not to deprive the raiyats of the assistance of this class.

His Honour said that the question was one of principle: the actual number of persons involved was small. He would admit students, if qualified by age.

<u>Question No.5.</u> Mr. Hogg said that he pressed for election in the case of the European community who were well-qualified to exercise the vote.

His Honour said that the Local Government with were prepared to accept this. He agreed with Lord Southborough that Government should exercise some supervision over the elections. The Local Government had not actually considered what qualifications should be required. The Anglo-Indian community was small and indigent and could be represented by nomination if required. The Anglo-Indians were less numerous than the Europeans and the combination of the two classes in one electorate would mean that the Anglo-Indians would never be represented at all. He could not undertake to guarantee that five seats should always be held by Bengalis, the number being made up by nomination, but the Government would see that Bengalis were properly provided for in the future as they had been in the past.

<u>Question No.6.</u> Lord Southborough said that the proposed urban constituences raised the precedent of the old Scotch boroughs. The decision depended on how far the characters of the towns and the rural areas coincided and whether there were distinct urban areas.

His Honour said that a few of the municipalities in

the Province were overgrown villages; in other cases there was much more similarity between town and town than between the towns and the adjacent rural areas.

Lord Southborough said that if the town represented agricultural interests which were also the interests of the surrounding country he would merge them in the general rural electorates.

His Honour said that the character of the electorates was different. The towns would be represented ordinarily by the educated classes, lawyers, schoolmasters &c.

Mr. Banarjee stated that it had been suggested that towns with a population of over 5,000 should have separate seats.

His Honour replied that the Local Government had already increased the urban representation and they could not over-weight the urban vote indefinitely. He did not see how this proposal could be accepted without increasing the number of urban seats.

Sir Frank Sly pointed out that the non-official witnesses had been strongly against merging the smaller towns in the rural areas for fear that the educated classes might be swamped.

<u>Question No.7</u>. Sir Frank Sly said that the proposal to give special electorates for traders and the educate classes had been pressed not on the ground that it was desirable that the special interests of these classes should be represented but in order to give a better chance to the educated classes of making themselves felt.

His Honour said that the Local Government saw no reason for a separate constituency. The educated clas-

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#### -ses would come in through the urban constituences.

<u>Question No.8.</u> Mr. Shastri said that the Local Government proposed 20 official and 12 non-official members. The affi efficials were required to supply knowledge and experience and he thought their number might be reduced for instance the nu commissioners whose experience was roughly identica might be reduced to 3 and the number of heads of departments might also be reduced.

His Honour said that under the existing system not all the efficial members attended all Council Meetings. — The proposal of the Local Government was the minimum required for the Grand Committee, because officials could not always eit continuously in Council.Twenty was the number required for a bare majority of the Grand Committee of 39; four-fifths of 20 would be 16, and this would be the minimum number of officials, The margin of 4 over the minimum of 16 was necessitated because Government did not want to put all officials they had on to the Committee.He added that he understood the proportion of 2/3rds mentioned in paragraph 252 of the Report was open to discussion like all other proposals contained in that Report.

As regards the non-official nominees, there were were the 6 classes to be provided for who were mentioned in paragraph 21(4) of the Local Government's letter and inequalities in the results of the elections had also to be made good.Experience had shown that nominated members were quite prepared to vote against Government.To begin with the electorates must be protected against themselves. The number of nominated see ts could be reduced at a later stage. It must be borne in mind in this connection that the backward.....

backward areas were brought to a considerable extent x into the scheme.

<u>Cucation No.9</u>. As regards the representation of Crissa it was explained that witnesses had represented that the number of seats suggested by the Local Government was unfair both on grounds of population and on other coneiderations.

His Honour said that/local Gov rement were prepared to give one more seat than they had in their scheme by deducting one from the landlords; incidentally he mentioned that they were also prepared to give another of the landlord seats to the Auropean community, leaving them ith one seat for each division. Experience in the past had shown that the interest of the Origes was not neglected and it had hitherto been freely recognized that conditions in Orissa were different from those obtaining elsewhere in the province. He did not favour the suggestion that the extra seat should be given to Outtack town. The other towns of equal populations would have a grievance.

inestion Ho.10. As regards the employment of nonofficial agency at elections Lord Southborough explained that this was only relevant in order to enable the committee to judge how far the Local Government could provide adequate electoral machinery. If nonofficials were employed he thought that certain safeguards should be instituted, such as that they must ga be carefully selected and that penalties should be inflicted for misconduct.

His Honour said that the Loual Government would certainly invoke non-official aid. He was doubtful

-official should be appointed for the district in which he resided. As did not think that the appointment of non-officials would enable them to lower the franchise.

Question No.11. Lord Southborough said that prima fa he doubted if a system of direct election was practicable for the Indian Legislative Assembly. There was a difficulty in embarking at this stage in a fresh series of elections. The large area and high franchise necessary was the reverse of democratic and he thought that a system of indirect election by the members elected by the board provincial electorates was really more representative.

His Honour said that direct election had been recommended because the authors of the Report favoure it and because the nature of the subjects discussed i the Imperial Assembly made it desirable that members should be of a conservative frame of mind; this shoul be secured by a high franchise. The Local Government would, however, consider the matter further in the light of Lord Southborough's remarks and submit a note.

Question No.12. His Honour said that a candidate should be qualified to vote in his constituency, but as it was represented that it was desirable that the most competent man should be secured wherever he came from and that there was no restriction of the kind contemplated in England the Local Government would not insist on this qualification. As regards age limit he would have 25 years for candidates and 21 for voters.

His Honour said that of the two mining seats

he proposed that one should be given to the Association and one to the Federation. In the case of persons who were members of both they might have the choice of the constituency in which they voted and in the case of persons who were members of neither, he considered that they might join one or the other. Both seats represented capital.

Under the scheme local Boards would have to be introduced everywhere and the electorates to these Boards would be the same as for the Provincial Council. The rural franchise proposed was pr practically the same as that obtaining for the Local Boards in Fatna Division.

#### Inestions for discussion with the Local Government.

1. A proposal to raise the franchise in order to reduce the size of the electorate.

2. A proposal to lower the franchise of the Lamiholders' special electorate, so as to indrease the number of electors and widen the representation of landlerds.

3. A proposal to separate altogether the landlords from the rural electorate.

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(2) Anglo-Indian and (3) Bengali domiciled communities, by

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8. Possibility of reduction in number of nominated members, official and non-official.

9. Question whether the Orissa Province has its reasonable quota of representation.

-2.10. Question of employment of non-official s going as polling officers.

11. Proposal for system of direct election to Indian Legislative Assembly.

12. The qualifications requisite for candidates seeking election to (a) the provincial Legislative Council.(b) Imperial Legislative Assembly and (c) Council of State. I suggest that the memorandum below might be eirculated to members with the statement that His Honour the Lieutenant Governor in Council has kindly consented to discuss with the Counciltee Important questions connected with our enquiry in Ethar and Orissa. Will members state whether they wish to add or alter the statement below of the questions that it is proposed to place before the Lieutenant Governor in Council for discussion.

The arguments used in the Gov - ush are legarding transformed reserved napets are the fact that the cleator in C is a simple person. that he is not the signition to vite in favor of forofer fe that persons members of for inte therefore be the that was large fromises & may be one as b week fort that therefore there should be minister amenable to such The arguments of good enough for use giving the power tool. at all But if must be no assumed for this Committee's engine that the vote is to be franked, that a munister is the afford Notes what subjects should be transferred to his control The tenor of the 1 7 - 4-1

The only subject in the a few ancillary stems which the Gost is prepared to make over tha L. C. Board with the Andran werk Plonneil as Freedom the Ste Subjects as ordinary matter of the Sidian under us as human but as Ex. C. member. wither Though the white does with the clearly. the lier of transferred Subjects the Refeat Reform proposal are ever und embodied in a Stanle, it should be possible & make it now Para 24 of the with refers Dame arguments affly to the assumption of a devision of

v nausserson in the Conforto are on place as being beyond the bacie principle on that matter in the to Scheme, it is equally out office to say that transferred trivervice to should not be introduced Prove foots.

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#### Memorandum by the Hon'ble Babu Gopabandhu Das, Member of the Bihar and Orissa Legislative Council.

#### FRANCHISE COMMITTEE.

#### PROVINCIAL LEGISLATIVE COUNCIL.

1. Franchise and constituencies.—Franchise should be determined on the basis of property and education which should be different in different provinces as also in different parts of the same province, where the degrees of advancement and distribution of property are so different and unequal that a uniform standard cannot secure a fairly equal broad electorate. My examination on this point may be confined to Bihar and Orissa and particularly to Orissa, which, differing, as it does from Bihar, in several particulars, e.g., its land tenure, origin and character of its zamindaries and in the identity and distinctness of its interest, needs a different treatment for its proper and adequate representation.

There will be generally two constituencies, one to represent the town and the other the country, as they have in England in boronghs and in counties. Special or communal electorates cannot be entirely done away with. The University should form a separate constituency.

2. Direct election. I am entirely in favour of direct election which will bring the people in actual touch with the administration of the country. I may be examined as to the procedure to be followed in direct election.

'4. Number of Official members.—The number of such members should not be more than one-fifth of the whole number. This proportion will fairly represent the official views with regard to the various departments under the Provincial Government.

5. Size and composition of "Proxincial Council.—I would suggest the following scheme for its constitution of the Legislative Council for Bihar and Orises :—

Ex-officio and nominated officials.-Executive Councillers ••• ... ... ••• Ministeen ••••` . . . . . ••• Commit > ••• 6 . ... · 5.1 ••• .... Vice-Chancellor, Patna University ... 1 ... Secretary to the Legislative Council 1 , ···· ... .... Heads of Department ... ... \* 8 icput promineted or on officials = 뮰 Total

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or including the Governor, the President, 101. In the allotments of seats in the Provincial Legislative Council, Orissa should not be treated as a mere division; its special interest and peculiar position should be looked to. Already a suggestion has been made in the Report for the creation of sub-province for Orissa, Its franchises, constituencies and representation in the Council should be settled in anticipation of its sub-province to be instituted. I shall give a scheme for Orissa at the time of my examination.

#### INDIAN LEGISLATIVE ASSEMBLY.

1.1

Direct election to the Imperial Legislative Assembly would be most desir-/ able and feasible if the number of members in the Assembly can be largely increased, say, to \$50. I have not with me the necessary figures to outline scheme which I shall attempt to do in the course of my examination. I need mention here that some safeguards should be provided for the representation of Orissa in the Indian Legislative Assembly. The dismemberment of the Oriyas under different administration which has often been a source of constant complaint and has placed them at a disadvantage under each Government where they are in a minority calls for some device for their representation as a distinct community among the Indian people. The mode as how this repre-sentation can be effected in the Imperial Legislative Assembly will be stated in the examination. COUNCIL OF STATE.

#### COUNCIL OF STATE.

Contingencies may no doubt arise when the powers of the Council of State may be called into exercise. The object for which it is to be instituted may justify its constitution. About its composition, etc., I shall submit my views in the examination.

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#### Opinion of the Hon'ble Baba Gopabandhu Das, Member of the Bihar and Orissa Legislative Council.

## SUBJECTS COMMITTEE.

#### DIVISION OF FUNCTIONS.

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In general I accept the division of functions as shown in Appendix II of the Reports. The only suggestion that I could make is that local railways and local manufacture of salt should come under Provincial Government.

With regard to the Boserve and Transferred subjects I should like to suggest that no department made over to the charge of a Minister should be transferred piecemeal. There may be occasions in which intervention of the -Governor may be called for. But the Governor should exercise his powers with regard to transferred subjects only in extreme cases. On this point I hope to be able to express my views in some detail in the examination.

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#### ' B. & O. G. P. (P. A. E.) No. \$1-50-11-11-1918-H.P.G.

#### FRANCHISE SUB-COMMITIEE.

#### BY THE INDIAN MINING FEDERATION.

#### A Scheme for the Binar and Orissa Provincial Council.

His Excellency the Viceroy and the Right Honourable the Secretary of State have proposed in paragraph 225 of the Reports on the Reforms Scheme that " there shall be in each Province an enlarged 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 ". In pursuance of the proposal we sugg st that general electorates be formed of rural and municipal areas separately for the representation of the neople at large in the Provincial Legislative Council the representation of the people at large in the Provincial Legislative Council and also that steps be token for the representation of important special interests such as those of the landholders and of commerce and industry on the lines indicate l hereinafter.

2. With the above view we propose that the municipal and the rural areas of a Province be divided into suitable groups, each group having the right to elect one representative to the Provincial Council. Those persons in a group who will have the requisite qualifications of a voter will form the electorate of the group. Each of such persons will have one vote. Amongst the candidates for election to the Provincial Council from a group, one who might secure the highest number of votes of the group should be elected.

B. It would be expedient to form the electric. B. It would be expedient to form the electral groups on the basis of population with however different minimum for municipal electronate. Manicipal electronates. minimum for a municipal group being for obvions reasons much below for that for a rural group. Contiguous municipalities be so grouped that each group may contain a minimum population of not more than 70 thousands. Each of such group should elect one representative to the Provincial Legislative Council.

4. The Patna Municipality on account of its large population and other importance, should be divided into two groups and each group should elect one representative. The Municipal areas of Gaya, Cuttack and Darbhanga may conveniently form each a separate group and elect each one representative to the Council.

5. In consideration of the general and great difference in the advancement of the people in the municipal areas over Qualifications of a voter in the Municipal those in the rural areas we suggest that

electorate. the qualification of a voter for municipal areas be male, adult, literate and (i) having a yearly income of not less than Rs. 8:0 from any moral source, or (ii) being a householder or a lodger of an annual value of Rs. 120, or (iii) being a licence-holder paying a licence fee of the amount of Rs. 50 or more

the amount of Rs. 50 or more.

6. The rural area should be so grouped that each group may contain Bural electorates. Bural electorates. Bural electorates

to the Provincial Council.

7. Contiguous thanas,' that is, areas under the several police-stations, A contiguous that as, that is, areas under the several poince-stations, should be grouped together, whenever and so far as practicable round the head-quarters of a Subdivision, to from a group of rural electorato. The area should have a population of about 5 lakhs. 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.

8. We propose a population of about 5 lakhs to be the basis for the formation of a rural group on the apprehension that a lower minimum may not ordinarily have sufficient number of voters to justify the formation of an independent electorate.

9. The qualifications of a voter in a rural electorate should be much lower Voters' qualification in a rural electorate. than those of a voter in a municipal electorate and may be put to 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 other moral source or being a householder or a lodger of annual value of Rs. 36.

10. It is quite possible that the advancement of the people in certain areas, municipal or rural, might be so low that, a sufficient number of qualified voters may not be found for the proper formation of an electorate. It may be laid down as a condition for the formation of an electoral group that a group should have at least 5 to 6 thousand qualified voters.

11. Electorates of landholders should be formed with such property quali-Landholders' electorates. fication that one earning from zamindary or from permanent tenure an income

of Rs. 15,000 may be a voter. Each division of the Province under a Commissioner should be divided into two groups, each group to form an electorate to return one member to the Provincial Council.

12. Mining forms the principal industry of the Province and in view of its importance in the development of in-

Communal indusrial electorates. dustries and commerce of the country it is necessary that the industry should be fully represented in the Provincial Legislative Council and should also be represented in the Imperial Council. At least six seats should be given to the mining industry of the Provi ... e and an electorate of the Mining Community should be formed on the following basis.

13. A Colliery with a minimum of annual raisings of six thousand tons up to 48 thousand tons should have one vote. A Colliery with a minimum annual raisings of over 48 thousand tons up to 96 thousand tons should have two votes. A Colliery raising annually over 96 thousand tons or more should have 3 votes.

13A. Regarding other minng industry, a mine showing a minimum income of Rs. 15,000 to Rs. 50,000 should have one vote; and those earning each an income of more than 50,000 should have each two votes.

13B. As an alternative method the representative of the mining industry may be effected through the Mining Association and the Mining Federation. The Minig Association have amongst its members all the European-managed collieries and the Mining Federation all the Indian-owned and managed collieries. The Association and the Federation should be allowed each to send up three representatives.

14. The Committee are strongly of opinion that the formation of Communal Electorate on the basis of race or religion is calculated to widen the

religion is calculated to which the cleavage between race and race without securing any commensurate good, and so it is highly objection.ble to form electorates on the basis of race or religion. Under an arrangement on the lines proposed above, questions of disproportionate representation on communal basis may not arise. If however it be practically found that representation of any community in the Council is not adequate enough, provision may be made for representation of such community (i) through the representative associations of that community or (ii) by nomination by Government. Ten seats might be reserved for such representation.

15. The Members of the Executive Government, Councillors and Ministers, Secretaries or on their behalf the

Official Members. proposed Under-Secretaries of important branches of Administration and such officers as the proposed Director of Industries should alone be the official nominee of the Government in the Council. The Governor should be the President of the Council.

16. The Government may nominate, if found necessary, a minimum number of ten non official members as suggested in paragraph 14.

2

### A Scheme for the Imperial Legislative Assembly.

We are of opinion that the number of members proposed in the Report for the Imperial Legislative Assembly and The Imperial Legislative Assembly. the Provincial allotment made therein, is oo 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 to the Imperial Legislative Council Bengel may send five representatives from the municipal areas Constituencies.

and five from the rural areas, four from he landholders, 4 to represent the commercial and industrial interest and two from the University.

3. Bombay, Madras and the United Provinces may also send representalives on the above scale. But in the case of the last two, the number of commercial representatives may be two from each instead of four.

4. The Punjab, the Central Provinces and Bihar and Orissa may send each three representatives from the municipal areas and three from the rural areas and three to represent the interest of the landholders and in the case of Bihar and Orissa two to represent commerce and industry ; the Central Provinces and the Punjab may be allowed to send one member each to represent commerce and industry. The Punjab should send one member to represent the University.

5. Assam might be allowed to send four members-one to represent the municipal areas, one rural areas, one landholders' interest and one commercial interests.

. 6. It would be necessary for the Government to reserve to itself the right to nominate 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 representative associations of the interests concerned, it would be a better course for the Government to surrender its right of nomination to such associations.

7. The official members of the Council should generally be His Excellency (b) Official. (c) Official. (b) Official. (c) Official. (c) Official.

of the Executive Council, Councillors and Ministers and a few Secretaries or the proposed Under Secretaries of the important branches of Administration, and heads of important Departments.

8. For the purpose of forming electorates for the election of representatives ates and Franchise.

of municipal and rural areas and of the landed interests, the electorates proposed for the various representations in the Provincial Council be regrouped on the basis of population into as many number of electorates of each kind as that kind in the Province concerned may have seats in the Imperial Assembly and each of such groups be allowed to send one representative to the Assembly by the method of direct voting. There needs be no differentiation in the qualifica-tion of a voter for the Provincial Council and for the Imperial Legislative Assembly. The Commercial representation be secured through important Assembly. The Commercial representation be secured through important commercial and industrial associations of the Province concerned; for instance. in Bengal the Bengal Chamber and the Bengal National Chamber of Commerce and in Bihar the Indian Mining Association and the Indian Mining Fede-ration. Where no such associations exist the representation should be secured by nomination.

#### A Scheme for the constitution of the Council of State.

Regarding the Council of State, it should be so constituted as would Constitution. Constitution. the view that only highly qualified and experienced persons might be eligible to be members of the Council of State.

2. Bengal, Bombay, Madras and the United Provinces should be allowed to send two representatives of the rural and municipal areas, two of commerce and industry and two of the interest of landholders and one of the University.

3. Other Provinces should be allowed to send each one representative under each of the above heads excepting the University.

4. The Viceroy should be the President of the Council of State. Besides . 4. The Vicercy should be the President of the Council of State. Desides the Members of the Executive Government, Council or State. Desides other Government official should ordinarily be Members of the Council of State. The Government may however nominate a few limited number of members for the representation of any communal or other important interests, it might think necessary and may make provision for the representation of Provincial Governments by taking one representative from each or any of the important ones the important ones.

5. For the present it would be expedient to confer the right of electing Electorate the representative of the rural and municipal areas of a Province upon the non-official members of the Provincial Council. But the representative of the landholders' electorate 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 cand the Bengal National Chamber of Commerce. of Commerce.

6. The electorate of the University proposed for the Provincial and the Imperial Councils should elect one representative for the Council of State.

.7. 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 Members' qualification as a Municipal Commissioner or as a Member of the District Board.

8. In Bengal a landholder having an annual minimum income of Rs. 50,000 should only be eligible to represent the landholders' interest.

9. One paying an income-tax on a commercial or industrial profit of Rs. 50,000 or above alone be eligible to represent the interest of commerce and industry in the Council of State.

10. The Indian Princes should not be Members of the Council of State. A Council of the Indian Princes may be formed and representatives of the Council of State and of the Council of the Indian Princes might occasionally meet to consider questions of common interest.

11. The Council of State should be so constituted that it may command universal respect and confidence and properly exercise a sort of revisional jurisdiction. A constitution framed to secure official majority is not likely to for the above purpose. Measures which the Government may think essential for the due discharge of its responsibility but which might not get the sanction of the legislative bodies, might be properly secured by rules and regulations and by the proposed certificate procedure.

B. & O. G. P. (P. A. & F.) No. 40-50-15-11-191% J. C. B.

#### MEMORANDUM

#### OF SUGGESTIONS

#### BY

#### THE UTKAL UNION CONFERENCE,

#### 1. Provincial Legislative Council.

(1) **Franchise**-The qualification of a voter shoud be on the basis of education and property.

(A) **Education**— $(\tau)$  Those who have passed the Middle Vernacular examination or any higher standard examination recognized by the Government Educational Department or by a University.

(2) Title-holders in any public examination in any Oriental Classic.

(B) **Property**—(I) Land-owners (including small Zamindars, tehure-holders, holders of Revenue free Estates, mafidars and tenants) paying a revenue or rent of Rs. 16 or a cess of Re. 1.

NOTE—This qualification will meet the condition of Orissa where land-owners mostly own small holdings or estates. If the property limit be raised a fairly broad franchise cannot be obtained in Orissa. The limit may however be raised in other parts of the province if thought necessary.

(2) All persons paying Income-tax.

(3) In urban areas, persons paying Municipal tax or rate of Rs. 3/- and above.

## N. B.—Every voter should have attained the age of discretion which should be fixed at 21 years.

#### 2.-Constituencies and Composition of the Provincial Legislative Council-

The number of members in the Provincial Ligislative Council should be 100 to be distributed as follows-

	Nominated Officials Elected Non-Official	20 80	
		00	
L. propertion ?	Urban "," Rural Mahomedans Urban " Landholders Planting Mining University	33 15 12 4 8 1 1	
hards be plural ? propose ?	Domiciled Indian Christian Anglo Indian	2 2 1	<b>S</b>
( FOR O	RISSA—#5.	2	
!!	Urban non-Mahammadan	7	(Cuttack 3, Puri 2, Balasore 1, Sambalpore 1.)
	• Rural Non-Muhammadan	ΓI	(Cuttack 4, Puri 2, Balasore 2, Sambalpur 2, Angul 1.)
only 1/ or 4	Wrban Muhammadans Rural Muhomedan Landholders paying a revenue of Rs. 3000 or a Cess of Rs. 200 Domiciled Indian Christian	I 2 1 I	ounderper af minger af

NOTE—The Conference does not favour the system of nomination. Besides the official members who would be nominated, all others should be elected—Mahomedans and Landholders by separate and exclusive electorates, the other two minor communities (Domiciled and Indian Christian) should have two seats, one for each, reserved in the plural constituencies with the general electoral roll as suggested in paragraph 232 of the Report.

#### [2]

There should be one polling station for the area under each Police-Station. The polling station should be set up in a central place and care should be taken to keep it free from all undesirable influences. The presiding Officers should be selected from among Deputy Magistrates, Munsiffs, Sub-Registrars, and Sub Deputy Collectors. Each presiding officer should be assisted by at least two non-official gentlemen of position especially nominated by the Government for the purpose. The voting should be by ballot.

#### 11.-Indian Legislative Assembly.

The number of members should be 150 instead of 100 as suggested in para 274 of the Report. The Conference appreciates the difficulties in the way of direct election and accepts the suggestion of indirect election by non-official members of Provincial Councils. The number of members suggested in the Report for each Province being raised proportionately. .

The system of direct election at present existing for Muhamadans and Zemindars should continue.

should continue. It is to be noted here that the Orissa members on the Bihar Orissa and Legislative Council should not vote in the election of members from that Council to the Indian Legislaive Assembly. They will combine with members representing other Oriya-speaking tracts in other Provincial Legislative Councils in electing their own members to the Indian Legislative Assembly.

#### 111. Council of State.

The Conference is not in favour of formation of a Council of State and so refrains from making any suggestion on the subject.

#### ABOUT ORIYAS SPECIALLY.

ABOUT ORITAS SPECIALLI. Representing as it does the various Oriya-speaking tracts scattered under different administrations, the Conference considers it its duty to place before the Committees the views not only of the people of Orissa under the Government of Bihar and Orissa, but of the Oriya tracts under Madras, Ceutral Provinces and Bengal. Under the present circumstances, the Oriya people are everywhere in a minority. The Conference has been urging for the union of these tracts under a separate administration. The authors of the scheme have recognised the reasonableness of the claims put forth by the Conference and recommend the formation of a Sub-Province for Orissa in paragraph 246 of their report.

recognised the reasonableness of the claims put forth by the Conference and recommened the formation of a Sub-Province for Orissa in paragraph 246 of their report. Although the subject does not apparently come within the scope of inquiry of the Committees, the Conference thinks that in deciding questions affecting franchise and constituencies, the problem of the Oriyas being in the minority under the existing administrative units should not be excluded from consideration. It has over and over been recognised that the Oriyas emerge as a distinct factor in all the Provinces they are found. Their interests are everywhere the same and are quite distinct from those of their provincial neighbours. The principle determining the franchise for Bihar cannot conveniently suit the people of Orissa. This has been indicated above. So also what would be suitable to the Telugus of Madras will not fairly and reasonably be applicable to Madras Oriyas. This will be the case everywhere with regard to the Øriyas whose condition and circumstances are one and uniform in all the provinces. In these circumstances the union of the adjacent Oriya tracts under a separate administration should have preceded the determination of the question of Franchise & c. Till that is done, the Conference suggests that safeguards should be devised for the protection of the interests of the Oriyas in the province where they are in a minority. For political Orissa, a Scheme for representation in the provincial Legislative Council has been outlined above. In other provinces representation of the Oriyas should be secured by reserving elective seats in plural constituencies with a general electoral Roll as suggested in para 232 of the Report. The case of the Madras Oriyas deserves special consideration. And the Conference recommends that at least 6 seats should thus be reserved for them in the Legislative Council of that Presidency, and one seat each for the Oriyas of Bengal and Gentral Provinces in the provincial Councils of their respective Governments. As

As for the representation of the Oriyas in the Indian Legislative Assembly it has been suggested above that an electorate should be formed by the combination of all the elected representatives from the different Oriya-speaking tracts in their respective provincial Legislative Councils and this electorate will return to the Indian Legislative Assembly at least three members to represent the whole of the Oriya speaking tracts.

#### IV. Separation of Functions Imperial and Provincial.

The Conference accepts the division of functions between the Imperial and Provincial Governments as suggested in the Report with only this modification that the manufacture of Salt in any province where there are natural facilities for it should be a provincial subject.

#### V. Separation of Reserved and Transferred subjects in Provincial Governments.

While accepting in general the division of Reserved and transferred subjects as illustrated in the Appendix to the Report, the Conference suggests that any subject sought to be transferred should be transferred in its entirety. For instance educational as a transferred subject should include University education also.

BRAJASUNDAR DAS

# Memorandum and Scheme by the Hon'ble Ral Bahadur Dvarika Nath, Member of the Bihar and Orissa Legislative Council.

#### FRANCHISE COMMITTEE.

1. The Bihar and Orissa Legislative Council should consist of 125 members of whom three-fourths (or 94) should be elected and one-fourth (or 31) nominated by the Government. 2. The constituencies should be as follows :----

		-Elected 94					· · .		
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		Reral non-Muh				***	29		-
	í	Urban non-Mu	·	n#		<b>444</b>	•	(One from each dis- trict.)	
		Rural Muhamn	ndans	***	***		18	,	
	· ·	Urban Muhami	nadans				5		
		Landholders .					7	(One from each	
			•			÷	•	Division and an	
		2.	15			4		additional one for	
								Tirbut and Bha- galpur Divisions.)	
	• •	Planters			`		· ` <b>ì</b>	Barbat Ditanone'l	
		Mining	1	1. <b>•</b> •••			2		
9 7	· 1	University			•••		2		
12 m		Income-tax ass		•••• •••	1		9		
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			•		•		94	-	
$\mathbf{N}$	-B	-Nominated 81	÷	•					
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		& Governor				1	•		
		Executive	Councille			2			
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		Commissio	-			5			
		Heads of 1			444	8			
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		A 100-61191	ICELLOF OL .		ITABLETCA			· · · ·	
		. 1				18		,	
		(ii) Nominate	d non-offi	cials		. •••	13	Why a many?	
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		Shahabad		<u>الله الم</u>		***		•	
		Saran							
		Champaran				-			
		Muzaffarpur	2	···· ·· ·	444	***			
		Darbhanga	2	<b>1</b>					
		Monghyr		2)			,		
		Bhagalpur		2		***		5.	
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		Ranchi - Palamau		1			•	<b>a</b>	
		Singhbhum		1 6	***	•••		<b>R</b> 1 1 1	
		Manbhum		IJ					
		-							
		•					-	9	

4. Persons taking part in the special electorates should not be allowed to participate in the general electorates. Muhammadans, landholders, planting and mining interests should be excluded from participation in the general electorates.

5. The number of seats allotted to the urban population is in excess of what their mere numbers would entitle them to. I beg to submit that people residing in towns are better educated and therefore more fitted to understand their rights, duties and responsibilities.

8. People living in urban areas should be allowed to stand candidates from rural areas and vice versa. Any restrictions in this matter, would be detrimental to the best interests of the country,

7. The franchise in the rural areas should be such as to allow about 2 per cent of the population to be enrolled as electors.

8. The franchise should be based on property qualifications, but illiteracy should be regarded as a disqualification.

9. The qualifications for landholder voters might be as they are for the existing council.

10. For the University, graduates of all Universities who are permanent and bona fide residents of the Province should be allowed to vote.

11. Qualifications for General, Rural and Urban Voters may be on the basis of the printed Statement attached to Mr. Hubback's Scheme.

12. I attach considerable importance to the constituency of the income-tax assesses and non-student matriculates suggested by me. The income-tax assessees will comprise traders, business men and the industries of the Province. The non-student matriculates will include the large class of service-holders and professional men such as Barristers, medical practitioners, engineers, school teachers and others.

13. With regard to the qualification of candidates no restriction should be placed on a constituency in the matter of choosing a candidate except that the candidate must himself be a voter in that constituency.

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#### INDIAN LEGISLATIVE ASSEMBLY.

14 The Assembly should consist of 150 members and the number of seats allotted to Bihar and Orissa should be the same as those allotted to the major Provinces.

15. Bihar and Orissa should be treated as a major Province and should have the same status, dignity and privileges as those accorded to the major Provinces.

16. Of the 150 members, three-fourth should be elected and one-fourth nominated.

17. I am not in favour of a Grand Committee in the Provincial Legislative Council. If the Provincial Legislative Council refuse to pass a measure which the Government considers absolutely necessary, such bills might be introduced in the Imperial Legislative Assembly.

18. I am not in favour of a Council of State. The Grand Committee procedure suggested for the Provincial Legislative Council might be introduced in the Imperial Legislative Assembly.

19. I am not satisfied with the financial arrangements recommended for Bihar and Orissa in the Scheme of His Excellency the Viceroy and the Right Hon'ble the Sccretary of State. The expenditure in this Province has been subnormal. I would therefore strongly urge a more equitable financial arrangement, otherwise it would seriously hamper the progress of the Province. I strongly support the Resolution on the subject which was unanimously passed at the meeting of non-official members of the Bihar and Orissa Legislative Council held at Ranchi on the 13th and 14th September 1918.

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## Opinion of the Hon'ble Rai Bahadur Dvarika Nath, Member of the Bihar and Orissa Legislative Council.

#### SUBJECTS COMMITTEE.

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20. On the question of division of functions between the Provincial and Imperial Governments I generally accept the suggestions of His Excellency the Viceroy and the Secretary of State in the Appendix to the Leport.

21. With regard to the subjects to be transferred to the charge of Ministers I am of opinion that in addition to the subjects mentioned in the Illustrative List of the Report there should be the following subjects also :--

1. Higher education including University.

- Court of Wards.
   Prisons.
- 4. Industrial development.

22. The number of subjects transferred to the charge of the Ministers in this Province should be the same as those that might be finally recommended for major provinces.

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#### B. &O. G. P. (P. A. & E.) No. \$1-50-11-11-1918.-H.P.G.

7 . , • ,

#### Views of the Hon'ble Babu Bishun Prashad.

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#### MEMORANDUM OF VIEWS FOR FRANCHISE COMMITTEE.

In my opinion the Bihar and Orissa Provincial Legislative Council should consist of not less than 125 members and of whom not more than 25 should be nominated by the Governor and the rest elected. I suggest that the seats should be distributed as follows :---

	Nominate	न्द्र		***			
Ex-officio	Governor	•••				1	
, • \ <del>7</del> - ·	Executive (	Councilors	••••	•••	 	2 6	
	Inspector-G	eneral Poli				1	
	Inspector-G	anomal Bor	istration			1	
• .					•	5	
		eneral, Civi	r Hoshnara			÷	
	Vice-Chanc	ællor -	•••	<i>,</i>	•••• •	L	
						18	
Others	-Experts	•••	<b></b>	12 <sup>1</sup> 11 444		.5	•
	Domiciled	•••	•••			2	
	Indian Chr	istians		<b>*</b> ***		1	
	Aborogines	and depres	ed classes			1	
	General		••••	4		6	
						12	Total 25
	Elected		•••	***	·	<u> </u>	100
	Rural	·	••	144		68	/
	Urban				` <b></b>	-27	
·	Planters	· · ·				1	
	Mining			· •••		<b>1</b> 2	
	University		***	***		2	
						100	-
	-						-

The rural and urban seats to be distributed according to the Appendia attached herewith.

Lached herewith. I am not in favour of creating separate electorates either for the Muhammadans or for the landholders or for any particular community or class for reasons discussed in the Joint Report on Indian Constitutional Reforms by His Excliency the Vicercy and Secretary of State for India. But having regard to the sentiment of people interested I may advocate the expedience of reserving the number of seats suggested above for the Muhammadans in the plural constituencies. To my mind in this Province the landowners do not form a distinct class by themselves, and for many years to come it will be the landowners and landowners' alone who will be able to control all the seats of the rural areas.

India is a country which is full of minorities only and therefore the system of single member constituency should be given up and instead plural constituencies should be formed.

#### Qualifications for the exercise of franchise generally.

Every male person of the full age of 21 years resident within the territorial limits of the constituency who is qualified in one of the manners following :--

•

(a) Persons paying a minimum cess of Rs. 1-8 in the Orissa and Chota Nagpur Divisions, (Rs. 2-0 in Patna Division and Monghyr District) or a minimum of Rs. 3 as Municipal Tax or a license tax of not less than Rs. 20 in respect of a trade, dealing or industry carried on within the area.

- (b) Rent-free tenents whose tenancies are valued for cess purposes at not less than Rs. 100.
- (c) Every person holding an estate or portion of an estate and paying a cress of not less than Rs. 12 direct to the treasury.
- (d) All persons who pay Income Tax.
- (c) All persons who have passed the Matriculation examination or an examination of standard equivalent to Matriculation Examination of any Indian or English University or obtained the School leaving certificate from a recognized school or has passed the Vernacular Mastership Examination.
- (f) All Pleaders, Vakils, Barristers, Mukhtears, and Revenue Agents.

#### QUALIFICATION FOR THE EXERCISE OF FRANCHISE IN THE CONSTITUENCY OF THE PATNA UNIVERSITY.

(i) Persons who are authorities or officers of the University as defined by section 4 of the University Act.

- (ii) Teachers of Schools and Colleges of the University.
- (iii) Registered Graduates.

Voting by Proxy should not be permitted but voting by signed letter may be allowed.

#### Indian Legislative Assembly.

It should consist of not less than 150 members. 120 of whom should be elected and 30 nominated (officials and non-officials).

Direct election is not only possible but practicable by making the qualifications much higher, e.g.—

0	. 0				11			
Bengal, Bo	mbay and	Madra <b>s</b> ]	l0 each				30	
Bihar and (	Orissa.			•••			8	
United Pro	vinces and	Oudh			•••		8	
Punjab	•••		·				7	
Central Pro	vinces and	Berar	•••				4	-
Burma			1	• •••	••• •		2	
Assam				•••	•••		, <sup>1</sup> 1,	
Delhi	•••	•••			· **	•••	1	;
			• ,			-	61	
Universities			$(1,1) \in \mathbb{R}^{n}$				7	
Trades Ass	ciations an	d Chamb	er of Comm	erce	• •••		5	
			*	•	Total		75	

Out of the remaining seats 40 should be reserved for the Muhammadans and 7 for landholders, but no separate electorate should be created. The proportion of Muhammadans in each Division and the seats should be distributed on the principle I have distributed the seats of the Provincial Council. The constituencies should be so formed that each community or interested however in the minority must get a chance of being represented.

#### Council of State.

No official member of the Provincial Council or Legislative assembly should vote or take part in the election of a member or members of the Council of State, and the present method of electing members to the Imperial Council by the non-official members of the Provincial Legislative Councils should be adopted.

On all other points I agree entirely with the suggestions made in paragraph 277 of the Report.

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	_	Bu	<b>BAL.</b>			UBBAN.					
Constituaney.	Number of Nou-Muham- madan Electors.	Number of Non-Muham- madau members.	Aumber of Muhammadan Electore.	Number of Mahammadan members.	Rumber of Non-Mitham- madan Eleotors.	Namber of Non-Muham- madan membors.	Runder of Mahammadan Electors,	Number of Muhammadan membera,	Bematka.		
1	. 1	3	4		8.	7	8.	9	10	. •	
PATNA DIVISION.					, i		]				
Pains	38,000	4	8,000	3		1					
<del>G</del> aya	54,000	6	6,000	· 3		1 1					
Shahabad	43,000	× 4	8,000	1		1		<b></b>			
Patna Division (Ex- cluding Patna City.)	135,000	14	17,000	5	15,000	. 1	9,500	3			
Patna City	•		-	-	6,500	3		•••			
TIBHUT DIVISION.	ę		·						 		
Mugaffarpur	\$3,000	4	5,000	3		1					
Saran	29,000		4,000	1		1					
Champeran	18,000	2	3,000	1		1					
Darbhanga	33,000	•	5,000			i i		 	-		
-				_	l	· ·			1		
Tirbut Division	311,000	13	17,000	. 6	17,000	•	6,000	3			
BHAGALPUB DIVISION.									• 1		
Santal Parganas		-				1			· · ·		
Bhagalpur	36,000	4	6,000	1		· .					
Monghyr	85,000	4	4,000	<b>`</b> 1		1					
Parnes	13,000		10,000	2		1	· · · ·				
Bhagalpur Division	84,000		18,000			6					
•			18,000		13.500	5	4,500				
CHOTA NAGPUEL DIVISION.	<b>.</b>	i •	· -	1	}		1 .	1			
Ranchi	11,500	1	600			1			h .		
Hazaribagh	21,500	2	2,500	1		- <u>-</u> -					
Palaman	14,000	· 3	1,000			1			1		
Manbhum	13,000	1	1,000					···· . 	ll i		
Singhbum	18,000	1	ι <b>.</b>	•••	•••	1					
Chots Nagpur Division	68,000	,	5,000		6,000						
ORISSA DIVISION.							1,000		Urban Muham- madan 1		
					i				1 ·		
Cuttack	24,000	3	2,000	· *	<b>-</b> .	- 1	· ·	<b></b>			
Balasore	12,500	1	50,0	•••				-			
Puri	16,500	3	· 600		· •••	1	·				
Angul Sambalpur	6,100	. 1			· ·	•					
Sambalpur	P .	-						×	ייי		

3 APPENDIX I.

BURAL.

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UBBAN.

B & O. G. P. (P, A. E.) No. 52-50-18-11-1918.-W. D.

7

2,000

69,000

Orises Division ...

11,000

. . . .

2,000

## Note on the conditions which prevail in the Chota Nagpur plateau with reference to representation on the New Provincial Council.

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In para \$ (3) the special interests of backward classes are mentioned as being included in the Reference to the Committee.

What I set out to prove is that the population of the Chota Nagpur Division must all be classed as backward.

Ares included.

I. The area with which I propose to deal is the Chota Nagpur Division and the District of the Santal Parganas, in she Bhagalpur Division.

Districts and population.

II. The following are the Districts and the population of each within the area specified abova

	Hazaribagh	546	1,288,609.
1	Ranchi		1,387,516.
	Palamau		687,267.
	Singlibhum	***	694,394.
	Manbhum		1,547,576.
-	Santal Parganas		1,882,973.
	A TOTAL		7,498,335.

Analysis of Population. III. The total population is practically seven and a half millions. It has Been divided into the following Categories, precedence being acccorded to numerical superiority.

	9,529,897.
•••	2,391,810.
	1,867,513.
•-•	509,218.
	206,899. Jac 21 ad
•••	7498,335.

on the above sections. IV. (1) ABORIGINES. From the above Table, given on the authority of Čensus Report for 1913, it will be seen that Aborigines constitute the most numerous Section of the population. In language, religion and social customs they are a people by themselves, having nothing in common with Hindus. They are agriculturists and are found in smaller or larger numbers, in all the Districts of our area. The aborigines are not homogeneous. They embrace a large number of tribes speaking different languages with differing social customs. These form an impassable barrier between the various tribes rendering each tribe exclusive.

(2.) HINDUS. These account for a trifle less than one third of the whole. They are mainly agriculturists, but they supply the traders, money lenders, Landholders, Clerks and the learned professions generally. The Brahman casts in our area does not occupy the position he does in other parts of the Province.

(3.) SEMI-HINDUIZED ABORIGINES. These are the "Untouchables" of the higher Hindu castes. They number almost 2 millions and are aborigines who have taken on a veneer of Hinduism. They are the hewers of wood and the drawers of water for the Hindus. They are without the pale of Hinduism and are only asserted to be Hindus when it is necessary to swell the Hindu ranks when some political purpose is in view.

(4). MOHAMADANS. These number a little over half a million and about half of the number belong to the Jolaha section. The Jolahas are not far removed from the non-Hindu portion of the community.

(5). CHRISTIANS. These constitute one thirty seventh of the entire population and are mainly of aboriginal extraction and follow agriculture.

Literacy in a

• •

Taking the whole population with which we are dealing the number of literates in a vernacular of 20 years of age and upwards is.—

Males		•••	147,352
Females	,	•••	6520

(2)

Literacy in English, .

.

 $\nabla$  (1). With regard to persons of 20 years of age and upwards who are literate in English it will be suggestive to take District by District.

Hazaribagh		-	1844 males		144 females	
Ranchi			2560		150	
Palamu			699		155	
Singhbhum			1479		162	
Manbhum			4185	•	406	
Santal Parganas	· · ·		2801		201	
	•		· · ·		<u> </u>	
	TOTAL	***	13,568		1,218	

.

Out of a population of 5,454,232

(2.) Taking the figures for animistic aborigines of 20 years of age and upwards District by District,

Santal Parganas	63 males	
Hazaribagh	7	
Ranchi	58	4 females
Palamau	2	
Manbhum	11	
Singhbhum	39	
Tota	L 180 males	4 females

Out of a population of 2,044,123 Aministic Aborigines.

VI. There are 26 living languages in use in the area under review.

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Samming up.

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Languages.

VII. Taking into consideration the facts as I have stated them, fairly accurate I trust, it will be evident that conditions for an intelligent electorate do not exist.

Among the Literates in English are included all Indian Government servants employed in the Division. I have no means of ascertaining their number, but I should estimate that the half at least belong to this class and have mainly come in from other Districts.

English is the only language possible for political purposes and as only an infinitesimal number of the people have any knowledge of it there does not seem to be any basis for an intelligent electorate.

ς. A. CAMPBELL, POKHURIA.

## Views of the Hon'ble Mr. Mazhur-ul Haq.

## MEMORANDUM FOR THE FRANCHISE COMMITTEE.

This statement has been prepared in accordance with the terms of reference as issued by the Government of India and published in the newspapers.

PROVINCIAL LEGISLATIVE COUNCIL.

I. Franchise and Constituency :---

(1) I have had the advantage of perusing Mr. Hubback's report to the Government of Bihar and Orissa and I accept his estimate of the number of voters as approximately correct. I agree with him as to the qualifications of voters to the Local Council except that the following should be added :--

(a) He who pays a license tax of Rs. 20 per annum in respect of a trade or dealing in industry.

(b) He who pays an income tax in the rural area.

(c) All legal practitioners.

In my opinion any increase in the number of electors over the figures of Mr. Hubback will result in the breakdown of the machinery which will stultify the object of the reforms.

(2) Personally I do not agree with the principles of special electorates, either for the Mahomedans or for any other minorities, but as this principle has been conceded, though reluctantly, by His Excellency the Viceroy and the Right Honourable the Secretary of State for India, there is no help but to recognise it. However, I see no reason whatever to extend this harmful principle to any other community than the Mahomedans. It is desirable in the interests of future generations to keep it down as much as possible. Hence I do not see the necessity of giving any sepa rate electorate to the Landholders of large estates. They by no means form a distinct class in the province of Bihar and Orissa, such as the *Taluqdars* of Oudh and the *Jagirdars* of Sindh. I believe there are not more than a dozen of old aristocratic houses which may be differentiated from the landholders in general. The rest merge gradually into small landlords without any line of demarcation. In my opinion it is not justifiable to divide the landhords into two different sections by a purely arbitrary line of certain fixed incomes.

(3) In the case of the so-called domiciled Bengalees, they have already secured seats in the Local Council by general competition and I do not think that it would be for the good of the Province to keep them aloof from the rest of the population. For better or worse they have cast their lot with the people of Bihar and Orissa and they must participate in all their activities.

(4) In the backward state of the Province certain special interests should be represented such as the Aboriginies, Depressed classes and Indian Christians. They should be represented by nomination but their representatives must come from their own classes and not from outsiders such as Europeans, Brahmins etc.

(5) There remains three more special interests and their representation should be secured by election. These are Mining, Planting and the University.

(6) Taking the compromise arrived at Lucknow in 1916, between the Indian National Congress and the All-India Muslim League, as my basis, I propose the following scheme :--

The total number of members for the Bihar and Orissa Legislative Council provided for by the Congress-League Scheme, treating the Province as a major province, should be 125 of whom #ths should be elected and #th nominated.

Es-officio & rominated	-			13	
	•••				
Governor	•••	•••		1	
Members of Executive Council		•••		. 2	
Secretaries				6	٠.
Heads of Departments				8	
Vice-Chancellor			• •••	1	

			4			
Nomi	nated non-officials				***	12
E	rperts		•••	444		2
AÌ	originies		•••			2
De	epressed classes					2
In	dian Christians					ĩ
	eneral					5
•					Total	25
					,	-
Electe	<i>d</i>					
	anters	•••			•••	1
	ining	•••	•••	•••		2 9
UI UI	niversity					8
hipicewith V Ru	iral non-Mahome	dans			•••	51
Un Un	rban ditto	•••				19
Ru Ru	iral Mahomedans					17
	rban ditto	•••		•••	***	8
		<b>、</b>			•	
				Total		100

A detailed statement of the elected members from the rural and urban areas is given in Appendix I.

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### INDIAN LEGISLATIVE ASSEMBLY.

(7) Although the non-official members of the Imperial Council have agreed to paragraph 274 of the Report of the Right Hon'ble the Secretary of State and His Excellency the Viceroy, as to the strength of the Legislative Assembly, in my opinion to make it thoroughly representative of all classes the number should be 150 as adopted in the Congress-League Scheme. Four-fifths of which should be elected by the method of direct election as obtaining now in the Mahomedan electorates. Care should be taken that the franchise should be sufficiently high so that no constituency should contain more than 5,000 voters, constituencies with larger numbers would become positively unwieldy and unmanageable.

(8) No figures are available to enable me to allot seats to different provinces but I give the following scheme as a tentative one which may be modified by a consideration of the actual figures :---

	Universities				•••		
	Chambers of Con	mmerce			•••	•••	
1-	Constituency.				Non-Mahom	edans.	Mahomedana.
• • •	Bengal				12	•	<b>8</b> ·
	Bombay				12	·	5
•	Madras				12		4
	Bihar and Orissa				8		. 4
	United Provinces				10		6
	Punjab	`			6		8
	Central Provinces				5		2
	Burma				2		1
	Assam				1		1
	Delhi	•••	•••		1		1
			Total	•••	69	, <b>x</b>	40
					·		

tion

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(9) The remaining 30 members are to be nominated officials and non-officials.

### COUNCIL OF STATE.

(10) I am strongly of opinion that a Council of State should not find a place in the constitution of India. But if the Council be insisted upon, I would suggest that the constituencies for the members should consist of elected members of both the Imperial Legislative Assembly and the Provincial Legislative Council.

(11) As regards special constituencies, Muhammadans and Landed members should be elected by the Assembly and the Council as suggested above.

Constituency.         Instrument         Inst			Bu	7845. /		1	Uan	L¥.			
2         3         4         6         7         8         9           PATMA DIVISION.         S8.000         6         8.000         2          1           1           1           1           1           1           1           1           1           1           1           1           1          1          1           1            1 <t< th=""><th>Constituency.</th><th>of Non-Muham- Electors.</th><th>of Non-Maham- members.</th><th>Muhammadan</th><th></th><th>of Non-Maham- Ricotors.</th><th>of Nos-Muhan- members,</th><th>of Mahammadan</th><th>of Muhammadan</th><th></th><th></th></t<>	Constituency.	of Non-Muham- Electors.	of Non-Maham- members.	Muhammadan		of Non-Maham- Ricotors.	of Nos-Muhan- members,	of Mahammadan	of Muhammadan		
PATHA DIVISION.         Sa.00         4         9,00         5          1             Patas          64,00         6         6,00         2          1          1             Patas          64,00         6         6,00         2          1           1           1           1           1           1 <th></th> <th>Number madan</th> <th>Number madan</th> <th>Number Elector</th> <th>Mumber momber</th> <th>Wumber madan</th> <th>Number madan</th> <th>Munber Bleeton</th> <th>Number member</th> <th>Bemarks</th> <th>•</th>		Number madan	Number madan	Number Elector	Mumber momber	Wumber madan	Number madan	Munber Bleeton	Number member	Bemarks	•
Patna         1        1           Balabad        43,00       4       3,00       1        1           Tetna Division (Er- abalag Patna City)       135,000       14       17,000       4       15,000       3       9,600       3           TERMUT DIVISION            4       5,000       3           Messflarper            4            TIBAUT DIVISION       36,000       4       5,000       2        1           Dathasps         36,000       4       5,000       2 </td <td>1</td> <td>3</td> <td>8</td> <td>•</td> <td>•</td> <td>٠</td> <td>7</td> <td>8</td> <td>.9</td> <td>*</td> <td></td>	1	3	8	•	•	٠	7	8	.9	*	
Seys         54,000       6       6,000       3        1        1           "Salalaskid"         155,000       16       37,000       6       18,000       3        1        1          1        1          1         1          1          1         1           1           1          1            1           1         1           1          1           1        1        1          1        1        1        1 <td< td=""><td>PATNA DIVISION.</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>{</td><td></td></td<>	PATNA DIVISION.									{	
Patha City	<b>Says</b>	54,000	6	6,000	. 1		1	<b>.</b> ,,		, ` ,	
TIRHUT DIVISION.       33,000       4       5,000       2        1           MussRarput        32,000       4       5,000       3        1         1         1         1          1         1          1            1   <											
Sama        20,00       3       4,00       1        0       1       1 <td></td> <td></td> <td></td> <td></td> <td></td> <td>-<b></b></td> <td>1 1</td> <td></td> <td></td> <td></td> <td></td>						- <b></b>	1 1				
Tithuk Division       111,000       13       17,000       6       17,000       6       6,000       3         RH AGALFUB DIVISION.           1        1          1         1          1           1             1            1	flaran Champaran	29,000 16,000	8	6,000 / 8,000	1 1	 	\$ 1 1		•••		
Bit AG ALPUR DIVISION.            1          1             1              1 <td>Tirbut Division</td> <td>111,000</td> <td>19</td> <td>17,000</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td>	Tirbut Division	111,000	19	17,000							
Basela regense             1            1              1              1 <t< td=""><td>BHAGALPUB DIVISION.</td><td></td><td></td><td>-4</td><td><u> </u></td><td>••••••••</td><td></td><td></td><td></td><td></td><td></td></t<>	BHAGALPUB DIVISION.			-4	<u> </u>	••••••••					
Bhagalpur Division       64,000       10       18,000       4       13,000       4       13,000       5       6,500       3         Bhagalpur Division       64,000       10       18,000       4       13,000       6       4,500       5       4,500       5         Baoshi         11,000       1       600         1         1          1            1  <	Bhagalpur Monghyr	36,000 35,000	4	4,000 4,000	1 1		. 1			•	
CHOTA NAGPUB1 DIVISION.         Image: Choice of the second s											
Basebi        .11,500       1       500         1         1          1          1   <	CHOTA NAGPUBI									· .	
Chots Magpur Division         68,000         7         5,000         1         6,000         8         1,000          III ham- madan 1           OBISSA DIVISION.         /         <	Banabi Basaribagh Palaman Manbham	21,500 14,000 13,000	: 1 : 1	2,600 1,000 1,000	. 1 <sub>.</sub> 		 1 				
Custask      24,000     2     1,000       1       Balasces      13,500     1     500       1       Puri       16,500       1        Angul       1      1	Chots Nagpur Division	68,000		5,000	'			<del>,</del>		Trban	
Puri	Cutterk			1,000	1				•••	madan 1	
	Angul	<b>.</b>	1 . 41	500		•••	1	•••	··· `·		

# MEMORANDUM ON FRANCHISE AND OTHER MATTERS.

## Percentage of Electorate to Population:

THE India Government Resolution dated the 16th May, 1918 on Local Self-Government says :----

"So far as information is at present available, it would appear that the average electorate in Municipalities in India represents some 6 p. c. of the population and the electorate in District Boards some 6 per cent. It is recognised that a full elective system analogous to that which obtains in the west (such as the Municipal franchise in England which is understood to include some 16 p. c. of the population concerned) can not be immediately or universally applied, but it should be regarded as the end to be kept in view and worked up to." (Para 6.)

The Resolution relates to franchise for local bodies, but the underlying principle may be generally accepted for purposes of election, to provincial legislatures.

In deciding the percentage of electorate to population, it is necessary to consider the rural population and the town population separately.

The entire population of the Province of Bihar and Orissa is 34,490,084. The entire town population of the Province is 1,187,759 (B. & O. Gazette, 24 Oct., 1917). As the two figures are not of quite the same period, we may roughly take the rural population to be 33,302,325.

We may raise the average percentage of '6 for the rural population to 2 p. c., and we get the figure of 666,046.

And if we keep the percentage of 6 for the town population we get 72,262 as the strength of the Municipal electorate.

Adding the two figures we get 738,308.

Two per cent of the population gives the figure of 689,800 which is a little below the above figure.

We may take this to be the percentage of our Province, viz., 2 p. c. for the rural population and 6 p. c. for the urban population. This must be deemed to be a moderate percentage to begin with. Considering the fact that the machinery for counting votes will have to be brought into existence for the first time, with considerable difficulty, we must accept this percentage for the present. This only gives us a rough idea, for we can not apply a percentage of 2 to every rural population nor a percentage of 6 to every urban population. But they are indicators. The following are instances in point. In Patna Division, the entire population is 5,634,789. Two per cent of that population is 112,694. But the Local Board electorate is already 130,944, which is a little over 2 p. c.

Similarly the total Municipal population of the Patna Division is 405,298 (B. & O. Gazette 24 Oct., 1917). At 6 p. c. the total electorate will come to 24,212. On a franchise  $1\frac{1}{2}$  rupees Municipal rate, the electorate will come to 31,340 and on a franchise of 3 rupees rate 20,361. We have therefore to accept either 3 rupees rate or something near it. In this way the qualification of voters has to be found out for each division, with reference to the figures given in the official table.

### Strength of the Legislative Council:

Under the Congress Resolution, the strength of the Legislative. Council should be in each major Province 125, of whom four-fifths should be elected and one-fifth nominated. The Province of Bihar and Orissa is a Major Province and we must have therefore 125 members. According to the Congress proportion, 100 should be elected and 25 nominated. According to the Official Scheme, the number required is 30. The details are given below:---

The Governor	••.	1	
Executive Councille	ors ·	2	
Secretaries	•••	6	
Commissioners	•••	5	
Heads of Departmen	t	3	
Vice-Chancellor Pat	na Univer	sity. 1	18
General	•••	3	10
Domiciled	•••	2	194 A.
Anglo-Indian	•••	1	
Indian Christian	•••	1	
Aboriginals	···• ,	2	
Depressed classes	•••	ï	
Experts		2	
•		30	

Considering the number of Minority Communities and the want of communal representation except for Mahommadans, and the evident fairness of the details, I am not prepared to dissent from this figure.

I would therefore have 95 elected and thirty nominated. Practically the nomination in the case of the Domiciled, Anglo-Indian and Indian Christian populations should come through representative Associations and it will be a case of indirect election as in the case of the Planting and Mining interests.

# (2)

# (3)

Constituencies :

I propose the following Constituencies for this Province :----

- I. Rural.
- II. 'Urban.
- III. Landlords.
- IV. University.
- V. Mining.
- VI. Planting.
- VII. Industrial and Educational.

## Landlords :

A special electorate is conceded in favour of the Landlords, in consideration of their special position as a class in the Province and also in consideration of the fact that it is undesirable to have a clash with them in the general electorate. It must be understood however that the Landlords will not interfere with the general election, under any circumstance.

At present the special electorate of the Landlords does not consist I believe of even three hundred voters.' Yet they have seven votes in the Legislative Council. This is unfair both to the Landlords and to the general public. In all fairness, the franchise should be extended, to make a decent electorate for an important special interest. I therefore propose that those that pay a Road Cess of Rs. 125 a year of more should be included in the special constituency. This will guarantee an annual income of about Rs. 2,000 a year. The Government Revenue is not a sure criterion of income and besides it excludes the holders of Revenue free estates. People having an income up to Rs. 5,000 may have the option of waiving their right under the special electorate and coming under the general electorate, but those that have an income of Rs. 5,000 or more shall not have this option.

### Mahommadans :

We are bound to give under the Lucknow compact 25 p. c. of the elected whole to the Mohammadans. This gives them 24 out of 95. This should be placed entirely under Rural and Urban, or be distributed under other heads, at the option of the Mohammadans.

#### Industrial and Educational:

Leaving out the special interests under the heads of Landlords, University, Mining and Planting, we have got Rural and Urban electorates. Now these electorates go by property standard, such as Rent, Road Cess, Chowkidari Tax or Municipal Rate. They do not include a large number of men, who may be brought under the head of Industrial and Educational. They do not include Income Tax Assessees, Fradesmen, Labourers, Graduates not registered in the University, Under-Graduates, Matriculates, Teachers, Pandits, Moulvis, and men who have received some sort of technical or special education. The problem of the unemployed has to be

## (4)

solved with regard to a large portion of people coming under this head. They are the people most interested in the creation of new industries and in the industrial future of the Province. The potencies of an industrial development are in them. They are deeply concerned with our educational policy and with the spread of education in all possible channels. The constituency will consist of people paying income tax upon a certain amount of income, and of people having a certain educational standard. This class will exclude men already registered under some other constituency and students.

## Distribution of Seats by election;

We have got the total number of 95. Out of this 24 go to Mohammadans. Then seven should go to Landlords, 2 to Mining, 1 to Planting and 5 to University. This leaves a balance of 59 seats to be distributed under the 1st, 2nd and 7th heads. The official scheme of rural distribution is not open to any objection. It is based upon rational data. I accept the same. This gives 29 distributed as follows:—Patna 2, Gaya 2, Shahabad 2, Saran 2, Champaran 2, Mozafferpore 2, Darbhanga 2, Monghyr 2, Bhagalpur 2, Purnea 1, Santhal Parganahs 1, Cuttack 2, Balasore 1, Puri 1, Sambalpur 1, Angul 1, Hazaribagh 1, Palamau and Singhbhum 1 and Manbhum 1.

Then for urban distribution of seats, I propose as follows:

Patna City Munic	ipality	1
Mnnicipalities in l	Patna other th	an
the City Munic	ipality	1
Gaya Town	•••	1
Other Gaya Mun	icipalities	1 .
Shahabad	do.	1
Saran	do.	1
Champaran	do.	1
Mozafferpore	do.	1
Darbhanga	dó.	1 '
Monghyr	do.	1
Bhagalpore Town	do.	<i></i> 1
Other Bhagalpur M	unicipalities	· 1
Purnea	do.	1
Sonthal Parganahs	do.	1
Cuttack	do.	1 .
Balasore	do.	1
Puri j	do.	1
Hazaribagh	dọ.	1 -
Ranchi	do.	1
Palamau	do.	•
Manbhum	do. {	1
Singhbhum	'do. )	
,	,	20

20.

# ( 6 )

Patna City has got a population of 136,153, Gaya Town a population of 70,423 and Bhagalpur Town a population of 74,349. I have therefore given one seat to each of these towns.

The balance of seven seats I give under the head of Industrial and Educational.

Ι.	Rural		•••	29
п.	Urban	***		20
IIL.	Landlords		•••	7
IV.	University	8 ##*	***	5
v.	Mining		•••	2
VI.	Planting	•••	•••	1
VII.	Industrial and	Educational	•••	7 .
•	Mohammadans	` <b>'</b> '	•••	24
ал Т			-	95

## Transferred Subjects :

I accept the Illustrative List II showing Transferred Subjects in the Report on the Reform Scheme. I add to the said list University Education, Village Chowkidars and Prisons.

## Provincial Subjects:

I accept the Provincial Subjects as given in Illustrative List I.

# Indian Legislative Assembly;

We want 150 Members for the Indian Legislative Assembly. Out of this 120 should be elected and 30 nominated.

I place now the figures of election under each Province :--

	3		
Bengal	***	20	
Bombay	•••	20	
Madras	•••	20	
U. P.	••• •	15	
B. & O.	••• * *	15	
Punjab		13	
C. P.	•••	9	
Burma	3	5	
Assam	•••	2	
Delhi	•••	1	
•		120	· .'
:		120	

In the Province of Bihar and Orissa, the 15 seats should be divided as follows:--Mahommadans 5, Lándlords 2 and General 8.

# ( 6 )

The Mahommadans and Landlords will come by special electorate as now. The general election will be made as now by the non-official members of the Provincial Council, excluding Mohammadans and Landlords. Till the Provincial electorates are properly formed, and till they get experience, no other form of election is possible for the present. .... .

#### Control: ( . .

As regards the powers of Control given in para 240, it is not proper to say anything now We must accept them for the present and watch and see how they work.

## President;

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The President at a meeting of the Assembly should be elected .... by the Assembly.

PURNENDU NARAYAN SINHA.

The University Press, Bankipore,

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### Memorandum of Suggestions by the Orissa Association.

### **1. PROVINCIAL LEGISLATIVE COUNCIL—FRANCHISE.**

(1) That in the Provincial Legislative Council the qualification of a voter should be on the basis of Education and property as shown below.

Education.—Persons who have passed the Middle Vernacular or Middle English Examination or in examinations higher in standard than those stated above and recognized by Government. Title-holders in any public examination in any oriental classic.

**Property** —Zemindars, tenure-holders and tenants paying a revenue or rent of not less than Rs. 16 and in the case of persons holding revenue-free lands paying a cess of rupee one only.

Persons living in the municipal areas paying a tax of not less than Rs. 3 and all persons paying an income-tax under the Income-Tax Act.

NOTE .- Every voter should not be below the age of 21 and should be of sound mind.

#### 2. PROVINCIAL LEGISLATIVE COUNCIL-CONSTITUTION.

(1) That the number of members in the Provincial Legislative Council should not be less than 100 (nominated officials 20 and elected non-officials 80) and the share of Orissa should be 25 (excluding the nominated officials) which may be distributed as follows:—

		•				
Urban non-Muhammadans	•••	•••	•••	•••	8	
Rural non-Muhammadans			•••		12	
Urban Muhammadans		•••	•••		1	
Ryral Muhammadans		•••			2	
Landholders		•••	•••	*** '	2	

NOTE.-The Association is of opinion that the urban and rural non-Muhammadans should include persons domiciled in the Province and Native Christians and there is no necessity for any separate election from amongst them.

(2) That the number of members in the Indian Legislative Council should be 150 instead of 100 as suggested in the report.

(3) The Association is not in favour of formation of a State Council.

The Association ventures to bring to the notice of the Committee that as regards the creation of a Sub-Province so far as Orissa is concerned as suggested in paragraph 246 of the Report, the Association proposes that the Oriyaspeaking tracts be brought under one administration and formed into a Sub-Province and be placed under the jurisdiction of the Calcutta University and Calcutta High Court.

B. & O. G. P. (P. A. & E.) No. 39-50-15 11-1918-T. W. L.

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Scheme and Memorandum by the Hon'b'e Saiyid Nurul Hasan, Member of the Bihar and Orissa Legislative Council.

## FRANCHISE COMMITTEE.

( $\Delta$ ) The following classes of persons should be given the right of voting provided they have attained the age of 21 years and, are not students of any College or School :—

(1) All persons holding land and paying a cess of Rs. 3 per annum. (Refers both to rural and urban areas.)

It is to be noted that in the class mentioned above should be included all ' proprietors, tenants of all classes including tenure-holders, under tenure-holders, raiyats, under-raiyats, and persons holding properties as trustees, e.g., Motawallis of Waqf properties.

I would further suggest that in areas where a lower standard, if adopted, will not make the number of voters much more than 2 per cent of the total population and make the scheme unworkable, a lower standard may be adopted.

(2) All persons paying Income-tax. (Refers both to rural and urban areas.)

(3) All persons not coming under classes 1 and 2 but paying a Chaukidari tax of Rs. 3 per annum. (Refers both to rural and urban areas.)

(4) All persons who have passed the Matriculation or Entrance Examination of any of the Indian Universities or any other equivalent examination of any of the Indian Universities or of any of the Universities of Great Britain or Ireland and are not otherwise disqualified. (Refers both to rural and urban areas.)

(5) All Maulavis and Pandits who have passed a Final Examination from any of the Madrussas or other Institution recognized by the Government. (Refers both to rural and urban areas.)

(6) All Title-holders from the Government. (Refers both to rural and urban areas.)

(7) All Honorary Magistrates. (Refers both to rural and urban areas.)

,

(8) All certificated Mukhtears.

(9) All Barristers.

(B) In the case of voters of the Imperial Council the standard of pecuniary and educational qualifications should be made higher than that required for the Provincial. By doing so we shall have direct representation at the same time we shall be able to avoid breakdown.

This principle is being followed in the existing system of the Muslem electorate.

CLASSIFICATION OF ELECTORATES.

1. (A) The following communities should have special electorates :--

(1) Muslem community in all the Provinces.

(2) The Sikhs in the Punjab only.

(B) There should be separate electorate representing the following special interests :-

(1) Mining interests.

(2) Planters' interests.

(3) The Chamber of Commerce.

(4) The Universities.

(C) General electorate or electorates for non-Muslems.

In the Province of Bihar and Orissa.

Special electorates described under head (A) should be confined to 1 only, and the separate electorates representing special interests described under head (B) should be confined to 1, 2 and 4.

As to the lundiords, in my opinion there is no need for a separate electo-rate inasmuch as in the general electorate as well as the Muhaminadan electorate the majority of the voters will be from the class of tenants and prop.ietors who will naturally support the landlords. However if the landlords insist upon having a separate electorate of their own, I have no objection to separate electorate being given to them, as this will avoid bad feeling and unrecerned dirute. Second class of a classification of the class of the second bad feeling and to separate electorate being given to them, as this will avoid bad feeling and unnecessary dispute. Separate electorate can be claimed by landlords, as representing a special intere t and not for a particular community and there-fore if separate electorate is given to them, it should be classed under head (B). In case a separate electorate be given to landlords, I would suggest that the standard of qualification should be much lower than that existing at present so that the representation of this interest may be on as broad a basis as possible and may include ordinary landlords also, and the privilege may not be confined to the few big landlords. It is the collective interest of the landlords that has to be protected in the Council and not of the few. The landlords paying a cass of at least Rs. 50 should be qualified as voters. qualified as voters.

Then there are certain backward classes such as Domes, Chamars, Dusadhs, etc., in our Province and other backward and untouchable classes of people in the other Provinces. In the case of such classes it is impracticable to fix any minority or educational qualification of voters inasmuch as they as a class have practically no education and no property worth the name. In order that the interest of such persons may be protected I would suggest some seat in proportion to their number he set apart to be given by nomination.

As to the domiciled community my idea is that they without any prejudice to their interest can participate in the general electorate with the other Hindus. That they will not suffer in the general electorate is clear from the fact that even at present, there are two Bengali members in our Provincial Council returned by the general electorate, viz., the Hon'ble Rai Bahadur Purnendu Narayan Sinha and the Hon'ble Sharat Chandra Son. Further given them separate electorate will be carrying the principle of separate electorate too far. Then again there will be a great practical difficulty in preparing a too far. Then again there will be list of voters for this community.

If the domiciled community be very much insistent for having a separate representation then some seats may be reserved for them by nomination. I suggest the following scheme as to the constitution of the Legislative Council of Bihar and Orissa :---

	•					
Total strength				•••		125
Ex-Officio and nom	inated Of	leils :-				
The Governor			•••	•••		1 .
Excentive Counc	illors	•••	•••	•••		2
Secretarics		•••	•••	•••		6
Commissioners				•••		5
Heads of Depart	ments			•••		3
The Vice-Chance	llor of Pat	na University		•••	•••	1
		•		Total	•••	18

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Nominated non-O	țicial mei	nbers		***		15
Elected :				14		
Rural Musalmans			L	•••		18
Urban Musalmana	l, <b></b> ,				•••	5
University	<b></b>		•••	•••		2
Mining interest	•••	1		·	•••	2
Planters' interest	•••		•••		•••	1
Landlords (if sepa		arate be gi	iven to landlo	rds)		9

It is to be noted that these 9 seats are suggested for the landlords if the strength of the Council be 125. If the strength of the Council be less then there should be proportionate reduction as in the case of other electorates.

 			•	•		Rs.
Rural	non-Muslems	•••	•••	• •••	••••	45
Urban	non-Muslems	•••		· ·	· •••	10
t	н. 	 • •		•		<u></u>
				Total	··· /	125
						<u> </u>

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DISTRIBUTION OF SEATS OVER THE DIFFERENT AREAS OF THE PROVINCE. Urban area.

f	t. Towns.	······································	Number of Non-Muslem members.	Number of Muslem, a members.
······································	<b>1</b>	for Parkly	2	3
Patna City			2	1
Patna Division less Patna	City	•••	2	1
Tirhut Division	I .	••••	2	1 /
Bhagalpur Division	3		. 2	··1 ···· · ···
Oris:a Division	•	- ···	1	1)
Chota Nagpar Division		••• 1 • • • • • • •		To be given to each of the two divisions alternately.
•	3 ···	and the second		,
	1	Total	10	. 6

In distributing the seats between the non-Muslems of the different urban areas the approximate proportion of the non-Muslem population has been taken into consideration and similarly in distributing the seats among the Muslems of the different areas the approximate proportion of the Muslem population of the different areas has been taken into consideration as far as possible. In assigning seat of Patna City, its special importance as the seat of Government and the place of residence of a considerable number of important persons of the different Divisions, has also been taken into consideration.

8

		District.	,		Non-Musal- man members.	Musalman members
· · · ·		ļ	• .		2	8
Patna '		•••	•••		4	2
Gaya		•••	• •••	•••	4	2
Shahabad	•••	•••	•••	•••	3	. 1
		Patna Divisi	on Total	•••	11	5
Saran			-		4	1
Champarạņ			•••	\ 	8	, <b>1</b>
Muzaffarpur		•••			4	2
Darbhanga			1		4	1
	5	l'irhut Divisi	on Total		15	5
Monghyr	•••	•••	•••	• •••	8	1
Bhagalpur	•••		•••		<b>S</b> _	2
Purnea	•••		•••		2	2
Santal Parganas		•••	.,,		2	1-
	Bha	galpur Divisi	on Total		<u> </u>	6
Cuttack		•••	•••		2	) -
Balasore		•••	•••		1	1
Pari					1	
Sambalpur		• •••	•••		1	J
•	0	Orissa Divisio	on Total		5	1
Hazaribagh		•••	\$		1	J
Ranchi					1	
Palamau	•••	•	•••		1	} 1
Singhbhum	,	• • • •			1	
Manbhum		•••	·•••	•••	1	J
Chota Nagpur Di	vision	Total	<b></b>	[	5	1
GBA	ND TOT	LL		[	46	

DISTRIBUTION OF SEATS AS BETWEEN THE DIFFERENT RUBAL AREAS OF THE PROVINCE.

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In making the above distribution I have taken the approximate population as far as possible as the basis. It is quite possible that an area that having a larger population may have a smaller number of qualified voters. As I have not got the material for finding out the number of qualified voters in each of the areas I could not make this the basis for the distribution, but in my opinion the real basis for the distribution of seats should be the proportion of qualified voters and not population. Under the existing system in the Muslem electorate the district of Patna has got a larger number of qualified voters than those of the Gaya and Shahabad districts put together, similar thing may likely happen under new scheme.

Every person who is qualified as a voter should be eligible as a candidate for the Council.

The Planters should continue on the present basis.

There are two mining associations at present, each may be given one seat.

For the University graduates in order to be qualified as voters should be of at least five years' standing. Muslems should have the right of participation in the electorates representing special interest but not in the general electorate of the non-Muslems, if they are qualified to represent such interests. Landlords if given a separate electorate should not have the right of participation in the general electorate. Domiciled community, the Christian community, of the backward races for whom seats are reserved by nomination should not have the right of participation in the general electorate.

The proportion of Musalman members should not be less than  $\frac{1}{4}$  of the total number of the elected members.

### B. & O. G. P. (P. A. & E.) No. 31-50-11-11-1918-H. P. G.

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Opinion of the Hon'ble Saiyid Nurul Hasan, Member of the Bihar and Orissa Legislative Council. .

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## SUBJECTS COMMITTEE.

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• DIVISION OF SUBJECTS INTO RESERVED AND TRANSFERRED.

The list of transferred subject, which was adopted at the meeting of the Conference of non-Official Members of Legislative Council of Bihar and Orissa on 13th September 1918 and 14th September 1918 is acceptable to me.

۰. . . ; B. & O. G. P. (P. A. & E.) No. 31-50-11-11-1917-H.P.G. .

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# FRANCHISE COMMITTEE.

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# I. Provincial Legislative Counciler 34 to

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6	Secretari	es	•••			
5	Commiss	ioners	S. Devel 3	66° I	1	
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son flucie work showing to as once sit of blucie netrofillary of Flucie costs unright netrois la sonny the netrofillary of for the son As to the distribution of the seats of the Muhammadans and the non Muhammadans to the rural areas, my view is that it should be based on population.

# [ 2 ]

## MOHAMMADAN BURAL.

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1	Patas Divis	non	•••	•	• • •	
2	Tirhut	21.	•••	•		
\$	Bhagalpore	39	•••		•••	
4	Chhotana gpore	***		an an ar an 10. N		
5	Arigan-	- 976 -				

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### NON MUHAMMADANS' RURAL.

. 1	Patna Di	vision	•••			7
2	Tirhut	н	••	1.1.1	· ···	10
3	Bhagalpore		•••		•••	9
- 4	Chhotanagpore	,, ,			•	6
5	Orissa	**			• • •	7
		-				39

On the same principles the seats may be distributed to the Districts and Sub-district, so that no constituency may have more than one seat allotted to it. As to the franchise, I suggest that the following class of persons should have a vote.

1 All pleaders, Vakils, Barristers, Mokhtars etc.,

2 All income tax payers.

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- 3 All. medical practitioners who are registered under the medical registration Act.
- 4 All those persons who have passed any public examination provided that their age is not below 30 years (This is to exclude students).
- 5 All'graduates.
- 6 All those who pay a certain amount of local rates (in rural areas).

...

7 All those who pays certain smount of Municipal rate or tax (in urban areas)

The amount to be paid for the qualification under 5 and 6, should vary from division to division and perhaps from district to district, the principle being that about 2 per cent of the population should have a vote. But in any ene locality the qualification for Muhammadans and non Muhammadans should be the same,

The candidates from a constituency need not himself be a voter in that constituency.

### LAND HOLDERS.

The qualification should be the same as at present. They should not be allowed to participate in the general election. Mohammadans should participate in Land holders election.

## [ \$ ]

## UNIVERSITY

#### Fellows and registered graduates should vot ...

Electors qualified under this head may also take part in the general election, if qualified. Mohamm dans should also participate in this election.

Domiciled community, Depressed classes and Aborginies should be represented by nomination, or by reserving seats for them in the plural constituencies with a general electoral roll.

#### II. Indian Legislative Assembly.

It should consist of 150 members it elected, it officials and it nominated non officials One third of the seats open to elected Indians be, reserved for Mohammadans.

Direct election is possible by making the qualification much higher. I have not worked out the details but discussing the principle only, I think that seats should be distributed territorially, so that each constituency should have about 2000 vetes and should be entitled to send one member. A few seats should also be reserved for being returned from the Lagislative councils.

## III. Council of State.

If it is decided to create a council of state, the scheme of its formation suggested in the report has my general support; but it does not seem to me that the Muhammadan seat can be secured under the proposal in spite of the presence of the Muhammadans in the Provincial Legislative Councils and each member having 2 votes. The non Muhammadan must predominate in all the councils. I would therefore suggest that out of the 15 seats to be filled up by election from the Provincial Legislative councils, four seats should be reserved for Muhammadans to be elected by Muhammadan members of the Legislative Council. They should be assigned to the provinces by rotation or by grouping the provinces.

The two seats to be filled up by direct election should be assigned to provinces or groups of provinces by rotation, where electoral colleges should be created requiring very high intellectual and wealth qualificasion.

I am in favour of the last sentence of para 277 of the report. Effort should however be made that every one of the major provinces should be represented by a Muhammadan member.

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## Division of the functions.

This was fully gone into in the Conference of the non efficial members of the Legislative Council of Bihar and Orissa presided over by Sir Syed Ali Imam. My views are in agreement with the views of the conference in which I had the honour to take part. I accept them in principle and detail.

## KHWAJA MOHAMMAD NOOR.

### Opinion of the Bihar Provincial Moslem League.

### FRANCHISE COMMITTEE.

- 1. Qualifications of Voters :-١

  - Barristers.
     Mukhtears.
     Persons who have passed the Matriculation Examination or any other Examination of equal standard of any of the Indian Universities or of any of the Universities of Great Britain and Trained

  - (4) Persons paying a cess of at least Rs. 3 a year.
    (5) Title-holders.
    (6) Honorary Magistrates.
    (7) Maulavis and Pandits serving in any of the institutions recognized by the Government.
  - (8) Manlaviš and Fandits not serving in any Institution recognized by the Government but who have passed the Final Examination from any such Institution.
  - (9) Persons who do not come under any of the other classes enumerated above but pay a house tax or chaukidari tax of at least
  - ted above but pay a house tax or chaukidari tax of at least Rs. 3 a year.
    (10) Voters in order to be qualified as such should always be over 21 years of age and should not be a student of any college or school except a Law College.
    (11) All voters except those who are students should be eligible as a condiduct for the Council (10)
  - a candidate for the Council.

### Classification of Constituencies.

- , (a) Electorates representing special interests :---
  - Landlords.
     Mining.
     Planters.

  - (4) University. (5) Commerce.
- (b) Special Electorates for particular communities :---
  - Moslem Electorate.
     Electorate for Indian Christians.
     Sikhs.
- (c) Non-Muhammadan General Electorate.

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Non-Muhammadan G	eneral Elector	ate				B2 hours
Special Electomates for	particular co	mmunities				24 40
Moslem Electorate	•••					23
Electorate for Indian	Christians	•••			•••	15
Electorat 25 representin	g special inte	rests 🕓	•••	·		16
(1) University		•••				3)
(2) Planters	ai		•••	•••	4.9. 6	1(
(3) Mining					• •••	2 .
(4) Landlords	•••	•••		•••		10)
		nber of non-	Official elec	ted Member	8	92 (
	Officials	•••	•••	•••	•••	18 1/
	Nominat	ed non-Offi	cials	•••		15 🖌
	Grand	lotal	•••		·	125

The proportion of the Muhammadans in the Bibar and Orissa Provincial Legislative Council should under no circumstance be less than  $\frac{1}{4}$  of the total number of the elected Members.

Opinion of the Bihar Provincial Moslem League.

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## SUBJECTS COMMITTEE.

# Division of Subjects.

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The illustrative list No. 2 given in the Report on Indian Constitutional Reform should be enlarged by adding some more subjects to that list the details of which will be given by the witnesses to be examined on behalf of the Moslem League at the time of their examination.

# SUGGESTIONS BY THE

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ION'BLE MAHARAJA SIR RAVANESWAR PROSAD SINGH BAHADUR, K.C.I.E. OF GIDHOUR.

would beg to start with the proposition that the various forms of Government prevailing in self-governing countries nngt safely be introduced into this country without conlerable modifications. This task becomes particularly ficult in view of the transitional character of the proposed gislation relating to constitutional reforms in India which, am sure, will be tackled with the broad statesmanship aracteristic of the British race.

I confine myself to the terms of reference to the First mmittee appointed to enquire into the question of franchise, d I beg to offer my suggestions in the order they appear the Government Communique.

I submit that the present territorial basis need not be ered, as, it admits of securing as broad a franchise as ssible. In the province of Behar, having regard to the scial importance of the constituency of landholders who virtue of the permanent settlement, are recognised as ving a proprietary right in the soil, they should be allowed elect a fixed number of representatives for each division, haintain that the objections to the drawbacks inherent in a tem of communal representation do not hold good in the se of the landholders from amongst whom representatives iy be elected, irrespective of race, colour or creed. In rural as the interests of the zemindars and ryots are so closely ked together that no sharp line of cleavage may at all

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be supposed to exist between the two electorates in a pluz constituency, the device of a special electorate for landholder being only adopted as a special case to enable a fair share c representation of the landed interests in the Provincia Councils,-as without them no province can be reall self-governing. To secure adequate representation for eac class and interests in the provincial assemblics, it is necessar that the agricultural community in rural areas should deserv much more attention in the formation of constituencies tha the citizens in urban areas, or the voters in the Municipalitie Representation of a Community must be relative to the stat of civilisation, and education and the conditions of life of the Community, and the Agricultural Community being by fc the largest of the population of every province, is most hand capped by reason of their backwardness. The genera electorate roll for rural areas cannot be big enough till edu cation advances and disseminates in course of time, and unti that time arrives, suitable persons of that class shall not b forthcoming to directly represent their community in the Legislative Assemblies. The agriculturists will not fail to evince an anxiety to take a real share in the administration of the country, and in the absence of other qualified persons the landholders are of all people best fitted to represent then by reason of their being in closest contact and in terms o most intimate relationship with that community.

\*With regard to the Province of Behar, the special interest should receive adequate recognition in the representation c minorities—with special stress on the backwardness of th aboriginies or of depressed classes which should receiv due share of representation by nomination, while th representative of the historio houses of the Provinc should always be a nominated member, though he may b under the disabilities to be attached to the status of a nominate member. Notwithstanding the elaborations suggested—b instituting a system of special electorates, it may be stil and necessary in practice to have recourse to nomination r proper representation of landholders in a province (vide ra. 232), and seats should also be earmarked for representaon of the domicils, the Indian Christian and other commuties that count in order that the representation may be together as broad as possible.

The details have been worked out in a rough scheme of conitution in pages 7 and 8 for the Provincial Assembly of Behar. appears to me that the re-construction of the Provinces of ehar and Orissa has been in a manner foreshadowed by aras. 41 and 246. This clearly involves re-adjustment of rritories by addition, to the present province of contiguous ortions from other provinces akin to it by reason of unity I languages, sustoms and traditions. For the sake of conenience I have kept to the present constitution of the Proince with a separate note for Orissa. The agrarian condions of Sonthal Parganas and of the major portion of Chotalagpore Division demand perhaps some separate treatment ntil a tenancy act of a less complex nature replaces those at resent in force-when legislation on uniform lines can be onducted throughout the province. Some provision for scuring the representation of special interests when projects f legislation affecting those interests are under consideration r discussion, should always be made by nominating qualified by nonmanig quant epresentatives for the time being.

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## (4)

vented to exercise the free right of suffrage, and (ii) a convention might grow that an election would in the absence of prope political training amongst the masses, be in the experimental stages only an escape from the present difficulties, and mighnot tend to establish that genuine relation which should exist between the original voter and the representative in the Legislative Assembly. I would not insist solely on qualifications of property or education or wealth or equipment, on uniform lines for each District. Groups of original voters constituting the electoral roll may meet in some convenient place to be appointed for the purpose, and after discussion may choose by ballott the name of the candidate in the presence of the village headman and an official of some standing who commands respect by virtue of his position amongst the people. The votes may be verified at the polling centres in the presence of the original voters, which need not be inordinately large in numbers, and may be determined with reference to the actual influence and status they occupy in villages, aided by considerations of the degree of education and amount of income enjoyed by such voters.

Similarly Municipalities and Local Boards might be constituted into separate electoral divisions to admit of direct election of representatives into provincial assemblies.

It appears to me that the existence of a separate Electoral roll for the land-owning classes will afford the only opportunity of making known in council the views of not only their own community but, also that of the agriculturists in the main, by the mouth of some member especially acquainted with them. This device, as have been already pointed out, will also be a safeguard against the actual representation of some member to the assembly not directly associated with the majority of voters in village areas, and as the principle has already been accepted in the case of the "Mohamedans and the Sikhs, I see no reason why it may ot be found feasible in the present instance—especially in province where the land-owners form a distinct class. The increased number of seats for the representatives of the undholders' interests will not, I submit, be found disproporonate in comparison with other interests, and as they reresent not only very important special interests, but also sek to supply the want and remove the draw-backs that are irre to creep in at the first working of the Electoral machiery during the transitional period. For large landowners pecially, I have prayed: for a seat being earmarked for a cominated representative.

ominated representative. As regards revising Elective seats in plural constituencies, approve of the curtailment of the general electoral roll to dmit of a separate roll to give effect to an extension of ranchise in case of the Mohomedans and the Sikhs. The rguments in favour of communal representation do not hold ood in case of the landowners in the same sense as have een applied in case of these two communities where Governnent is pledged to maintain the settled existence of a system, nd which entails the maintenance of a separate electoral roll nder all circumstances. The case of the landholders stands n a different footing altogether. Supposing that no sharp ine of division is allowable between large and small landed roprietors, they would still form a minority in the General Electoral roll as the property qualification which will be the asis of a separate representation, is but a poor test for a oter in the General roll, and the number of voters exercising he right of voting on the ground of enjoying a certain mount of income derived from landed properties so as to ntitle them also to vote under the special Electoral system nust be very limited. The very fact of the interlinking of he two communities in the social polity and of a fair prelominance of a large number of landowners enjoying the privileges of permanent settlement in the province which must be a sure index of the unity of interests-mainly centred on

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## (6)

land, makes if evident that the existence of such a special Electorate side by side with the general Electorate will not accentuate that difference of sentiment that encourages the voter to think that he is not primarily exercising his right as a free citizen,—a member of the larger unit.

I apprehend that in the present stages when the necessary electoral or administrative experience must be lacking amongst the masses, the constitution of the present constituencies, however, based on a franchise broad enough, may not adequately represent the interests of the general population. Some amount of political education has been spread amongst the people but they are not still quite capable of exercising an intelligent choice in the selection of their representatives by direct election. According to the prevalence of degrees of back-wardness there must exist the anomaly of unequal constituencies,-in some of which the method of indirect election should be preferable. But as it is desirable that all elected ral arrangements should proceed on uniform lines-both in the Provincial and Indian Councils, nomination would be necessary not only to represent minorities but also to supplement defects in the adequate representation of all important interests especially of minority interests which are likely to be more adequately represented by being supplemented by a system of judicious nomination; and as a deep sense of national unity will be fostered and there will be growing a healthy political life with ideas of common responsibilities and civic obligations, the necessity for nomination shall gradually disappear. in course of time in favour of representation on a national basis. I venture to predict no time-limit for this.

I recognise the great necessity for extension of the territorial principle of representation wherever possible. In cases of constituencies in rural areas—with a general electoral roll it is quite possible that qualified representatives may be elected, and nomination by Government, after these elections (7)

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Fover, may remedy the defects in representation of the isses. The land-holders are not particularly keen on represtation in proportion to their contributions to the Public schequer, but they insist on a maintenance of their old ituins and on enjoyment of their vested rights, so long neither these clashes with the interests of the general public. On e otherhand, I submit, that the grant of a special electorate them, and a method of special representation adequate and mmensurate with their stake in land will not only be cessary to safeguard their interests, but it will automatilly act in removing and adjusting the inequalities in rural presentation which in the transitional stage, I am afraid, will t be as satisfactory as in urban areas. The present proporon of landholders and the elected members in the B. & O. ouncil is nearly 25 per cent. Seeing that the revenue con-ibuted by these amounts to well over 25 per cent, the imber of seats allotted to them should accordingly be not ss than 25% of the total number of elected.

The number of the nominated representatives in the assemies including the officials it is assumed, cannot be less than ne-third of the total number. The creation of ministers and arliamentary Under-Secretaries, and the present constitution the Councils tend to the reduction of the number of seats for ficials to a limit just compatible with efficient transaction of asiness. The irreducible minimum in my humble opinion ill be 18 (Eighteen) officials as in the provisional scheme aggested below.

I have assumed that the total number of members for he province caunot be less than 100 in the Province of which i7 are to be elected.

Mahomedans in Mahomedans in	Urban areas Rural areas	` '			11 8	Elicfo
Land-holders Representatives	1 age - 10		.,,		18	-
electoral roll) Do	in Urban area in rura	8	***	 Кепетри	29 6	<u> </u>

		(	8	)			
Nominated.	Officials	•••			````		11
	Landowner				•••		1
	Domiciles	•••		•••			. 5
	Anglo-Indians	•••			•••		2
	Indian Christians	·			•••	•••	1
	Depressed classes	·,			•••		1
	Aboriginals	•••			•••	•••	1
	Experts	1		•••	•••		1
	Planting	•••		•••	•••	•••	1
	Mining interests	***		•••	•••	•••	I
	University	• • •		•••			1
	General	•••		•••	•••	***	3
						-	33

As regards the Indian Legislative Assembly with the cons tituted majority of elected members proposed, a well-devised system of indirect election on the present lines is the best alternative that can be suggested, recognising special representation for European and Indian commerce, and also for large land lords, and communal representation for Mohomedans and Sikhs. Special franchises for communal representation existing side by side with a general electorate admitting of direct election appear to me an anomaly, especially in view of the fact that the conditions of Indian legislation are essentially different from those of the Provincial, and at the present stage, it has been thought possible to make the Government of India less amenable to popular control. , I assume that 67 per cent of the seats is to be allotted for the Elected members, and not less than twelve per cent for nominated members representing minority or special interests. Of the latter, one seat, I submit, should be earmarked for the nominated representative of old historic houses having large landed properties. To maintain the present proportion (i.e., of 4.5) returned from Behau

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# (9)

an assembly of Elected Members numbering 27, the province fairly demand to return not less than 10 Elected members which the landholders may be allowed the privilege of sting three to the Indian Legislative Assembly. Defects in resentation may be remedied by increasing the number of ainated non-officials compatible with the conduct of busis which requires the presence of official member up to the rimum of \$th of the whole.

As regards the constituencies to be formed with special ard to Orisss, the only link being the fact of its being under and the same ruler, I am afraid, that special representais needed in case of Behar, may not wholly fit in with any nate scheme that may be deemed expedient for the whole vince, as it exists at present, where the two units are treated ether as one for purposes of administration. I have for the s of convenience, taken account of the present territorial inciple only.

The creation of the proposed Council of State, I presume, been contemplated as a necessary counterpoise to the very utary provision of a non-official majority in the Indian rislative Assembly and I submit that the reservation of the ver of the Government in the Council as a final legislative bority will not be prejudiced if the number of elected mbers and that of the official and nominated members tother, becomes equal-the veto of the Governor-General being everpresent factor in deciding. This gives 25 seats for the cted members of the Council, of which fifteen will be returnby the non-official members of the Provincial Legislative semblies, the remaining ten elected by the Mahomedans, e landlord classes, and the Indian and European Chambers Commerce. In view of the importance of the landholding mmunity in Behar, I pray, that some recognition of their ims to the Council of State may be considered both by the ommittee and the Government.

# ( 10 )

## Notes and suggestions made in the terms of referenc to the Committee appointed on the Division of Functions.

I take it that the illustrative lists appended to the Repor on Indian Constitutional Reforms are fairly indicative o a desire for uniformity of legislation on provincial mattern For sometime to come " a general overriding power of legisls tion for the discharge of all functions" must be reserved t the Government of India, while a very large amount of ad ministrative and legislative independence is required to be secured for the provinces-which is compatible with the due discharge by the Government of India of their own respon sibilities. The defence of India being an Imperial question the sole responsibilities with regard to it must be left to the Government of India alone. The same principle, I think, i also applicable to the Foreign Department, and the Custom Department, and generally to all matters relating to the fisca policy of the Government. I approve also of the separation o the Provincial from Imperial finance, and the institution o standing committees whose functions will be mainly advisory The salutary provisions made in the Report for securing th legislation necessary for reserved subjects, as also cognat powers with reference to the Budget to secure the financ necessary for the same subjects have my unqualified approva The supply for reserved subjects should surely have priority but the residue available at the disposal of the newly creater ministers should be supplemented by Imperial grants in case c provinces like Behar which has been newly created or in backward provinces where the grant of a fuller measure c autonomy cannot be deemed expedient owing to the lack c political experience. There may be also some difficulty i applying the strict principle of Provincial Autonomy in cas of provinces contemplated in para. 246 of the Report. It i

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intable whether in Behar where the Provincial surplus is ite insdequate to meet the demands of a new Province, I which is not self-contained enough to finance the new relopments needed, the proposed financial arrangements can made applicable to the present conditions at all.

The functions of Government for which responsibility is ight to be transferred to the Previncial Governments should what the representatives from the constituencies would be sable of exercising without loss of efficiency. It is, therefore, possible to lay dogmatically what departments are to be so ected to be placed exclusively under popular control, and w far they need be restricted or expanded to suit the varyingeds of different provinces. Some department like the following ve, I believe, already been earmarked and they will pass nost automatically into the hands of the ministers. These partments are :- The Departments of Local Self-Governments tailed in the illustrative list (II) appended to the Report and e following Departments: (I) Registration, (II) Education, II) Sanitation, (IV) Co-operative credit, (V), Economic velopment, (VI) Agriculture, (VII) Fisheris and (VIII) rests. 

I have already pointed out that the scheme of transfer is the judged (i) with reference to special needs of the Province d (ii) also from the probable effects of such devolution on the untry as a whole, especially in reference to the possibilities a larger amount of independence and of popular control in e Government of India. For the province of Behar the pular control in local bodies may be as complete as possible, it not a very large measure of independence—législative, luministrative and financial can be granted from the start, uring the transitional stage those departments which afford ost opportunities for local knowledge and social service, and lose which stand most in need of development can be exusively placed outside official control.

## (12)

I submit that the character of the Executive in the Prc vincial Governments should be homogeneous and the newl created Ministers or Parliamentary Under-Secretaries be mad to feel that they are as much integral part of the machiner of the Executive Government as the officials. This will ten to obliterate the sharpness of distinction between the tw subjects demarcated, and invest the executive body with a sens of collective responsibility. Having not only the support of the electorate but also that of the Executive, the ministers will readil face any crisis and bear the odium which attaches to all new proposals for taxation when such proposals are put forward with the support of the Government as a whole. This is one of the main reasons why I have advocated that there should be no hard and fast distinctions in the distribution of portfolios It may be that the members who are eligible as Executive Coun cillors will be men of varied experience, possessing considerable experience in business or other branches of life and as sucl are fully capable of controlling affairs not expressly demarcated for popular control. Again the deliberations of the executive body as a whole will not only give a homogeneous characte to the government but effect a good deal in, such matters a are expressly mentioned as transferred subjects. By such means alone, can the control of education freed from sectaria differences, and Agricultural problems treated with a view t increased and scientific improvement and the vital questions c sanitation freed from prejudices and neglect-not to speak ( the vast potentialities of forest, fisheries and other depart ments which constitute the numerous resources of a province This. I conceive has also been foreshadowed by the illustriou authors of the scheme who, in cases of dispute leaves th decision in the last resort in the hands of the entire Govern ment and the Governor (239), and the powers of intervention named in the next para. (240) follow as a natural conclusion The Governor in Executive Council must have power t intervene effectively in matters which concern law and orde

### (13.) ~

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which raise religious or racial issues or to protect the berests of the existing services. In view of the complexities roduced under the present law relating to land tenure, and the probabilities of friction which is still fostered to an preciable extent by interested parties or misguided zealots, is extremely desirable that Land Revenue shall remain in a list of subjects earmarked for reservations for sometime to me. I do not however apprehend serious failures in the ercise of two different authorities in two different spheres whing in the spirit of mutual goodwill and toleration, and uder the guidance of the Governor.

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### Scheme of the Hon'ble Baba Adit Prashad Singh, Member of the Bihar and Orissa Legislative Council.

### FRANCHISE COMMITTEE.

### THE PROVINCIAL LEGISLATIVE COUNCIL,

THE PROVINCIAL LEGISLATIVE COUNCIL. - Paragraphs 1 & 2.—The general franchise should be made as broad as possible. In the general electorate, as it is now in the Muhammadan and Landholders electorates, the system of direct election should be introduced. For obvious reasons the franchise should have to be extended gradually, as the machinery required for the extended franchise will have to be developed. It may be considered whether it would not be possible to take the franchise for the Municipal and Local Board elections as a working basis—and thereby derive a suitable franchise for the Provincial Legislative Councils. Thus a man paying a tax of Rs. 3 can now vote in a Municipal election. For purposes of electing members for the pro-Legislative Councils, the amount may be quadrupled or increased in any proportion that may be thought desirable, and one paying Rs. 12 or so may be considered qualified for voting. In the same way with respect to rents a similar calculation can be made. But I do not wish to develop this suggestion further until I have to depose before the my command ; and I expect that by the time I have to depose before the Franchise Committee I shall have the scheme properly worked out.

Paragraph 3 .- There should be the general electorate - the Muhammadan electorate—and the Landholders electorate (and the Sikh electorate in the Punjab). Those who have special electorates of their own will not be entitled to take part in the general electorate. There should be no difficulty with respect to the Muhammadan and Landholders electorates as they are already in existence since the Morley-Minto Reforms. It should be considered how far these elec-torates could be further broadened. The Muhammadans and Landholders form two important commuties to be satisfied with nominature and houses form two important commuties to be satisfied with nomination as the means of securing their representation. Nor will the reserving of elective stats for them in plural constituencies seem the preferable course—especially as there is the basis of com-munal representation cut and dry there—whose efficacy has been proved in the last eight years.

Paragraph 4.—The Governor and the Executive councillors naturally form Ex-officio members. The Secretaries to the Government, the Heads of Depart-ments, the Vice-Chancellor of the University, and the Divisional Commissioners should be nominated officials. Thus taking the case of Bihar, Ex-officio, and nominated officials will be as follows:---

	The Governor	•••			·		1 1	
	Executive Counc	illors		•••	**#		2	
	Secretaries and I	Heads of Da	partments	)				
	Vice-Chancellor				•••		1	
	$\mathbf{Commissioners} \cdot$	Ba		***	5	•••	5	
	н 		i,"		To:al		16	
Pa vince li	<i>wagraph</i> 5.—I ke Bihar.	will nov	v proceed	l to give a	skeleton	scheme	e for a p	ro-
	I General	Electorate			0		35	<u> </u>
	II (a) Muhamm		orate				17 🕵	1:
	(b) Landhold	lers Elector	ate				19	5
·	(c) Mining 2	; Planters	1; and U	niversity 1			4	~
• I	II (a) Ex-officio	and nomin	ated Offici	als			16 7	
	(b) Nominate	d non-Offic	ials			•	9 {	30
	Starl Starl	x •			Total		100	

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The nine members allotted to non-official nomination will be distributed among the Anglo-Indian Community, the Orthodox Hindu Community, the Domiciles in the Province, the Indian Christians, the Aboriginal and depressed classes, etc. In the present Council the Muhammadans form 21 per cent. of the elected members. In the scheme herein proposed the corresponding percentage will be 23. The Landholders in the present Council form 25 per cent. of the elected members. In the scheme herein proposed the corresponding precentage will be 25.

### THE INDIAN LEGISLATIVE ASSEMBLY.

Paragraphs 1 & 2.—The best way of securing direct election for the Imperial Assembly is by alloting something like a seat for each Division or group of Divisions. The qualifications will be worked out on the basis of the qualifications for votes on the Provincial Councils by requiring a standard of higher nature than in the latter. The composition of the Imperial Assembly may be roughly as follows:—

Madras-							
General							6
Muhammadan	··· ,	•••	•••		•••	•••	2
Landholders		•••	•••	e~*	•••		3
Danufolders		··· ·			*** 1	; :, +++	
•					Total		11
	2 <u>a</u> ♦		l.	-	• .		<u></u>
Bombay-							•
General	•••	•••	•••		•••		6 3
Mubammadan	-		•••	•••	•••		-
Landholders	•••	•••	•••	••••	•••	•. •••	2
				14 - L.	Total		- 11
	· · · · · · · · · · · · · · · · · · ·		_	•	T O CORT		
Bengal and Assa	m	•	•	· · ·			
General	•••	••••	••••	••• *		* ***	° 6
Mubammadan	s	••• . \		•••			- 8
Landholders		•••		•••	•••		4
		1			•	· •	
		•	•		Total	•••	13
· · · · ·							<u> </u>
United Provinces	·						
. General	•••	•••	•••	•••	•••		5 2
Landholders	•••	•••	•••	•••	•••	•••	
Taluqdars		•••	•••			•••	1
Muhammadana	•	•••		•••	•••	•••	2
					Total		10
					•		<u></u>
Bihar—		•			•		
General	•••	••• *	•••	•••	•••	•••	4
Landholders	•••	•••			•••		8
Muhammadaus	•	***		•••	•••	••••	2
					Total		9
					10121	•••	_ <u>×</u> _
Punjab							
General					•••		3
Muhammadana					•••		1
Sikhs			•••	5			1
Landholders		•••	•••				2
Languagers	•••	•••					
					Total		7

	Ν.,					
•		3				
Central Provinces-						
General		· )				3
Landholders	•••	•••	•••	***	÷,,	J
Muhammadans			** *		•••	1.
M QIAMINA CANS	***	•••	***	•••		<u> </u>
				Total		5
					-	<u> </u>
Burma-	•					
General	•••		•••	•••		2
Muhammadan	•••	***	***	•••	•••	1
				Total		3
						<b></b> • •
Delhi	•••			· ··· ,	•••	<b>1</b>
			Total	Elected 2	9 ( ) ( <del>)</del>	70
			rouals	Liteoueu		- 1-1
II (a) EX-OFFICIO AND NOR	LINATED OF	IOIAIS-			×. <sup>1</sup>	· Lendri
- Viceroy		•••		•••		1
Executive Councillers	•••		••• .	* • • •		6
Representatives of Prov	inces	•••			•••	7,
Miscellaneous		•••			•••	6
	Total Er-(	Officio and N	minated	06-1-1- *	-	
	10041, 112-1	JUICIO MIG IN	OUTINSPEC	Omerata	•••••	20
(6) NOMINATED NON-07	FICIALS				•••	10
			Ga	IND TOTAL	- <del>-</del>	100
			GRA	AD TOTAL		
Out of the ten allot	ed to nom	inated non	-officials	, the Angl	o-Indian	Com-
munity, the orthodox Hi	indus, the	Depressed	Classes,	the Chambe	ers of Con	merce
will be provided for.	<b>m</b> .		**			
•		Council of				
Paragraphs 1 & 2.						
Elected (a) By the	e members	of the Pr	ovincial	Legislative	Council	8.
Madras		<del>ب</del> ه •	• .		1	
Bengal an	d Assam .	.*	•	<b>.</b>	1	
Bombay a	nd Central	Provinces	•		1	
Bihar and	Orissa				1	1
Agra and	Oudh .	. , .				
Punjab an	nd Delhi 📜		•		1	
Burma	• •		•		1* -	=7
(d) By the Elec	ted Landho	lders, repres	entatives-	<b>-</b> ·	· · · ·	<b>*</b>
Madras	• •	· · •	• }		. 1	an a
' Bengal ar	d Assam.		• '		i 🦾	
Bombay a	nd Central	Provinces			โ	
Bihar and	Orissa .		•		1	
United P	rovinces		•		1	
Punjab			• .	•••	. 1	=6
(c) By the Muha	mmadan Re	presentative	j	•		
As in $(b)$	1		•			=6
(d) By those who	o have been	invested wit	h the fitle	s of Maharaj	88 <sup>/</sup>	

(d) By those who have been invested with the titles of Maharajas and Maharaja Bahadurs 2 and Maharaja Bahadurs Elected Total ... ... Ex officio and Nominated Officials... 21 ••• ••• ••• Elected Total ... ... 21 Ex officio and Nominated Officials... ... ... 25 Nominated non-officials ... ... 25 Nominated non-officials ... ... ... 25 The four seats alloted to nominated non-officials may be distributed among the orthodox Hindu Community, the Anglo-Indian Community, the Chambers of Commerce and Experts. / B. & O. G. F. P. A. & E.) N. 84-50-12-11-918-S. J. N.

From

### Rai Sahib Janak Dhari Lal,

Dinavore.

To

### The Chief Secretary,

### Bihar & Orissa Government,

Ranchi. Dated the 28th October 1918.

Sir,

With reference to the Under Secretary's D. O. No. 1936/52 C dated the 22nd October 1918 I have the honor to submit that? I am willing to give evidence before the Franchise Committee, should it so like, and the memorandum of the points which I desire to represent to the said committee is included in the following few lines.

1. There is some reason for the Mohamedans to have a separate electorate of their own for the time the Hindus and the Mohamedans are ignorant of the civic duties which one Indian owes to another but then the Mohamedans should not be allowed to mix in the general electorate as has been done up to this time.

2. There is no reason for the big landlords to have a separate electorate of their own and the smaller landlords to have the right of being included in the general electorate. For then the landlords will occupy all the seats (as they have been all along doing) without leaving a single seat for the tenants and the council can not be called a representative one as is contemplated by the proposed Reform Scheme. The big landlords should not have a separate electorate. They are themselves rich and powerful and do not need special protection. They must enter the Councils of the empire by the common door. Let them win the good will of the people and be their natural leaders.

3. If there is any body of men that require special protection and proper and proportionate representation in the Councils it is the poor tenants, the peasants, the cultivators of the soil who though forming from 70 to 80 per cent of the population can be justly placed in the category of the backward classes us they are generally poor and weak, ignorant and inorganised.

4. The interests of the landlords and the tenants are yet conflicting and not identical.  $\alpha$ 

5. Should it be thought, after all, advisable to let the landlords have a separate electorate and return a certain number of representatives to the different councils, the tenants also should have a special electorate to return a proportionate number of representatives in the ratio, their number bears to that of the landlords or the amount they pay to the landlords to the amount the landlords pay to Government. If it be said that it is impracticable, then a certain number of elective seats should be reserved for those who are only tenants and that number should be at least double the number reserved for the landlords.

6. If the tenants, on account of their illiteracy, are, at present, unable to organise, elect and return their full number of representatives to the councils Government may make up the deficiency by nominating qualified persons (preferably, if possible, from among the tenants themselves) to represent their interest in the councils, for, this is far better in a transitional period than to leave such a large community unrepresented specially in a council almost wholly dominated by landlords.

One representative f	or each of t	he 55 Mu	nicipalities	55
One Do.	Do.	41 Şadı	r and Local Boa	rds 🛶 41
Mohamedans		844		- 32 .
University	•••			ma 5 .
Planter	•••	-	•••	2 2 A
Mining	•••			4 2
Commerce and Indu	stries other	than agric	alture	- 4 T
1	e e			128 14
Government nomine	208	ý-		32
•			Total.	173 معد

8. Half of the nominated members should be non-officials.

9. On other points I have nothing particular to say.

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I have the honor to be

Sir

Your most obedient servant.

(Sd.) Janak Dhari Lal.

### A STATEMENT OF THE VIEWS OF THE MEMBERS OF THE BIHAR PLANTERS' ASSOCIATION LIMITED ON THE MONTAGU-CHELMSFORD REFORM SCHEME SUBMITTED TO THE GOVERNMENT OF BIHAE AND ORISSA.

1. The Announcement in Parliament on August 20th 1917.—The suggestions made in this note are based on the assumption that the Secretary of State's announcement in Parliament is to be accepted as the official statement of the policy of the Imperial Government towards India.

As this note deals solely with the proposed methods of carrying out that policy any expression of opinion on the policy itself is necessary.

4. The main principle of the proposed scheme is the granting of wide powers including the entire control of almost all departments of Government not directly concerned with maintenance of law and order—to members of the Legislative Councils elected on as broad a franchise as possible.

3. Principal objection to the scheme.—The first objection to these proposals which must occur to everyone with any knowledge of the country is that it is impossible—and will still be impossible for many years to come—to constitute an electorate on a really broad basis which will have any conception of the business of a Legislative Council, or any idea of what it is voting for.

It is admitted in the report that approximately 95 per cent of the population neither demand nor are fitted for responsible Government; that the political education of the raiyat must be very slow and difficult process, that, till it is complete, he must be exposed to the risk of oppression; and that we must retain the power to protect him until it is clear that his interests can safely be left in his own hands or that the Legislative Councils represent and consider his interests. From this it appears that the authors of the report fully realized that for some time to come the elected members of the Legislative Councils could not be either genuinely representative of or responsible to, their electors, and that the electors themselves would not be competent to understand or to exercise their powers.

Once that is admitted, the claim that the scheme is an instalment of *responsible* Government falls to the ground. It becomes merely the granting of power over the whole people to the very minute—though noisy—fraction that demands it.

This Association is strongly of opinion that genuine responsibility on the part of elected members of Legislative Councils to their electorates should precede the grant of administrative powers to ministers chosen from among those elected members, and the resultant responsibility of ministers to the Council.

Until that "slow and difficult process<sup>57</sup> the political education of the raiyat, has reached a fairly advanced stage, the bulk of the population must and will look to the British administration as the power responsible, not only for the laws under which they live and the machinery which enforces them, but also for all the other factors which affect their daily lives. No plea of devolution of authority to the estensible representatives of the people will avail to absolve the Government of that responsibility.

4. The "Intelligentsia".—The true reason for the announcement of August 20th, 1917, for Mr. Montagu's cold weather tour, and for the resultant ready-made constitution for India, can be found in one sentence in paragraph 140 of the report,—" we have in fact, created a limited *intelligentsia* who desire advance, and we cannot stay their progress entirely until education is extended to the masses."

We may admit the force of the argument that this *intelligentsia*, must be enabled to progress, that it should be associated with the Government and administration of the country to as large an extent as possible, and that outlets for its energy should be provided other than irresponsible political agitation, but these arguments do not supply any adequate reason for granting very liberal powers over the rest of the community to the small class to which they apply, more especially when it is still as inexperienced in the exercise of those powers as is the bulk of the people in the exercise of the vote.

Neither by their past History nor by their writings or actions to-day, do Indian politicians give any general indication or their capacity to govern.

Sound administration and the material welfare of the people still seem to appeal to them with far less force than verbosity, impractical theories, and the idea of embarrassing the Government with a view to obtaining greater privileges for themselves.

5. Effect of the proposed scheme.—The authors of the Roport rightly "regard the development of a broad franchise as the arch on which the edifice of self-government must be raised."

Presumably the broad franchise should also be an intelligent one.

They do not however make any adequate provision for the building of that arch. Instead, they suggest the erection of a large and elaborate edifice without the foundation which they themselves regard as essential, apparently hoping that they may be able to insert it after the first storey—and possibly two or three stories—have been built.

Even if the whole scheme does not fall to pieces, it will at the best have the very result which they themselves condemn—the transfer of power from a bureaucracy to an oligarchy, and an oligarchy very much less impartial and efficient than the bureaucracy which t replaces.

The proposed reforms appear not only to fail in their claim to be a substantial advance along the road to complete self-government for the prople of India, but rather to be a long stride in the wrong direction.

Far from accelerating the development of genuine responsible Government, their effect will actually be to retard it, for they give such wide powers to the small educated classes that any increase of responsibility to an intelligent electorate must tend to limit those powers rather than to expand them. The exercise of political power is not made any pleasanter or easier by checks and limitations from below. The political education and development of the people will be in the hands of a small minority exercising that power almost unchecked and uncontrolled by their electorates, and it would hardly be inhuman nature for that minority to take any great pains to develop those electorates on lines which must inevitably lead to the curtailment of its own powers.

6. Local Self-Government.—The gradual development of self-governing institutions is laid down as a definite part of the Government's policy, and one would naturally assume that this inferred gradual development from a lower plane to a higher, and the political development of electorates as a preliminary to the grant of power over the Government. It is laid down in the Report that "clearly our first and immediate task is to make a living reality of Local Self-Government."

In spite of this very definite statement, Local Self-Government occupies a most insignificant place in the scheme compared with the elaborate care that has been expanded on other parts of it.

The simplest and most efficient method of bringing représentative institutions within the ken of the ordinary raiyats and of giving them some idea of Self-Government is by means of village panchayets and small Local Boards.

It should not be difficult to evolve a workable scheme under which village panchayets should be elected by all those paying a certain minimum Chaukidari cess, a large proportion of the members of local beards should be elected by the village panchayets from among their numbers, and the members of the local boards should, in the early stages at any rate, be the direct electors of members of the Legislative Councils.

Should this be considered too small a franchise, it might be extended to members of the village Punchayets themselves. Such an electorate would be very slightly smaller, and far more representative of the raiyats as a whole than any electorate based purely on rent or cess payments.

The Government of India has lately published a Besolution on the lines on which Local Self-Government should be developed, the subject matter of which might well have formed the foundation for a scheme of genuine responsible Government. Incidentally the note of caution which is sounded all, through that Resolution shows up in strong contrast to the light-hearted manner in which Mr. Montagu disposes of the constitution of the Government of India.

### Devolution of power to Provincial Governments.

7. This association approves the devolution of power to Provincial Government on the lines suggested in the Report, subject to the opinions expressed in this note on the administrative details. It would also put forward the suggestion that, as this new Province had barely started its development before the war necessitated strict economy in all departments, the gross expenditure should be set at a higher figure than that quoted in column 2 of the statement in paragraph 203 of the Report.

### Provincial Executive.

8: This Association is of opinion that even if the devolution of power by compartments is accepted as a necessary step towards resposible Self-Government, the country is not yet ripe for such a drastic change.

The question of responsibility to the electorate, mentioned in paragraph 3 of this note, should first be considered.

The suggested scheme of the transfer by Departments of the functions of Government to ministers appointed from among the elected members of the councils suffers from many of the objections which led to the rejection of the dual Government scheme proposed in the joint address, and does not even possess the recommendation, from a democratic point of view, of making' the ministers directly responsible to the Legislative Councils.

The lack of administrative experience on the part of Indian politicians is admitted, and it would be premature to make over to them, at this early stage, the entire control of departments which though they may not be vital to the peace and good order of the country, are nevertheless of very great importance to the welfare of the people.

The proposed scheme itself has many intrinsic defects. In the earlier stages at all events—even if pot permanently—the more important departments the control of which is chiefly desired by local politicians, must be reserved to the Governor in Council, and elected members will be inclined to judge a minister more by his attitude with regard to these departments than by his administration of the departments under his own control. The tendency to irresponsible criticism and virulent attacks on the policy of Government in the reserved departments will be encouraged rather than subduced by the hope of obtaining their transfer to popular control.

The transferred subjects would include those most easily popularized with the electorates, while those reserved to the executive Government would chiefly consist of the more irksome duties connected with the maintenance of order, the administration of justice and the collection of revenue and taxes.

The machinery for collecting taxes would be the same in all cases, and the Executive Government would incur the odium of increased taxation, even where necessitated by increased expenditure on the transferred subjects.

Thus the British administration would gradually come to be connected, in the minds of the people, with the less popular functions of Government only, while the elected politicians would be enabled to pose as the sole benefactors of the people—a result not conducive to efficient administration or to the prestige of the official, British or Indian.

This transfer of control would also have a very bad effect on the services of the transferred departments. The Report admits that they will need, even more than at present, the services of the best European staff that is obtainable, but the conditions of service under the direct control of a local politician, who will have to work under continual pressure from a section of his supporters with axes of their own to grind, and who will lack both technical

knowledge and administrative experience, must inevitably fail to attract the best class of men, and tend to the deterioration of the British element in the services, who are expected not only to their own work, but also to teach the Indian element to take their places.

The scheme outlined in paragraph 217 of the Report with regard to the Executive Government appears much more suitable for the first few years of experimenting with popular Government than the one actually adopted.

The principal reasons given for its rejection are that the member of Executive would not be responsible to the Legislative Council, which fact would encourage irresponsible criticism, and that the transfer of the control of certain departments, at a later stage, to ministers responsible to the Legislative Council, would be rendered more difficult. The only immediate change to be made under this scheme was the addition of one Indian member to the <sup>1</sup>Executive Council. The question of the appointment of ministers responsible to the Legislative Council, with the ensuing difficulty of double and shared responsibility; was only to arise after some years, described as 'a period of training. The latter difficulty appears to have been the chief reason for the rejection of the scheme, but it does not supply any adequate reason for omit ting altogether the period of training, which in spite of the delay in making the Executive directly responsible to the Legislative Council for the trans ferred subjects, evidently appealed to the authors of the Report. Since the whole question was to be reviewed in the light of the experience gained in the course of a few years, it would surely be better to be content with the appointment of one more Indian member as a start, and to leave the two alternative developments, the replacement of the two Indian members of the Council by ministers responsible to the Legislative Council, or the complete transfer of certain departments to the same control-to be decided by the Committee charged with the review of the whole situation.

This Association is therefore of opinion that the Provincial Executive Councils should consist of four members besides the Governor, that the members should be in charge of definite portfolios, and that two at least of the members should be British officials of long experience.

Should the suggestion of appointing ministers in charge of transferred subjects be carried into effect, the ministers should be directly responsible to the Legislative Council for those subjects, and, though they might act in consultation with the Governor, he should not be made to bear any of the responsibility. This is essential to avoid any attempt being made to gloss over the incompetence of the ministers, or to conceal the real effect of any mistaken policy of the Legislative Council, with regard to which the elected members might invariably attempt to throw the blame on the Governor.

### Transferred subjects.

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9. The list of transferred subjects given in the Report is in any case far too large to be taken over by the elected members of Council in this Province and the following should—for the present at least—be reserved to the Governor in Council.



1. Local Self-Government in rural areas in the form of village - Punchayets.

This will have to be started from the very beginning in many parts of this Province and should not be handed over to an inexperienced and experimental popular body until firmly established and in smooth running order.

2. University and technical education needs to be carried on in conformity with the lines laid down for the whole country and the General principles must be decided by a central authority under the Government of India. Provincial powers on these subjects should therefore be reserved to the Governor in Council.

### 3. Agriculture and Veterinary.

The same arguments apply to these subjects with added force, for experience shows that only very much centralized research work, and concerted and controlled experimental work can effect any great improvement.

4. Forest. For the same reasons.

5. Registration of Births, Deaths, and Marriages, Village Courts and Statistics.

These departments can only be efficiently managed by the Revenue and Judicial staff.

6. Co-operative Credit. Needs the wider experience and the guarantee , of stability only to be provided by European control.

### 7. Franchise, electoral law, and constituencies.

The elected members of Provincial Councils have no practical experience of these subjects, which will chiefly affect the limitations of their own power, and are themselves part of an experiment in popular Government.

8. The Governor in Council must have power to deal with defaulting or incompetent local bodies, rural or urban.

9. The Governor in Council must be the sole authority to decide whether any question trenches on the reserved subjects.

10. The Minister or Ministers should have no direct authority over the personnel of the services.

11. This Association considers that it would not be advisable to appoint more than one Minister in this Province for the first ten years at least.

#### 10. Provincial Legislatures.

This Association agrees that the Provincial Legislative Councils should be enlarged and given a substantial elected majority.

At the same time it considers the arguments advanced against communal representation as unsound, when applied to a primitive community, naturally divided by caste and religion into watertight compartments, with sharply defined separate interests, and with practically no idea either of the use of a vote or of the question on which they would be voting.

This Association would suggest the following as the composition of the Legislative Council of this Province, it being understood that candidates must be qualified as an elector in the constituencies for which they stand :---

•			Rural.		Urban.	Total.
Non-Muhammada	ans		122	1.1.10	б	27
Muhammadans	divided	according t	o population)			9
Landholders			: "#"	•••		5
Mining Interests			•••		•••	` <b>S</b> `
Planting Interest	s					1
Non-official Europ		unity	•••			L
University	•••	•••	•••	•••	•••	1
×.,	- i			• •	2.15	*****
-		-	Total ele	cted memb	ers	46
* Nominated memb	ers (of wh	om not mo	re than 20 sh	uld be offic	ials) 3	80
1 Ter tak	101	• 7	tina en	sp.,pe l		9 <b>.6</b>

			•		•	
•	Total	•••		7	6	

The Governor should be President of the Legislative Council and any alteration in Rules of procedure subject to his approval.

In lieu of the appointment of elected members as Ministers, and as Parliamentary Under-Secretaries, this Association would suggest that Joint and Deputy Secretaries to each department should be appointed from among their numbers. These members should give whole-time service and receive pay intermediate between that of the Secretary and Under-Secretary of a department.

Such a scheme should not seriously interfere with the efficiency of Secretariat work and would provide valuable training in administration to those members of Council who are prepared actively to take up political life. At a later stage, whether the scheme of transferred subjects or of Indian elected members of the Executive Council was adopted, men could be found with some knowledge of the duties they would be called upon to perform, and the first ten years of this experiment in popular Government would have a better chance of becoming in fact what it is ostensibly proposed to make it a period of training.

The appointment of Standing Committees to all departments should help towards the same end.

11. Powers of the Governor with regard to legislation.—In view of the large increase in the elected majority in the Legislative Councils, and the absence of a proportionately increased "bloc" of official voters the Governor must be given power to pass essential legislation and to control private legislation affecting the peace and good order of the province.

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The procedure, by means of certification and Grand Committees, recommended in the report for use with regard to reserved subjects, though cumbrous, seems to be the best solution of the problem.

12. Resolutions of the Legislative Council should be merely recommendations, as at present,

All Legislation must be subject to the assent of the Governor and of the Crown.

The Governor must have power to dissolve the Council.

13. Budget Procedure.—If the suggestions as to transferred subjects are adopted, the Minister in charge of them should be entirely responsible for the Budget proposal with regard to them.

With regard to reserved subjects the Governor should notify which allotments he considers essential and no amendments should be allowed on them, but resolutions of a recommendatory nature, not binding on the Government might be permitted.

The remainder, both Reserved and Transferred subjects, should be voted on as in the case of an ordinary Bill. Officials speaking and voting independently and not under Government control.

Should the suggestion as to transferred subjects not be adopted, resolutions of a nonbinding character only should be admitted, but if, at the first discussion in Council, any Resolutions are carried which the Government are unable to accept, the Budget should be referred to a Grand Committee as suggested in the Report for Legislation on Reserved subjects, the resolutions considered there, and the Budget as passed by the Grand Committee, brought before the Council for final discussion and passing.

14. Government of India—Indian Legislative Council.—Although the necessity for taking immediate steps towards responsible Government in the provinces may be admitted, the same arguments do not hold good in the case of the Government of India. On the contrary, the very fact that the experiment of popular government is being started in the provinces, and very large powers placed in inexperienced hands, is a strong argument against the simultaneous revolution of the Government of India.

A complete upheaval, such as that proposed in the report, would keep the members of the Government of India and all connected with it fully occupied for the first few years in accustoming themselves to the new conditions and in inducing the various parts of the new machine to settle into their proper places and work together with some degree of smoothness. Their time would be better occupied in helping to guide the steps of the Provincial Governments into the way of peace, and in learning from experience of their working the lines on which the reform of the Government of India could best be undertaken.

If the by-cameral system were eventually decided on, it would be of the greatest assistance both to the Governor General and the future electorates to have some experience of the actual work of prospective members of the second Chamber, in the enlarged Legislative Councils.

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The most that could safely be done at present would be to enlarge the Indian Legislative Council on similar lines to those suggested above for the Provincial Councils, giving it the same powers and reserving to the Governor General the same safeguards with regard to essential and private legislation as those kept by Governors of Provinces.

Direct election to the Indian Legislative Council is not feasible at present and this Association would suggest that the enlarged Council might be constituted somewhat on the following lines:---

Elected by elected members of Provincial Councils (Hindus and Muhammadans

approximately in proportion to					3)
Land holders	•••	•••		<b>``</b>	9
Chambers of Commerce		· •••		***	8
Non-official European Community		,			2
Domiciled Anglo Indian "	•••	•••	•••	•••	1
E	i-cted mer	nbers	•••		45
Nominated members (of whom not	more than	45 shall be	officials).		55
• • • • • • • • • • • • • • • • • • •			Total	•••	100

15. The Governor General's Executive Councils.—Wide experience and administrative ability are presumably the primary qualifications for membership of the Executive Council, and its general efficiency will hardly be increased by the addition of a, large number of Indian members, which is apparently what the rather vague proposals suggest.

It is difficult to see what further portfolios could with advantage be given to Indians, and no case is made out for any alteration whatever.

16. The Pricy Council for India.—This would doubtless prove a convenient addition to the Honours List, but the only chance of its being of any practical utility lies in appointing its members chiefly from among those who have gained distinction in other fields than that of politics. In that case it may become a useful advisory body in giving the Government the views of the large sections of the community which will prefer to keep clear of local politics. If it is treated as an honourable resting place for party politicians, it will run, the risk of becoming a mere echo of the Legislative Councils.

17. The Services .- The proposals with regard to the recruitment of the Civil Services and presumably for the other British services likewise are admittedly based on the assumption that the goal to be aimed at is that the services should be substantially Indian in personnel by the time the country is ripe for responsible Government. If this policy is definitely accepted, then it matters little what method of recruiting or what conditions of pay and pension are adopted. The best men from England will not compete, and the tone of the service will deteriorate. Up till the present time it has been considered essential that British ideals and principles should be the standard of the administration, and it has been found that the best means of securing this was to suit the conditions of recruitment to the class of Englishmen who ordinarily pass through the Public Schools and Universities. Once half the Civil Service is recruited in India as will be the case in ten years' time if the present proposals are carried into effect-oriental standards must invitably take the place of British, and the mass of the people of India will not welcome the change.

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Except for the class which hopes to provide the siccessful candidates, no one demands it. The people of India, as a whole, give to European members of the services as a matter of course the confilence and prestige necessary for successful administration. The Indian official only receives them when experience has proved his worth. The raivat prefers to have his case tried before a European Magistrate, and the Indian member of the subordinate services or office staff prefers to serve under a European chief because they know from experience that he is naturally impartial, usually knows the right thing to do and has the strength of mind to do it, while they find it difficult to believe that their fellow countryman is not swayed by personal considerations or by the same projudices of eastes and creed which enter into every detail of their own daily lives.

If the prestige and quality of the Indian Civil Service is to be maintained, reornitment must remain on the same lines as at present. No distinction of race need then be made, but nominations involving strict qualifications as to character should be essential for all candidates and it should be compulsory on all successful candidates to spend a year at an approved British residential University before the final passing-out examination.

18. In lieu of recornitment of the I. C. S. and other superior services in India, this Association would recommend a very liberal improvement in the pay and status of the Provincial and Subordinate services.

The Divisions between the two might in some cases be abolished, giving all members a chance of reaching a scale of pay compatible with the responsible nature of the work done.

It should be understood that qualified members of these services should ordinarily be promoted to posts now held by members of the I. C. S., but promotions to more respossible positions should be by selection and should carry increased pay and pension. No fixed proportion of posts should be laid down at the start, but, as the number of men qualified to hold the higher offices increased, the number of annual appointments to the Indian Civil Service could be slightly reduced, but with no racial distinction in that service the minimum number of Europeans necessary to keep its character may have to be fixed later.

19. This Association wishes to protest very strongly against the manner in which the authors of the report have ignored the claims and the services of the European Nonofficial Community, and against the suggestion that their claims to representation may be met by nomination. Of all others, the Non-official Europeans can fairly claim the right to elect their own representatives.

History shows that, if there is any real industrial development as distinct from the work of a middleman to be effected, its support and control is essential to the raising of the necessary capital and to the management of the business. The Indian commercial classes have proved excellent middlemen and distributors, but outside of the Parsi community, which is really foreign—they have made comparatively little headway in the initiation of productive industries. A great industrial and commercial development will be the first necessity after the war and Mso the inevitable result of it. This cannot be effected directly under the control of either a bureancratic or popular Government. The Government's part must be to assist in the scientific and research work, to ensure those conditions of stability and legitimate protection which will attract capital, and to prevent unfair competition from foreign countries. The European Commercial community will be called upon to initiate and manage the Icdustries.

By virtue of its present position in the country, and the need for its work in the future, the Enropean Non official community is entitled to demand adequate representation both in the Indian and Provincial Legislative Councils, and such representation can only serve to strongthen these experiments in popular Government.

#### J. M. WILSON,

2nd October 1918.

Muzaffarpur

General Secretary, Bihar Planters' Association, Lld.

### Opinion of the Hon'ble Mr. Jameson.

### FRANCHISE COMMITTEE.

#### I.-Provincial Legislative Councils.

(1) and (2). Direct election is not at present advisable in rural constituencies. The mass of the rural population is absolutely ignorant of the meaning of the Franchise, has not the vaguest idea of the duties of a member of the Legislative Council and does not even know that such a thing exists.

If the Franchise is arranged on a territorial basis with a rent or cesspaying qualification, the result at present will be to put all the power into the hands of comparatively few rich raiyats. The interests of this class are, as a rule, directly opposed to those of the smaller raiyats, owing to a large proportion of the richer raiyats going in for money-lending, with a view to obtaining possession of the best plots of land in smaller raiyats' holdings.

The interests of these men are more nearly related to those of the bana and money-lender than to those of the bulk of the agricultural population, and they would, for instance, naturally be inclined to oppose any legislation restricting the transfer of parts of holdings, or safeguarding the raiyat from usury.

Further, the richer raivats, with the exception of the bania castes, are almost all high caste men, and the lower castes would be practically omitted from any scheme of direct Franchise that could be instituted at present.

I believe that the hest means of securing that the interests of all castes and classes shall be represented is by forming village Panchayats and making the members of those Panchayats the first electorate for rural constituencies.

I believe that it has been found that the various castes and classes are fairly represented on these Panchayats where they are working, and that through them a more genuinely representative electorate could be secured in rural districts than by any system of direct election that could be started at present.

By thus instituting these Panchayats, giving them fairly complete powers in cases of a petty nature and making their members the electors to the Legislative Council, there would be some chance of bringing home to the agricultural population a realization of the meaning and a certain experience of the working of self-government.

I therefore consider that the ordinary electorate should be the members of village Panchayats in the first instance, in rural constituencies, but that it could be formed of the ordinary municipal electors, possibly with a stricter qualification, in Municipal areas.

(3) I consider Communal electorates absolutely essential to the proper representation of special interests and minorities, at any rate until education and political development have reached a far wider and more advanced stage than at present.

When the people generally have attained some understanding of political questions and of the problems involved in the exercise of self-government, and when a genuine public opinion, apart from religious and caste prejudices, has come into being, it may be possible to constitute the Legislative Councils almost entirely from members elected by a direct franchise on a purely territorial basis, but any attempt to do so at present would only result in minorities and special classes and interests being left unrepresented, unless nomination were resorted to on a fairly large scale. Nomination may well be necessary in the case of exceptionally backward and politically undeveloped section of the community, but the majority of the special interests and minorities in whose case special representation is necessary, are more highly developed communities than the ordinary electorates, and therefore more capable of choosing their own representatives.

Nomination would not only be a most unsatisfactory method of attempting to secure their representation—for a Government nominee might very well lack or forfeit the confidence of the community he was supposed to represent but it would also be a retrograde step, as most of those communities now possess the right to elect their own representatives.

With Communal election separate electorates would be necessary in the case of the following interests and communities in this Province:—

(a) The Muhammadan community.

(b) Landholders.

- (c) Non-official Europeans (including Anglo-Indians and American citizens).
- (d) The Mining interest.
- (e) The Planting interest.
- (f) The University.

The representation of aboriginal communities should be secured by nomination.

(4) The number of nominated official members should not be greatly reduced, as any undue weakening of the official element would deprive the Council of the administrative experience and knowledge of actual conditions in various parts of the Province which can only be gained by officials who have served in various departments and different districts.

Officials should, for the same reasons, be free to speak and vote according to their convictions on all Bills and Resolutions whether on Reserved or Transferred subjects except where the Government's power of certification has been used.

The large elected majority in the Councils will ensure that the wishes of any substantial majority shall carry the day, and if the non-official members are at all evenly divided on any question, it is hardly likely that officials of various departments and services will be unanimous.

(5) The Legislative Council in this Province should not be too large, both on account of the chance of its becoming too unwieldy and on account of the difficulty of obtaining a large number of suitable candidates.

I would suggest about 76 as being a suitable number, made up roughly as follows :---

• Elected Members		General Rural 22. Urban 5 Muhammadane, rural and urban Landholders Mining interests Planting interests Non-official Europeans and Angl University	  o-Indian 	  community 	27 9 5 1 1 1 1
Nominated Members	{	Officials, not exceeding Non-officials, not less than	••••	••• • ••• ·	46 20 10 30
•		Total	`	•••	76

The nominated members will presumably be appointed to represent particular interests and will be absolutely unfettered from Government control, so this proportion will give two-thirds of the non-official members a substantial majority over any combined opposition, and with official members free to speak and vote independently, such a combined opposition is exceedingly improbable

### II.-Indian Legislative Assembly.

(1) and (2). Direct election, save in the case of special constituencies, will be impossible for many years, and the best method of securing a fairly representative membership would be by having two-thirds of the elected members elected by the Provincial Councils.

These members should retain their seats in the Provincial Councils so as to avoid the need of second elections and so as to keep in touch with their respective Provinces.

More than eleven officials should be appointed, so as to allow of heads of departments of the Government of India and one representative of each of the Provincial Governments being included.

If the special interests are represented by election the number of the nominated non-officials could well be reduced to one-third of the nominated members.

Elected by Provincial Legislative Councils.	ſ	Bengal, Bombay, Punjab, Burmah Bihar and Orissa, Assam	'	***		5 "	  	24 10 8 2
۱.					Total			44
Elected by Special Constituencies.	{	Landbolders Chambers of Con Non-official Eur Domiciled Angle	opeans	···· · ···	\$  			13 5 2 2
•	•				Total			22
Nominated non-officials			••• 、				- 	11
Nominated officials, inc	ladir	g Vice-President			·	-		23
					Total		 -	100

Muhammadan and Sikh representation could be secured by reserving them a number of seats proportionate to their seats in the various Provincial Councils.

### III.—Council of State.

I consider that a single Chamber, giving the Governor-General in Council similar powers of certification to those proposed for Provincial Governors, preferable to the formation of a Council of State as proposed, but am of opinion that any radical change in the constitution of the Government of India is undesirable until the new scheme has been working for some time in the Provinces.

### B. & O. G. P. (P. A. & E.) No. 55-50-19-11-1918-8. J. N.

### · [CONFIDENTIAL.]

### Note on the proposed Legislative Council of Bihar and Orissa.

While this subject was under consideration I came across the following extracts from the works of Professor Ramsay Muir. "The second condition of the successful working of self-government is that there must exist a real unity of sentiment in the community which attempts it. When a community is divided by deep and irreconcilable antipathies, by the unconquerable distrust and dislike of one element in it for another, discussion becomes futile and agreement impossible, and the attempt at self-government leads only to anarchy."

anarchy." This statement appears to me too sweeping, but at the same time the experience of Ireland has shown that the mechanical application of the principle of one man one vote to conditions such as those described above is not workable. When the last Home Rule Bill was before Parliament I was on leave, and happened to have occasion to discuss it with a college friend, Mr. J. K. Fotheringham, M.A., Lecturer on Ancient History in King's College, London, joint author of one of the volumes in the series "the Political History of England," and one of the best read persons in historical and political subjects that I know of. He remarked that the great defect of the Bill was that it only provided for one-member constituencies, and the effect of this was to disfranchise the minority however large, and to bring to the front the most extreme man on each side. The conditions of this province are far more similar to those of Ireland than to those of Great Britain. Leaving Orissa and the aboriginal races out of account, there are three classes with differences as strongly marked as those in Ireland, Hindus, Muhammadans and Europeans, the chances of fusion between which are a negligible quantity. To give representative institutions a proper chance of success, it is necessary to bear in mind the fact pointed out by Sir Thomas Releigh in his little book on Politics, that counting heads, is only a modern substitute for breaking them, and that to decide strongly contested matters by a majority of votes is only practicable when all the voters are of approximately equal fighting value. It is therefore desirable to arrange things so that no class shall be in a position to carry out its own ideas without regard to the views and wishes of the others, the apprehension of which is the rock on which all the Home Rule schemes for Treland have been wrecked. I believe this result can be secured without any very serious departure from the principle of equality of voting power, practically all that is neccessary boing that minorities in

If they are not to be entirely swamped by the Hindu majority, I consider that communal electorates for Muhammadans and Europeans are absolutely essential. The idea that special members of these communities might be elected by the general electorate is quite unworkable. There will always be found a number of persons possessing the necessary qualifications ready to take advantage of such a situation, who would be about as representative of their communities as the conscientious objectors would have been of the people of Great Britain during the war. Such a system would not be one of representation but of misrepresentation. I also consider it extremely desirable that those persons who have votes as members of a special electorate should also be able to vote as members of the ordinary electorate. This will have a restraining influence on extremists, and will tend to cause the representatives of the electors on the ordinary franchise to pay some attention to the views of minorities, which otherwise they would be tempted to disregard.

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While I am in favour of special electorates in regard to communities, I am strongly opposed to those on the basis of particular interests. If such concession is granted to the planting and mining interests, it will be almost impossible to refuse it to the great landbords, who are agitating loudly for such a privilege, but so far from requiring special protection, are likely to sweep the ordinary etectorates at the beginning, either in their own names or in those of their nominees. Practically every lawyer of whatever class is either a landlord or tends to become one as soon as he has saved some money, and it will require very strong pressure on the part of the voters to get their supposed representatives to consider their interests rather than those of the class to which they belong themselves. As amongst the members of each class, I am of opinion that each voter should count equally. This will particularly benefit the poorer class of Europeans, who at present are practically without representation.

With regard to electoral divisions, by far the most convenient will be the Subdivision, which is already the principal unit of administration. Some are more populous than others, but the average remains more or less steadily in the neighbourhood of 500,000 to 600,000 inhabitants. I thought at first of giving three members to those that are very populous, and reducing to one member those which fall below a population of 250,000, but after careful consideration I do not think this would be desirable, as most of the former class appertain to those parts of the province the representatives of which will probably constitute the majority, and the latter generally belong to places like Chota Nagpur and the Santal Parganas, inhabited by aboriginal tribes, which require special protection. The inequalities are considerably less than those at home, and are rendered much more necessary by local conditions.

With regard to Muhammadans representation, I find that a Hindu Muhammadan Conference at Lucknow agreed to a proportion of 25 per cent, for this province. This result can be attained if in each district where Muhammadans are approximately 10 per cent. of the population, two special Muhammadan members are elected, and in those in which they are approximately 5 per cent, one is elected. It appears from the census figures that there are some districts in which the proportion of Muhammadans is just under ten per cent, and consequently I avoid an absolutely hard and fast rule. Where the proportion of Muhammadans is still less than this, districts might be grouped together for the purpose of electing a member or members. I think this is better than taking the division as the unit, as the people of each district ordinarily know little of those of other districts, and to take such a large unit as the division would be to put an undue premium on canvassing and wire-pulling.

With regard to Europeans, under which term I would include for this purpose Anglo-Indians and Eurasians, I think the division might ordinarily be taken as the unit, and would recommend four members for each of the other divisions, and two for Orissa, where the number of Europeans and Anglo-Indians is small, to be elected by the votes of all the adult Europeans\_of the division. Who exactly would be entitled to be classed as Europeans is a question which has already been settled by the Arms Act, and there will be no difficulty in deciding who are the persons to be admitted to this electorate.

In order to provide for special classes, such as the planting and mining interests, I would reserve 10 places to be filled by the nomination of Government. I think this is better than that the interest concerned should elect its own members, as most of these interests are rather of the nature of close corporations, and the leading idea of the member elected by them is likely to be to protect the interests of the body concerned without any special regard to those of the general public.

The number of non-official members having been so much increased, I consider that the number of official members should be increased also, and would include all heads of departments, including the Director of Public

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Instruction, the Director of Land Records, the Director of Agriculture, the Registrar of Co-operative Credit Societies, and the Vice-Chancellor of the Patna-University. I would suggest a total number of 25 official members, the balance being made up of a few selected officers, who have special knowledge or take special interest in the question coming before the Legislative Council. In addition to the Vice-Chancellor, who will be the official member, the Patna University might be given two members, to be elected by graduates of a certain standing.

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If it can possibly be arranged, I attach great importance to the consideration that the voting should be secret; otherwise in many instances the voters will be driven to the poll like a flock of sheep by their landlords or moneylenders. In view of the illiteracy of the great mass of the people; it is somewhat difficult to arrange this, but considerable success has been obtained in municipal elections by means of different coloured ballot boxes for each candidate.

On the above basis the number of representatives of each district would be as follows :--

· · ·		. 1		/ <b>.</b>	/
,		Patno	Division.	· · ·	
•••		í.			*
· · · · ·		·	*** g=		
		Population.	Representatives.		Muhammadan Representatives.
		• • •	· · ·	** _	2 4
Patna City and Sadr	•••	341,256	<u>ୁ</u> ନ୍	170,883	,
Dinapore	••••	814,644	2	`	
Barh	•••	376,621	2	***	***
Bihar		575,102	2	••••	ананын қалары 19 <b>11 ж</b> а
		<u> </u>	<b>*</b> * ==		i
Total	•••	1,609,631	• • • •		
		· · · · · · · · · · · · · · · ·	a di san s	and the second	
Gays and Sadr		785,287	. 2	221,943	e
Nawadah	· •••	460,996	2 •	··· ··· ···	
Jahanabad	• •••	422,287	2	•••	***
Aurangabad		990,978	2	•••	
				. '•	
Total	· •7	2,159,498	· .	м с с.	·
		<del></del> .	e e e e e e e e e e e e e e e e e e e		s.
Shahabad Sadr		631,226	<b>2</b>	181,189	1
Buxar		882,971	2	•••••	• • •
Sasaram	•••	544,874	2		
Bhabhua	<b></b>	807,089	2		
•		<u> </u>	<del></del>	· · · · ·	· · ·
Total		1,865,660	84	•••	5

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### **4** Tirhut Division.

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		Population.	Representatives.	Muhammadans.	Muhammadaw Representati vez
Saran Sadr		894,248	2	263,741	
Sewan		758,699	2	•••	
Gopalganj		636,881	2	•••	***
Total	•••	2,289,778			•
Champaran Sadr		1,101,498	2	286,098	3 × 3
Bettiah	•••	806,887	8	•••	
Total	•••	1,908,885			•
Muzaffarpur Sadr	·	1,081,475	2	\$50,820	. 2
Sitamarhi	<b>b</b> **	1,053,739	8		
Hajipur		710,300	2	***	
Total	•••	2,845,514	•		t
Darbhanga Sadr	·`	1,063,849	2	368,611	2
Madhubani	•••	1,135,771	2	•••	
amastipur	•••	130,062	2		•••
Total		2,929,682	. 22		8
		Bhagalph	r Division.	1	
~		Population.	Representatives.	Muhammadans.	Mubammadan Representatives,
longhyr Sadr		1,094,563	2	200,339	2
Beguserai	•••	651,765	2	•••	•••

Jamui	·	386,565	2	•••	•••
Total	•••	2,132,893			
Bhagalpur Sadr		598,377	8	215,705	2
Supaul		493,671	2	•••	•••
Madhepura	• • •	609,610	2	•••	•••
Banka	•••	437,660	2	•••	***
Total	•••	2,139,318			·
Purnea Sadr		942,716	2	831,227	2
Araria		440,233	2	•••	•••
Kishunganj	•••	606,688	2	•••	***
Total		1,989,637	•		
SANTAL PARGANAS					
Dumka		416,004	2	176,614	9
Godda		387,160	- 2	•••	•••
Deoghar		306,477	2		··· ·
Jamtara '		205,646	2		•••
Pakoor		257,635	2	•••	,
Rajmahal	•••	810,051	2		
Total		1,882,973	32		8

	<u>.</u>		Population.	Representatives.	Muhammadans.	Mahammadan Representatives.
۰.	Hazaribagh Sadr		612,544	`2	,133 <b>,</b> 328	£ .
	Giridih		452,656	2	•••	
-	Chatra	*	223,409	2	•••	
	Total	•••	1,288,609			
	Ranchi Sadr		526,172	2	51,158	1
	Khunti		349,663	2	•	•••
	Gumb,		511,711	2		
	Total	•••	1,386,516	-		
	Palamau	***	687,267	2	57,669	1
	Manbhum Sadr		1,168,454	2	82,776	1
	Dhanbad	***	384,122	2		
	Total		1,547,576			•
	Singhbhum		694,394	2	7,671	
	Total			20	(P)	+5
		•		<u> </u>		•
			Orina	Division.	· . · ·	

**b** Chola Nagpur Division.

# Orissa Division.

		<b>P</b> opulation.	Representatives.	Muhammadans,	Muhammadan Representatives.
Cuttack Sadr		1,068,772	2	63,386	•
Kendrapara	•••	485,918	2		
Jajpur		554,449	· 2	•••	
Total	•••	2,109,139	·	Both districts joi	ntly 2
Balasore Sadr	•••	594,936	2	. 30,974 ,	
Bhadrak	<b>y</b> ++	460,632	2	·	
Total	•••	1,055,568	• •	*,	
Angul		199,451		335-	÷
Puri Sadr	***	655,798	2	19,348	
Khurda		367,604	2	•••	1. T. F.
Total	***	1,023,402	· · ·	*	•,
Sambalpur Sadr		802,039	2	3,546	
Bargarh		442,154	· 2 T	bree districts joi	intly 1
Total		744,193	18	i	3

	· *			
The final construction of oximately as follows :	the Legi	slative C	Council woul	d therefore be
Ordinary representatives		•••		118
Muhammadan representatives				24
European representatives		•••		* 18
University representatives	·		T	2
Official members including the V	ice-Chancel	lor Patna I	Iniversity	*** 25
Nominated members			•••	- <b>1</b> 1
		Total	· ···	200
	2		J. J.	HNSTON.
				Commissioner
				Bhagalpur.

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B. & O. G. P. (P. A. & E.) No. C41-50-18-11-1913-W. D.

# Memorandum on behalf of the Bihar Provincial Association, Patna

In the opinion of the Bihar Provincial Association it is desirable that the Provincial Legislative Council should consist of 125 members of whom at least four-fifths, that is, 100 should be elected, and the remaining one-fifth, that is, 25 should be nominated by the Government. The latter twenty five should include both officials and non-officials.

• 1The Association, while recognising that special electorates for certain communities and interests have been created and are existing, suggest that there should be no further extension of the system. Bearing this in mind it is suggested that the various constituencies should be as follows:--

BISUMS CONSTITUENCIES BROWN NO US 10	10W9.				7	tern
Spleial Constituencies		r	•••	40	i	moli
Missimans by special electorate by the Congress-League Scher Province, of Bihar and Orisss	ma for	the	25.			
Landholders	•		7			
Planting Community			1			
Mining Interest		***	2	•		
University	•	•••	5			
			40 *	•		

General Electorates:-[persons participating in constituencies representing communal or special interests (viz, Musalmans, <u>Landholders</u>, Planting and Mining interests) should be excluded from participation in the General Electorate.]

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The General Electorates should be divided into three classes, Rural, Urban and an Electorate comprising Income Tax assessees and non-student Matriculates, and the seats should be distributed as follows:—

Rural	•		29
Patna	* 14	2	. •
Gaya	· · · · ·	2	
Shahabad	• • • • • •	2	
Patna Division	•••	6 •	
Saran		2	
Muzafferpore	B1 #	2	
Darbhanga		2	
Champaran	• 1 <b>*</b>	2	
Tirhut Division		8	
		•	

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Bhagalpur		2	
Monghyr		2	
Purnea		1	
Santhal Perganaš	9 4 jan	<i>;</i> 1	
Bhagalpore Division	:	6	
Cuttack	,	2	
Balasore		1	
Puri		1	
Sambalpur and Angul		1	
Orissa Division		5	
Hazaribagh		1	
Ranchi	,	1	
Palamou Singhboom }	· ··· .	1	
Manhboom	,	1 .	
Chota Nagpur Division	***	4	
Urban ·			<b>21</b>
Patna Division	•••	• 5	
Tirhut Division	•••	5	
BhagalpurDivision	•••	4	
Orissa Division	•••	4	
Chota Nagpur Division	,	3	
Transfer Mar American and mar Stades		21	
Income Tax Assessees and non-Studen	6		10
, Matriculates		·••• 	10
			60

... 60 It will be noticed that the distribution of votes in the rural areas above suggested will be more or less fair having regard to the population, literacy and the general conditions of the people in the Province. The number of seats allotted to the urban population is no doubt in excess of what their mere numbers would entitle them to. But it must be remembered that the urban population have been exercising the franchise for now over thirty years and are not only familiar with the process of voting but are better fitted to appreciate and understand their rights, duties and responsibilities than the rural population who in this Province have almost forgotten their old Panchayets and have hardly been able to acquire experience of the modern system of voting at elections.

With regard to the third constituency suggested above it is submitted that the income tax assesses will comprise very largely the traders and business men and also the representatives of the industries in the Province, and all these interests should be adequately represented. The non-student matriculates, a very important class, will include the large number of men in services, and also professional men, such as, Barristers, Medical Practiioners, Engineers, School teachers and others who, not coming under the 'category of registered graduates of the University, will not be entitled to vote in the University Electorate. With regard to the representation of the University the Association believes that for a long time to come the University with its graduates will represent the light and culture of the Province, and it is meet and proper that due representation should be allowed to a body which by reason of its position as representing the most intellectual and intelligent section of the community is able to influence and mould not only the educa-tional policy but the whole trend of public opinion in the Pro-vince. It need hardly be pointed out that what the intelligent section think today, the masses will feel tomorrow, and it will be wise to permit it a voice in the shaping of the policy of the Government of the Province.

It is difficult to make any definite suggestions with regard to the qualification of voters. In the absence of any accurate and reliable figures available to the public, which would enable the Provincial Association to draw up a complete scheme that will be both just and practicable, having regard to the interests involved and the fact that the Electoral machinery will have to be set up for the first time for rural Electorates, it is proposed that the franchise in the rural areas should be such as to allow about  $2p_{c.}$  of the population to be enrolled as voters. Consider-ing that until the recent extension of the franchise in England the voting population of the country was about 16 p. c. of the total population, the Provincial Association think 2 p. c. would be a very fair standard at which to fix the voting population to begin with in this Province. It should further be borne in mind that conditions differ very materially in the various districts of this Prevince and the franchise should not be the same in all districts, but attempts should be made to include in each consti-tuency of the General Electorate, as far as practicable, an equal number of electorate. tuency of the General Electorate, as far as practicable, an equal number of electors. The franchise may be based on property qualification but illiteracy should be regarded as a disqualification.

A.1.2.4 In the urban area the voting qualification' should be the same as that now required for Municipal Voters. Each District should be divided into as many rural constituencies as there are seats allotted to it. It will be very inconvenient to voters if they are required to go to long distances for getting their votes recorded, and in many cases it may even amount to a denial of franchise to the rural elector. Polling stations should therefore be established at convenient places. Panchayet unions, where they exist, will be very convenient groups, and the voters of each union may vote at a place within the union. Where they do not exist, the thanas, or if they are far distant from each other as in some tracts of Chota Nagpur or even in Tirbut and Patna Divisions, polling stations will have to be established for the purpose. the purpose.

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With regard to the Special Electorate for Zamindars the Asso-With regard to the Special Electorate for Zamindars the Asso-ciation is of opinion that the property qualification should be so lowered as to include a larger number of persons holding land than are under the existing rules entitled to take part in the Elections. It is therefore submitted that a person paying Rs. 62-8-0 as Road Cess which is payable at the rate of 1 anna per rupee of the income and the payment of which would there-fore ensure an annual income of Rs. 1000 approximately should be given the right of voting. The payment of Land Revenue which is not fixed on the basis of existing assets of the Estate but is permanently settled and presents great variations is no sure criterion. Besides, it altogether leaves out of account nia he her !

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all Lakherajdars, mafidars and jagirdars who are exempt from payment of Government Revenue.

With regard to the qualification of candidates the Association is of opinion that no restriction should be placed on a constituency in the matter of choosing a candidate except perhaps that the candidate must himself be a voter in that constituency.

constituency. On the question of the constitution of the Indian Legislative Assembly the Association is of opinion that it should consist of 150 members of whom four-fifths should be elected and the remaining one-fifth nominated. The Association think that under existing conditions it will be difficult, if not impossible, to form constituencies, other than those already existing, which will elect members directly to the Indian Legislative Assembly. It is, therefore, suggested that the members to that assembly should continue, as heretofore, to be elected by the Legislative Councils of the Provinces and by the special Electorates now existing, but the latter may be so expanded as to include a larger number of voters. For the constituency of Zamindars returning members to the Imperial Council the voting qualification may be fixed as the payment of Rs. 500-0-0 as Road Cess which would be on an income of Rs. 8000-0-0 a year. The Association would also suggest that the various Universities should be represented in the Indian Assembly and that representatives of special Electorates (such as, the Zamindari, Muslamans, Trades and Commerce) on the Provincial Council should not be allowed to vote in the election of the members of the Indian Assembly by the Provincial Council. The number of 150 seats may be distributed as follows :--Elected .... 120

	· · · · ·			
	Elected	•••	120	
	Nominated including Officials	•••	30	
	The elected members shall be distributed as	s fo	llows	:
	Special Electorates —	•		
1	Musalmans	•••	40	
ĥ	Trades Associations and Chambers of Com merce		5	
<u> </u>	Landlords		7	
	Universities	••••	7	
•			59	
	General Electorates-			
	Bengal, Bombay and Madras-10 each	•••	30	
	Bihar and United Provinces-8 each	•••	16	
	Punjab	•••	7	
	The Central Provinces and Berar		4	
	Burma		2	
	Assam and Delhi—1 each		2 2	
		•••	õ <b>t</b> ,	

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As regards the election of members from the Provincial to the Imperial Legislative Assembly, the rules at present in force should continue in the matter of the qualification of candidates

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and it should not be necessary for the candidate to be himself a member of the Provincial Council.

The Association is of opinion that there should be no Council of State and that consent to legislation relating to reserved subjects which the Government think should be compassed, must be obtained by the Grand Committee procedure provided for the Provincial Councils.

On the question of division of functions between the Provincial and Imperial Governments the Provincial Association generally accept the suggestions of His Excellency the Viceroy . and the Secretary of State in the Appendix to their report.

With regard to the subjects to be "transferred" to the charge of ministers the Association is of opinion that in addition to the subjects mentioned in the illustrative list of the report, Industrial matters, Major Irrigation, Higher Education, including University, and Prisons should also be placed in charge of Ministers.

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From

BABU RAM LAL SINHA, Honorary Secretary to the Bengales Settlers'. Association, Bihar and Orissa.

No.

To Honble Mr. H. McPHERSON, I. C. S.

Chief Secretary to Government of Bihar and Orissa.

Bankipare, the \$1st October 1918. Sir.

With reference to your letter No. 3403-16A, dated Ranchi, the 20th October 1918, in connection with the Reform Scheme and the sittings of the Franchise and Subjects Committees at Patna I have the honour to submit the following scheme and memoranda of views of my Association.

My committee in their scheme have confined themselves as regards franchise, constituencies, composition of Legislative Council, reserved and transferred subjects to the needs of the Province of Bihar and Orissa only.

SEPARATE ELECTORATE FOR THE BENGALEES IN BIHAR AND ORISSA.

My committee would in the first place respectfully urge that the Committees will be pleased to recommend for a separate electorate being granted to the Bengalees settled in the Province of Bihar and Orissa.

Besides the large number of Bengalees domiciled in the Province of Bihar and Orissa there is a considerable number of Bengalees who are either in Government or in private service, or are following different professions, or are engaged in Commerce or Industry. Majority of them are educated, and almost all of them are literate. Their number will not be less than one-sixth of the total number of electorates in the Province. But they being scattered all over the Province my committee fear that they will not be able to have an effective control over any particular constituency so as to return any member of their community to the council.

The domiciled Bengalee Community being in the minority in this Province have hitherto failed to return any member of their choice to the Legislative Council. Those gentlemen of the Bengalee Community who have in the past succeeded in entering the local Legislative Council through the general electorate have done so either by giving an undertaking not to advocate in the Council the cause of any particular community or they have themselves refrained from ventilating in the Council the grievances of the Domiciled Bengalee Community.

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Nor the members nominated by Government to represent the Domiciled Bengalee Community have from their peculiar position been able to express in the Council the views of the Domiciled Bengalee Community.

My committee would, therefore, suggest that a separate constituency be created for the Bengalees in this Province representing different interests, viz Zemindari, Mining, Trade, Professions and Service. And 5 seats be allotted to them—one for each of the 5 Divisions of the Province.

#### OR SEATS BE RESERVED.

My committee beg further to submit that if separate electorate for the Bengalees be not practicable then 5 seats be reserved for them in plural constituencies.

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### (2)

Even if the latter be not possible then the Committees may be pleased to recommend for other expedients so that there may be a fair and adequate representation of the Bengalee Community and that they may have the opportunity of making their views known in the Council by the mouth of some member specially acquainted with them.

### FRANCHISE FOR THE PROVINCE OF BIHAR AND ORISSA. QUALIFICATION OF ELECTORS FOR THE GENERAL ELECTORATE.

My committee would suggest the following qualifications of Electors :----

- (1) Every male person shall be eligible to vote who has attained the age of 21 years and is not subject to any legal incapacity, has been resident in the Province for not less than 12 months, immediately preceding the election, has been duly registered as a voter, and who—
- (a) has passed the Entrance or Matriculation examination of an Indian
   University or the corresponding standard of any other University, or holds a license granted by any Medical School recognized by
  - Government to practice Medicine or by a recognized school of Engineering of having passed the examination of an overseer or of a sub-overseer or holds a certificate to practice as a Pleader, Mukhtear or Revenue Agent; or
- (b) has, during the year aforesaid, paid or been assessed to income-tax under the Indian Income Tax Act; or
- (c) owens any estate, holding, tenement or land in any city, town or village in the Province of clear yearly value of not less than Rs. 100; or
- (d) has during the year aforesaid occupied any house or tenement as tenant thereof and has paid not less than Rs. 100 as rent in respect of occupation by him of the house or tenement or part of the holding or tenement.
  - FRANCHISE FOR SPECIAL ELECTORATES.
- · For Zemindars.

Any Zemindar who pays Road and P. W. Cesses annually to the extent of not less than R. 62/8.

- For Mahomedans.
- Same as for General Electorate,
- For Planting and Mining Interest.
- Same as at present.
- For Bengalee Community.
- Same as that of the General Electorate.

### RESTRICTIONS ON VOTING.

Elector of any Special Electorate shall not be eligible to vote for or stand as a candidate at the General election, nor a voter of the General Electorate shall be eligible to vote for or stand as a candidate for any Special Electorate.

#### QUALIFICATIONS OF CANDIDATE.

Any person qualified to vote and not dis-qualified under the rules, shall be qualified to be elected as a member of the Provincial Legislative Council or of the Indian Legislative Assembly by his respective constituency.

### (3)

### CONSTITUENCIES.

There should be two classes of Constituencies, viz :-(1), Special constituencies, and .

(2) General constituencies.

Special constituencies should be subdivided into :---

(1)	Constituency of	Mohamedan	Electors.
-----	-----------------	-----------	-----------

(2)	•	Do.	of	Min	ing ]	Inter	est.	

(3)	Do.	of Planting Interest.	
(4)	Do.	of Zemindari Interest.	
(5)	Do.	of Bengalee Communi	ty.

of the General Electorate of non-special electors. Do.

THE GENERAL CONSTITUENCY.

The General constituency should be divided into Urban and Rural.

There should be as many General Urban constituencies, as there are Districts in the Province.

The same for Rural constituencies.

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SPECIAL CONSTITUENCIES.

Mussulman Constituency should be divided into Urban and Rural Constituencies

There should be as many Urban constituencies as there are Districts in the Province. Same for Rural.

Mining Interest-There should be only one constituency for Mining Interest. Planting Interest-There should be only one constituency for Planting . • Interest.

Zemindari constituency-There should be five special constituencies of the Zemindari special interest, one for each of the Divisions of the Pro-. vince.

Bengalee constituencies-There should be five constituencies for the Bengalee community. Three for Bihar, one for Chota-Nagpur and one for Orissa. • •

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### ALLOTMENT OF SEATS.

The Allotment of seats to each separate constituency is to depend upon the number of Electors in such constituency and not upon the number of people within the territorial jurisdiction of any constituency.

#### CONSTITUTION OF THE PROVINCIAL COUNCIL OF BIHAR & ORISSA ONLY.

The Legislative Council for this Province should consist of 125 members, of whom \$ths or 100 should be elected and \$th or 25 should be nominated. Out of 100 elected seats 25 should be reserved for Mahomedans.

O.,	<i>C</i> .		,	Urban—Rural,
Mahomedan Special Electorate	·		25	•
Land-holders Separate Electorate			10	
Planting Interest do.		a.,	2	. •
Mining Interest do.			3	
University do.		ì.	5	
· Bengalee Community do.			5	
General do.	844		50	
and the second				1
			100	an an th

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ſ	The Governor	•••	•••	1 `
. <b>1</b>	Executive Councillors	•••	•••	2
	Secretaries		***	6
Ex-Officio {	Commissioners of Division	ns	·	5
	Heads of Departments			3
	Vice-Chancellor Patna Un	niversity	. <b></b>	1
		-	-	18
Nominat	ed by Governor :—			
An	glo-Indian Community	. <b></b> 1	Ľ	ſ

HURIO-IUGUAU (	Johnman			-	
Indian Christi	ans	•••		1	
Aboriginals	•••		•••	1.	1 7
Depressed clas	ses	•••		1	
Experts				2	1 '
General	•••	•••	•••	1	J

### THE INDIAN LEGISLATIVE ASSEMBLY.

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The Indian Legislative Assembly should consist of 150 members, of whom \$ths or 120 should be elected and \$th or 30 should be officials and nominated members, viz. 20 officials and 10 nominated.

The 12) elected seats should be distributed thus :--

	a boars bito			
Bengal	•••	•••	20.	
Bombay	•••	•••	20.	•
Madras	١		20.	
Behar & C	•••	16.		
United Pr	United Provinces			
Punjab	·	••••	13.	
Central Pr	Central Provinces			
Burma			5.	
Assam	•••		3.	
		1	<u> </u>	-
			120	

The 16 members allotted to Behar and Orissa should be distributed as follows :--- \*

2 should belong to the Mining and Planting Interest.

- 1 do. to the Bengalee Community.
- to the University. 1 do.
- to the Mahomedan Community. 5 do.
- to the Zemindari Electorate. 2 do.
- 5 do. to the General Electorate.

ELECTION TO THE INDIAN LEGISLATIVE ASSEMBLY.

The candidates from the General Electorate and those from Mohamedan Electorate are to be elected by their respective non-official members of the Provincial Council. Other members are to returned by their respective Special Electorates direct.

### QUALIFICATIONS FOR MEMBERSHIP.

Any person whose name stands in the General Electoral Roll or in the Special Mohamedan Electoral Roll shall be eligible for being elected as a member of the Legislative Assembly by his representatives in the Provincial Legislative Council.

Any person whose name stands in the Special Electoral Roll shall be eligible for being elected by that Special Electorate.

### (5)

### DURATION OF OFFICE

### Duration of office of members should be for five years.

Any Elected member of the Provincial Council returned to the Indian Legislative Assembly should vacate his office in the Provincial Legislative Council.

### COUNCIL OF STATE.

There should be no Council of State.

FUNCTIONS TO BE DISCHARGED BY PROVINCIAL GOVERNMENT OF BIHAR AND ORISSA.

The Provincial Government should deal with all Provincial matters.

(1) The first part of the Executive Government should consist :---

(a) of the head of the Province, to be called Governor, who should not ordinarily belong to any of the Indian services, and

(b) of two Executive councillors, of whom one may be a European, but the other must be an Indian.

(2) The Governor in Council should have charge of the Reserved subjects.

- (3) (a) The other part of the Government should consist of a Minister elected by the non-official members of the Provincial Council.
  - (b) The Portfolios dealing with the Transferred subjects should be committed to the Minister; and for those subjects the Minister together with the Governor would form the Administration.
  - (c) The Minister should be responsible to the Legislative Council.
- (4) The Provincial Council should legislate in respect of all matters within the Jurisdiction of the Provincial Government.

#### BUDGET PROCEEDINGS.

Budget procedure laid down in paras 255 to 257 of the Report should be adopted.

POWER OF CONTROL OF GOVERNMENT OF INDIA.

The Government of India must have the power of intervening in matters such as those affecting defence, or foreign or political relations, or foreign trade, or the Tariff, or which give rise to questions affecting the interests of more than one Province; or which concern the interests of all-India services even if serving under Provincial Governments; or in matters which raise religious or racial issues, and in cases of all differences between the official Executive and the non-official Executive or Council.

The power of interfering with Provincial Legislature should be by Legislation only, and

- (a) for Protection and enforcement of the interests for which the Government of India is responsible;
- (b) for any Provincial matter in respect of which uniformity of legislation is desirable either for the whole of India or for any two or more Provinces; or
- (c) for passing any legislation which may be adopted either Simpliciter or with modifications by any Province which may wish to make use of it.

## (6)

### TRANSFERRED SUBJECTS.

All subjects mentioned in List No. II of Appendix No. II of the Report on Indian Constitutional Reforms along with the following subjects should be treated as Transferred subjects for the Province of Bihar and Orissa.

- (1) University Education.
- (2) Prisons.
- (3) Village Chaukidars.

The Governor in Council shall have power to add to Transferred subjects but shall not exercise the power of re-entry on any of the subjects once . transferred.

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I have the Honour to be,

Sir, Your most Obedient Servant.

Laltuke , R

BANKIPUR, The \$1st October 1918.

HONORARY SECRETARY, . Bengalee Settlers', Association, Bihar and Orissa.

The Central Press, Bankipore-31-10-1918-109.

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#### MEMORANDA OF THE VIEWS OF THE NORTH BIHAR AGRICUL-TURISTS ASSOCIATION, MUZAFFARPUR, ON THE CONSTITU-TIONAL REFORMS.

My Association considers the Report of His Excellency the Viceroy and the Secretary of State as a genuine effort and definite, step towards the progressive realization of responsible Government in India and our Association begs to thank them for it. Taking the scheme of the Viceroy and the Secretary of State as the basis of discussion we beg to formulate and submit the following opinions and views:-

#### Provincial Council,

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In the opinion of this Association the Provincial Council should consist of 125 members of whom 25 should be nominated by the Government and 100 elected by the different constituencies. In our opinion there should be separate constituencies for Landholders, Agriculturists and the Muhamadans. The Agriculturists ought to have a separate constituency of their own, the franchise being payment of Rs. 32 as yearly rental or an income-tax of Rs. 20.

#### Beasons for Separate Electorate for Agriculturists and their Members.

The interests of the Landholders and the Agriculturists are not the same but they differ fundamentally as two poles asunder. The Agriculturists want that the secupancy holding should be made transferable as a matter of right in the same way as the Zamindari interest is and that there should be no enhancement of rents of occupancy holdings by landlords enjoying the booh of permanent settlement. The landlords oppose these rights. As such the landlords cannot truly represent the Peasants and Agriculturists. Therefore we want that the Agriculturists should be allowed the right of electing their own representatives in Provincial Councils. There should be no restriction about the residence of the candidate. A man living in the town but following the eccupation of an Agriculturist and having a house in the rural area should be deemed a qualified candidate provided he pays Rs. 32 as yearly representatives in the Bihar Council one from each district elected by the Agriculturists alone.

#### (2) Zamindari Electorate.

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The Zamindars want separate electorates of their own. We have no mind to oppose. Let them have it. But in our opinion the franchise should be broad-based. There is no reason why a Zamindar should have to seek the votes of only 50 voters and an Agriculturist of 15,000 voters. In our opinion the payment of Rs. 62-8-0 as Road Cess or Rs. 250 as Government Revenueshould be considered the minimum qualification for a voter and a candidate. Thus the franchise will be liberal and broad-based. Every body in Bihar is either an Agricultarist or a Zamindar. There should be no such restriction that a candidate should be a resident of the rural area. All that should be required of a candidate should be that he has lands and pays Revenue or Road Cess therefor. In our opinion 21 seats ought to be allotted to the Landholders one from each District with this Reservation that the minimum qualification is Rs. 62-8-0 Road Cess or Rs. 125 as Government Revenue.

#### (3) Municipal Areas.

The Municipal areas in the whole Province ought to get 22 seats. Ore for Patna town alone and one for the other Municipal areas in Patna District and 20 seats for other Districts of the Province, each District having one seat including the Subdivisional Municipal areas. mint wer

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#### (4) Muhamadan Electorate.

The Muhamadans are 8 per cent. in this Province, but they require larger representation. Strictly speaking in an elected Council of 100 members they are entitled to 8 seats. But as the Government is of opinion that their members should be increased and that they should not be allowed to take part in general electorates we are of opinion that their number be doubled that is the Mahamadans ought to get 16 seats out of 100 elected seats. One seat should be reserved for the Muhamadans of Patna town and five for the Municipal areas in the whole Province. Each Division returning one member. As regards the rural areas, we are of opinion that 100 seats be allotted to Muhamadans of rural areas. Each Divisional rural areas returning 2 members. In this case also we are of opinion that there should be no restriction about the residence of a candidate. He may be living either in Municipal areas or in rural areas. All that is required is that he should pay Government Revenue or Road Cess or yearly rental as fixed by the Government.

#### (5) Mining Industry.

#### Mining Industry ought to get 2 seats.

#### (6) Planters one seat.

(7) The Patna University should return 5 members to the Provincial Council.

(8) The Matriculates, the under graduates and the graduates and the persons paying an annual income-tax of Rs. 20, should form one constituency and should have the right to return 12 members. 2 from Chota Nagpur Division and 3 from each of the Tirhut, Patna, Bhagalpur and Orissa Divisions.

Thus the full Council of 100 elected and 25 nominated members will be formed of the nominated members 16 should be officials and 9 non-officials. We are not in favour of the grand Committee. We have absolute faith in the people's representatives that they will co-operate with the Government.

#### Transferred and Reserved subjects.

We approve of the subjects recommended by the Viceroy and the Secretary of State to be included in the Transferred subjects. But we beg to suggest that among the transferred subjects Highe · Education including the University Education be included and the development of Industries in Bihar and Orissa should be among the transferred subjects. Our reasons are that India is purely an agricultural country and the people have not sufficient to meet their two ends together. It is therefore necessary that Industries should be revived in India Education as a whole ought to be placed under the transferred subjects.

#### Ministers.

There should be at least 3 Ministers in Bihar and Orissa and their salary should be equal to that of a member of the Executive Council.

#### Government of India.

Some subjects should be made transferred in the Government of India such as Education, Development of Industries in India including Commercial, Education, Post and Telegraph Departments and they ought to be placed under Ministers. Ministers ought to be appointed in the Government of India as in the Provincial Government.

#### Indian Legislative Assembly.

We are of opinion that it should consist of 150 members of whom 30 should be nominated and 120 elected. The President and the Vice-President of the Assembly should be elected by the members thereof. We approve of the Council of State for the present and in our opinion the Viceroy should be the President of the Council of State and he may appoint any body to be its Vice-President. As regards the constituencies we are of opinion that the different Provincial Councils should for the present be deemed the best constituencies. They should elect members to the Indian Assembly. There should be no such restriction that the candidate should be a member of the Provincial Council, Bihar and Orissa, should be given 14 seats in the Indian Assembly and 3 in the Council of State. The Muhamadans representation in Imperial Council should be one-third.

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#### B. & O. G. P. (P. A. & E.) No. 85-50-12-11-1918-W. D.

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#### BIHAR LANDHOLDERS' ASSOCIATION OFFICE.

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#### <u> . . . .</u> FRANCHISE SCHEME.

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#### SPECIAL ELECTOBATES.

		OLECITY L	LECTURAT	£3.			
int in	Mining					2	
1 teshen ?- - pleaden ?	Planters					1	E . *
- pleaden !	University			•••		1	
~	Landholders					25	
	(to be distributed in p				the		
	districts).	<b>.</b>	•		•	X <sup>1</sup>	_ 64 _ 4
	Medical Practitioners					· 11	2 Marini
firstin }	Muhammadans	•••			144	18	2 there
1	(Rural 15 and Urban	s).				•	
	Rural				3+1	-41	
	_Urban	•••	•••	***		11	
		RUE	AL 41.				
	Patna	•••				. 8	
	Gaya	•••				\$	
	Shahabad	•••				3	
	Saran		- 	· • • •	*14	8	
	Muzaffarpur		•••			3	
	Darbbanga					\$	
	Champaran				-	8	
	Bhagalpur					- 8	
	Monghyr		•••			8	
	Purnea			•••		2 .	
	Santal Parganas					· i	
	Cuttack					. 3	
	Balasore				***	i	
	Pari	•••				'i	
	Sambalpur					1 1	
	Angul					1	
	Hazaribagh					i î	
	Ranchi					ĩ	
	Palaman			·		<b>i</b> -	
	Singhbhum	····			· · · ·	ា ំរំ ំ	
	Manbhum			1.1		î	
	(ii		BAN 11.	1	•••		
		UB	BAN 11.				
	Patna Division		•••		•••	8	
	Tirhut Division					2	
	Bhagalpur Division				***	2	
	Orissa Division		***	•••	•••	2	
	Chota Nagpur Division				e 💀	- 2	
				•		11	

The Association suggest that in the rural area the qualification for voting should be the following :---

(i) Payment of cess.

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Ditto Chaukidari Tax. *(ii)* 

Ditto Income Tax. (iii)

(iv) Educational qualification.

(10) Educational qualification. The Association further suggest that there ought to be some difference in the qualification of the voters for Local Boards, District Boards, and the Provincial Council. When the qualification of the voters for Local Boards is payment of one rupee as cess, the qualification for District Boards ought to be the payment of the cess of Rs. 5, and that for the Provincial Council the payment of Rs. 10 or so as cess. Higher qualification is needed for representation in the Provincial Council. It will also be a check on the enormous increase in the number of voters which is likely to frustrate the aim and object of the reform and will make canvassing almost impossible. As far as the special electorate of the landholders is concerned, the exist-

As far as the special electorate of the landholders is concerned, the existing qualification for the voters may be retained.

#### IMPERIAL COUNCIL.

The Imperial Council may consist of 150 members out of whom 30 will be nominated, and 120 elected.

University					•••	2
Planters						2
Chamber of	Commerce		•••	•••		2
Mining						2
Millowners	and Industry		•••	•••		2
Landholder	e ·		••••			80
Muhammad	lans					20
Bengal	· ·		···			10
Madras		·	•			10
Bombay					• •••	10
United Pro	vinces					9
Punjab						6
Bihar and C	Drissa					6
Central Pro	vinces	·				4
Burma					•••	2
Assam	•••					2
Delhi	· •••					1
1	4.4				-	
						120

The number of the landholder members may be distributed in proportion to the number of the landholders in the provinces.

In connection with the Imperial Council the Association suggest that if direct voting is allowed the qualification of voters should be made still higher, i.e. :--

(a) Payment of Cess or Income Tax, Rs. 50.

(b) Matric and other similar examinations in Sanskrit and Persian.

(c) Payment of Chaukidari Tax, Rs. 12.

The Association approve of the principle of direct voting.

#### COUNCIL OF STATE.

The landholders may be given adequate representation in the Council of State and the proposed number as given in paragraph 277 of the Report is not adequate.

The prevailing mode of election being very defective the Committees may also consider the question how it is to be improved.

#### PROPOSAL OF THE BIHAR LANDLORDS' ASSOCIATION.

TRANSFERRED SUBJECTS.

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They are to include the following :---

Out of item No. 6 of Appendix II record of rights, special laws regarding land-tenure relation between landholders and tenant, collection of rent, Court of Wards, Encumbered and attached estates.

Out of item No. 10.-Irrigation, both major and minor.

Out of item No. 11.-Education complete.

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Out of item No. 19.-Industrial matters (complete).

B. & O. G. P. (P. A. & M. ) No. 131 (Rausi) -50-2-11-1918-J. M. R.

## Scheme by the Hon'ble Mr. S. K. Sahay for the consideration of the Franchise and Subject Committees.

In the present state of Bihar and Orissa with unequal distribution of wealth and unequal dissemination of education in the different parts constituting the Province no single basis of election or electoral division can secure adequate and effective representation of all classes and interests. Special electorates will have to be provided in some cases but I am opposed to any further extension of the principle of communal representation. If special electorates have to be created they must be created for the representation of special interests not for any particular community. If corcumstances permit I would like, however, to see the introduction of the principle of proportionate representation for minerities other than the Muhammadans, in case of which latter the Congress-League compromise should be adhered to.

I beg further to submit that the present division of the Province into divisions and districts would form an excellent basis for its division into territorial electorate. In some case, however, it may be necessary to combine two or more districts or divisions to constitute an electoral division.

The system of direct election is certainly the best system of representation conceivable but I am afraid the present circumstances of some portions of this Province may hamper the supply of a good electoral college. This is specially so in the case of the rural tracts where education has not made much progress and the system of election is practically unknown. It will, be some time before the people of these tracts will be able to appreciate the advantage of and avoid the pitfalls generally attendant on, a system of representation by election. Nevertheless I would like to see the extension of this principle to all the towns of this Province where educated men and persons successful in different walks of life abound. The system may further be extended to the rural tracts of Bihar and of Orissa but I am at persent doubtful of its utility so far as my own division—the Chota Nagpur Division, which I have the honour to represent in the local Council—is concerned. Here I would like to see the continuation of the system of indirect election for some time more. I may suggest here that the representatives of the rural parts of this Division may be elected by the members of the district and local Boards. But I may be allowed to submit here that this is subject to the proviso that the principle of election may be extended to all the districts and, local Boards of this Division as a necessary antecedent to the continuance of the indirect system and that only elected members may be allowed to vote for the election of representatives to the Council.

On a close examination of all circumstances, the number of people that may be supposed to take an intelligent part in the elections, the maintenance of electoral rolls, the difficulties in registering votes, the number of voters that may have and may be expected to attend a particular polling station and other cognate matters, I am of opinion that on an average not more than 2 per cent. If the population should be enfranchised, at any rate for the present. The total population of this Province is 34,490,084. If two per cent of the population be enfranchised the number of voters, would be about 690,000 in round numbers and as the total adult male population is about 8,800,000 it would mean the enfranchisement of about 8 per cent of these who may theoretically be held to be competent to exercise a vote. If considerations of education and possession of property be allowed to come in, it would mean a much larger percentage than what has been given above. This number, however, must be for the present, taken to be the maximum. According to the scheme that I beg to suggest below about 500,000 persons would be enfranchised, which means the representation of 6 per cent. of the adult male population and 14 per cent. of the total population of the Province. This number I regard as the minimum that ought to be enfranchised with a view to securing fair representation for all classes and interests on a sufficiently broad basis and at the same time preventing any breakdown of the machinery through sheer weight of numbers. On a close scrutiny of my scheme it would appear that the highest number of voters that may be expected to be enrolled in any particular district would be less than fifty thousand and as ordinarily about two-thirds of the registered voters actually take part in elections, the largest number of voters taking part in any election would be about 32,000. If there is a sufficient number of polling stations this would not be much for a large Indian district. In the case of the majority of districts, however, the number would be, in fact, very much smaller.

As regards the qualifications of voters I beg leave to say that no uniform standard whether of wealth or education can be fixed for the Province as a whole. There are parts where the people are wealthier, there are parts where they are more educated. Again, there are certain parts where the rentals are higher but the soil comparatively less fertile. On a consideration of all these difficulties and on examination of the figures supplied by the Bihar and Orissa Government, I beg to suggest the following :---

#### RUBAL AREAS.

For rural areas the qualification of a voter should be the payment of a certain amount of rent or an equivalent amount of cess. The amounts so fixed should vary from district to district, or division to division, for example for the Patna Division the amount should be Rs. 64 a year or an equivalent amount of cess and for Chota Nagpur Division the amount should be Rs. 16 or an equivalent amount of cess. In some districts or divisions it may be necessary to fix the amount at Rs. 32 or Rs. 48.

#### UBBAN AREAS.

For towns the qualifications of a voter should be the same as at present prevails and the payment of a certain amount of municipal tax or an equivalent amount of house-rent. But here also the amounts fixed would vary from towns to towns. In some towns it may be necessary to fix the amount of municipal tax at Rs. 3 and in others at Rs. 1-8.

The same standard of qualification is to be fixed for all voters Muhammadans or non-Muhammadans.

#### LANDHOLDERS, PLANTING AND MINING COMMUNITIES.

For the Landholders, the Planting and the Mining Communities the qualifications should be the same as at present.

With a view to give effect to all the recommendations made above I beg to suggest the following scheme for the constitution of the Legislative Council of the Province of Bihar and Orissa.

The total strength of the Council should be 125 of whom not less than this are to be elected, i.e., the distribution of members should be as hereunder:---

Ex-officios and nominate	ed officials and n	on-officials		•••	81
Elected	·		•••	•••	94
			)		
			Total	•••	125

## Of the 31 ex-officio and nominated members 18 should be officials (includ-ing the ex-officio members) and the rest non-officials as detailed below :----· · · ·

Ex-officio and Nominated Officials.

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The Governor	•••			•••	1
Executive Councillors	•••	-	•••	•••	2
Secretaries	•••	·		•••	5
Commissioners of Division	ns	<b></b>	•••	••• •	5
Heads of Departments	•••			•	3
The Vice-Chancellor of I	Patna Univ	versity		•••	1
Secretary to Legislative (	Council	•••		••••	1
	· · · ·	ti ti seter	Total	<b>,</b> ,,,	18
· · · · · · · · · · · · · · · · · · ·	OMINATED	Non-officia		•••	18
	ominated			•••	18
General	OMINATED			••• •• •• •••	18  &
General / Domiciles	OMINATED 			,	18  3 2 1
General	OMINATED 			···· ···· ···· ···· ····	18 3 2 1 / 1
General Domiciles Anglo-Indians	••••			,	18 3 2 1 1
General Domiciles Anglo-Indians	••••	NON-OFFICIA  		···· · · · · · · · · · · · · · · · · ·	18 3 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
General Domiciles Anglo-Indians Indian Christians	••••	NON-OFFICIA  		···· ··· ··· ··· ··· ··· ··· ··· ··· ·	18 3 9 1 7 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1

GRAND TOTAL OF NOMINATED MEMBERS

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13 ,

81

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Total

N.B.—The word "Non-Christian" before the word "Aboriginals" above has been used deliberately if because the seat allotted to Indian Christians would be practically a monopoly for aboriginals who form the balk of the Indian Christian community of the Province. The elected members might be distributed as follows :----51.

Rural Non-M	f		the second	- 1° - 11	d rute	
· · · ·		ans'	***	106	•••	81
Urban	ditto			••••		19
Rural Muhai	nmadans-	·				15
Urban 🕻	ditto	•	, 	<i>в</i> 1.1	•••	5
Landholders		•••		~ 104	••••	
Planters	<b></b>			•••		1
Mining 🥤	•••			•••		9
Registered g	raduates of	the Patna	University			2
A mixed spectrum have passe Examination	cial electora d the Matr ons but are	te of Incom	e-tax Assess	ees and t or other	hose who equivalent	2
A mixed spectrum have passe	cial electora d the Matr ons but are	te of Incom iculation. S	e-tax Assess	or other	hose who equivalent	2
A mixed spectrum have passe Examination	cial electora d the Matr ons but are madans	te of Incom iculation. S	e-tax Assess	ees, and t or other	hose who equivalent	2 12 9 8
A mixed spe have passe Examinati Non-Muham	cial electora d the Matr ons but are madans	te of Incom iculation. S	e-tax Assess	or other	hose who equivalent	2 12 9
A mixed spe have passe Examinati Non-Muham	cial electora d the Matr ons but are madans	te of Incom iculation. S	e-tax Assess	or other	hose who equivalent	2 12 9 3

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-	Dis	tricts.			Non-Muhammadans	Mubammadana
		1			2	· 8
Patna	····				2	1
Gaya	•••				2 2	i
Shahabad	•••	***		٩		
	<b>T</b> e	tal for ]	Patna Division	•••	6	
Saran	•••	•••			. 2	, <u>1</u>
Champaran Muzaffarpur	, •••	•••		•••	2 8	1
Darbhanga		•••		•••	Š	ī
	To	tal for T	irhut Division	•••	10	
Monghyr	·•	•			2	1
Bhagalpur				· •••	2	1
Parnea Santal Pargana	***	•••	•••	•••	1	2 1
wannar r stRans				•••		<u>ie ne manne</u>
••	Total f	or Bhag	alpur Division		6	5
Cuttack	•••			••• •••	2	} 1
Balasore Puri	***		•••	•••	/ 1	) (
Sambalpur and	Angul		•••	•••	i	•••
1:	••	,	Total	· •••	., 5	1
Hazaribagh				·,	1	} 1
Ranchi	•••				1	} 1
Palamau Singhbhum	•••	•••			} 1.	ζ
Manbhum			· · · · ·		1	<b>)</b>
1	lotal for the C	hota Na	gpur Division	••••	- 4	2
	Gran	d Total	for the Provinc	e	- 31	15
	π.	ben	١		* *	1/4/2 4
				<u> </u>	Non-Muhammadans	<sup>7</sup> Muhammadana
Ľ					NOI-MULBINMAGADS	an ang in mga ship,
-	Constitue					2
			<u> </u>			<u></u>
Towns of Patns	District				1	)
" Gay	Same and		***		1	<b>} 2</b>
" Shal	abad District	•••	•••	·	1	
	··· Tơi	al for P	atna Division`	•••••	8	2
Towns of Sara		•••	•••		1	).
· · · · · ·	iparan District ffarpur		•••	•••	1	<b>f</b> 1
" Darbl	nanga "	· • • •		•••	1 1 1 1	) -
1	-	for Tirh	ut Division			· 1

The distribution of seats for the different constituencies should be as shown below :---

		N					
	. •		51	•		•	
		Urban.			7		
		Constituencies.		Non-Muhammada	,ns	Mahamm	dans.
	Towns of	Monghyr District Bhagalpur " Santal Parganas District Purnes District	• • • • • • • •				Ţ
		Total for Bhagalpur Div	ision	4		· · · · · · · · · · · · · · · · · · ·	1
· · · · · · · · · · · · · · · · · · ·	33 37 32	Cuttack District Balasore """"""""""""""""""""""""""""""""""""	vision				1
		Total for the Provi	n <b>o</b> e	19	<u>}  </u>		· •
		Landholders-Patna Division Tirhut ,, Bhagalpur Division Orissa Division Chota Nagpur Divi	) 4 840 3 840 3 840 5 80	•••• • ••• •		1 2 2 1	

	· · · ·		÷ .		Total			7	
				•					
g	ial elector	nto of T	naomo 7			nd Nor		+ 3/4	t minulata B
ວນອບບ	нат енеског								
							Duddos		even a more a
and perso	ns possess	ing an e	quivale	nt or hig	zher ed	ucation	al qual	ificatio	D8 :
and perso	ons possess	ing an e	quivale	nt or hig	zher ed	ucation	al qual	ificatio	ns :
and perso	ns possess	ing an e	quivale	nt or hig	zher ed	ucation	al qual	ficatio	ns :
and perso	ns possess	ing an e	quivale	nt or hig n-Monan	zher ed	ucation	al qual	ificatio	D8 :

Shahabad and Patna Muzaffarpur and Saran Champaran and Darbhanga Bhagalpur and Purnea Monghyr and Santal Parganas Cuttack and Balasore Ranchi, Manbhum and Singhbhum Gaya, Palaman and Hazaribagh Angul, Puri and Sambalpur	•••		···· ···· ···· ···· ···· ···· ····	290 Vereil Vereil Vereil 200 200 200 200 200 200 200 200 200 20	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Champaran and Darbhangs Bhagalpur and Purnea Monghyr and Santal Parganas Cuttack and Balasore Ranchi, Manbhum and Singhbhum Gaya, Palaman and Hazaribagh Angul, Puri and Sambalpur	•••	•••	····	`.p.e.  	
Bhagalpur and Purnea Monghyr and Santal Parganas Çuttack and Balasore Ranchi, Manbhum and Singhbhum Gaya, Palaman and Hazaribagh Angul, Puri and Sambalpur	•••	•••	····	••• ••• •••	1 1 1 1 1
Monghyr and Santal Parganas Cuttack and Balasore Ranchi, Manbhum and Singhbhum Gaya, Palamau and Hazaribagh Angul, Puri and Sambalpur	***	•,• • • • •	···· ····	, , , . 4	1 1 1 1 1
Cuttack and Balasore Ranchi, Manbhum and Singhbhum Gaya, Palamau and Hazaribagh Angul, Puri and Sambalpur	•••	4 F F	···· )	9.4.	1
Ranchi, Manbhum and Singhbhum Gaya, Palamau and Hazaribagh Angul, Puri and Sambalpur	•••	•••	···· )		ני נ נ
Gaya, Palamau and Hazaribegh Angul, Puri and Sambalpur	•••	•••	1		1 1 1
Apgul, Puri and Sambalpur		•••	1	···.	1
	•••		•••		1
				· .	
			Total	***	9
	HAMMADANS.			-	
	MANSAVANS.			•	
In the three Divisions of Bihar Proper	•••	•••	•••	•••	2
Orissa and Chota Nagpur Divisions.		•••		•••	1
	•		Total		8
	Grand To	tal for the l	Province		12
· ·					

				MINING INTEREST.		•	,		
Indian	Mining	Association	••••		•••			1	
	,,	Federation	•••		•••	•••	•••	~ 1	
					•	Total	•••	2	

Note — In this scheme twenty-three seats have been reserved for the Muhammadans. Excluding the members representing the planting and mining interests who for the 'present must be Europeans, the total number of elected Indians would be 91. The Muhammadan members will thus be 25 per cent. of the elected Indian members which is in accord with the Congress-League Compromise so far as this Province is concerned.

It is to be further noted here that no member of those classes and interests for whom special electorates have been provided (as for example, the Mulsumalans, the Landholders, the Mining Interests and the Planters should be allowed to participate in the election of the representatives of the general or non-special electorates electorates .

I would like further to add that Thanas or Police Stations should in no case be made the Polling Stations for the election of rural members. Bightly or wrongly our people are afraid to go to a Thana and would never do so at their own accord. It would be defeating the very object of the Reiorm Scheme if thanas were to be converted into Polling Stationa. I beg to suggest therefore that premises occapied by the Local Board offices, where such axis, and the offices of rural Sub-Registrars would be converted into Polling Stations at the time of these elections.

#### THE INDIAN LEGISLATIVE ASSEMBLY.

As I have said already some parts of this Province, specially the rural areas are not quite ripe for a system of direct election. But I have recom-mended its introduction so far as the Constitution of the Provincial Council is concerned in view of the fact that the people can never be fit for it unless some sort of a beginning is made in this direction. Until the results of this experi-ment have clearly demonstrated the wisdom and expediency of the course adopt-ed I would not like to recommend the extension of this system generally for the election of representatives to the Indian Legislative Assembly. I beg therefore to suggest that for the present the boon of voting directly should be conferred upon those people only who by reason of their education, touch with public affairs and general intelligence can be expected to appreciate and derive the fullest advantage from it. Others must continue, at least for some time more, to be represented indirectly as hitherto. But it must be clearly noted the runes, advantage from it. Others must continue, at least for some time more, to be represented indirectly as hitherto. But it must be clearly noted that these remarks are meant to apply only to my own province. They should, in no way, be taken to apply to other Provinces where circumstances might differ and where, for ought I know, the people may be fitter to enjoy the privilege of direct representation.

The Indian Legislative Assembly should consist of 150 members of whom 3 the should be elected, the remainder to be made up by nomination. Of the nominated members only 3 rds should be officials. That is, the distri-bution should be as bereunder bution should be as hereunder :-, 110

s	Elected '	•••	•••	•••	••••	••••	113
	Nominated	officials and	l ex-officio n	embers	· •••		25
1	Nominated	non-official	S · ·	•••	•••		12
?	•••	•	• • •		. Total	••••	150
<sup>t</sup> Th	e elected r	némbers r	nay be dist	ributed a	s follows :-	i	· · · ·
	Bengal		•••	••••			16
	Bombay \	•••	•••	•••		•	16
	Madras	418	•••			• •••	16
	United Pro	vínces			•••		16
• •	Bihar and	Orissa	•••				16
•	Punjab						14
•. •	Central Pro	vinces					9
	Burma				•••		5
	Assam		••••	•••	•••	• •••	4
•	Delhi	•••					1
					- Total		113

	-		,
The 16 seats allotted to Bihar and Orissa m	ay be distrib	outed as	follows :-
Elected members of the District and Municipal Muhammadans, Landholders, and members o Mining Interests) one from each division	f the Dlanting		⇒><
Mining Interests) one from each division Elected members of the Bihar and Orissa (excluding ail members who have been electorates)	Legislative C returned by	ouncil	станаўся Станаўся
Landholders	n (; ••••• <i>k</i> :q • •	5 (1995) ( 1996)	4 4 4 . 2
Income-tax Assesses and persons who have pa other examination of an equivalent stand students, g	dard but are	not	2
Mining and Planting Interests	•••		1
$\sum_{i=1}^{n} \sum_{j=1}^{n} \sum_{i=1}^{n} \sum_{i=1}^{n} \sum_{i=1}^{n} \sum_{i=1}^{n} \sum_{i$	Total	•••	16

72

een provided with a special e ters or as candidutes. For th ial ele N.B as at present.

#### COUNCIL OF STATE.

I am entirely opposed to the creation of a Council of State. I make no suggestions, therefore, with regard to its constitution.

FUNCTIONS TO BE DISCHARGED BY THE PROVINCIAL GOVERNMENT.

The Provincial Governments should have full and complete authority in respect of all matters purely Provincial. **y** -

#### POWER OF CONTROL OF THE GOVERNMENT OF INDIA.

The Government of India should have power to intervene in matters such as those affecting defence; or foreign or political relations; or foreign trade; or which give rise to questions affecting the interests of more than one Province; or which concern the interests of all-India Services even if serving under Provincial Governments; or which raise religious or racial issues; or which concern law, order and 'justice and in all cases of difference between the official executive and the non-official executive or the Provincial Legislature.

The power of interfering with the Provincial Legislature will be by a legislation only, not by any executive action or ordinance.

## FUNCTIONS TO BE TRANSFEREED TO<sup>®</sup> THE CHARGE OF MINISTERS IN BIHAE AND ORISSA.

I beg to suggest that all subjects mentioned in List II, Appendix II of the report should be transferred fully and completely to the charge of Ministers in Bihar and Orissa. Over and above them I would like to suggest a few more which ought to be transferred without any detriment to their efficient discharge and with great profit to the people concerned. They are the following :--

- (1) University Education, Reformatories and Industrial Schools.
- (2) The appointment of Judicial Officers with the exception of High Court Judges and Government Advocate.
- (3) Prisons, Lunacy and appointment of Jail Officers.
- (4) Books and publications except those where the topics exclusively concern the Political Department.
- (5) Regulation of Presses, News-papers and books.
- (6) Dramatic performances.
- (7) Prevention of g mbling.
- (8) Village Chaukidars.
- (9) Feeder and Light Railways, and
- (10) Major Irrigation.

## Power of Control of the Governor in Council in Belation to Transferred subjects.

All cases of difference between the Governor in Council on the one han. and the Ministers or the Legislative Council on the other in relation to trans-ferred subjects should be referred to the Government of India whose decisions in these matters will be accepted as final.

DISAGREEMENT BETWEEN THE PROVINCIAL GOVERNMENT AND THE GOVERNMENT OF INDIA

All cases where the Government of India and the Provincial Government. as a whole disagree should be referred to the Secretary of State for final decision.

RANCHI, The 10th November 1918. S. K. SAHAY, BABRISTER-AT-LAW, Member, Bihar and Orissa Legislative Council.

B. & O. G. P. (P. A. & E.) No. 27-50-14-11-1918 .- W. D.



#### SUBJECTS SUB-COMMITTEE.

### <sup>7</sup> Memorandum relating to Subjects which should be Imperial and Provincial and which should be treated as transferred and reserved.

#### BY THE INDIAN MINING FEDERATION.

The objective of the policy announced and the reforms proposed is "the realization of the responsible Government" which has been enunciated to mean in paragraph 189 of the Reform Scheme Report "first that the members of, the Executive Government should be responsible to, because capable of being changed by, their constituents; and, secondly, that those constituents should exercise their power through the agency of their representatives in the Council". But in consideration of the existing conditions of the country, it has been thought undesirable immediately to hand over complete responsibility and it has been proposed, in the Provincial Government, to transfer responsibility for certain functions of Governments while reserving control over others.

2. But apprehension has been entertained as to the workability of this scheme and for that reason, it is proposed not to extend this system, for the present, into the spheres of the Government of India.

3. We recognize the difficulty which might arise in the working of the system proposed for the Provincial Government, but do not think that the difficulties will be insurmountable. Much will depend on the spirit of cooperation with which councillors and ministers will try to solve questions of administration, where such spirit will exist, we trust, the difficulty will vanish whether the system be introduced into the Provincial or into the Imperial or into both the Governments.

4. With this view we suggest that it will be expedient to introduce the proposed system into the Government of India also and to transfer the responsibility of the Government on Education, Public Works and Legislative Departments and place those under elected Ministers.

5. We find that in Schedule I, Appendix II of the Reform Scheme Report, an exhaustive list of subjects which should be Provincial has been given. For reasons stated hereinafter, we suggest that the Executive work of the subject of Geological Survey might be advantageously transferred to the Provincial Government.

6. Mining leases, and prospecting licenses and certificates of approval in respect of Government lands should be subject to the general regulation and control of the Government of India in the hands of the Provincial Government.

7. With regard to the subjects which have an inter-provincial bearing, such as matters relating to land revenue in the area where permanent settlement is in operations as in the Provinces of Bengal, Bihar and Orissa and mining, it is necessary for the Government of India to retain some control in their hands for the purpose of ensuring uniformity of practice.

8. Regarding income-tax we are strongly of opinion that the revenue derived from income-tax should be provincialized, but for the sake of ensuring an uniformity, legislation relating to income-tax should be in the hands of the Government of India.

9. With regard to the Provincial Government, we find that in Schednle II of the Reform Scheme Report an illustrative list has been given showing the subjects which might be treated as transferred. The responsibility on all the subjects mentioned in the aforesaid list can safely be transferred and the subjects placed under ministers in all the Provincial Governments.

10. For the Government of Bihar and Orissa we further propose that the following subjects may be placed under Ministers :---

- (a) Mines and Geological Surveys for Minerals.—We recognize the difficulties that lie in the way of placing the works of Geological Survey in the hands of the Provincial Government as such survey must almost always be of inter-provincial character. But we cannot ignore the fact that under the existing system, the works of Geological Survey are suffering seriously for lack of interest on the part of the Provincial Governments and we have serious apprehension that unless such interest can be aroused, the works of Geological Survey will continue to suffer. We are also of opinion that the works will be more properly and thoroughly done and the benefits of such survey will be more largely reaped, if the responsibility on this branch of administration be transferred and the subject be placed under a Minister.
- (b) We are also of opinion that factories, steam boilers, electricity and petroleum should also be treated as transferred subjects in Bihar and Orissa.
- (c) All subjects under the Municipal Branch should be treated as transferred. The people are taking great interest in these matters; besides the administration of this Branch cannot properly be done without full local knowledge and the knowledge of the custom and habits of the people.
- (d) We are strongly of opinion that the subjects under Education, Primary, Secondary as well as Collegiate and Technical, Commercial and Industrial schools and colleges including mining, should all be placed under a Minister. The people have shown a keen and active interest in all matters relating to education. It is therefore meet and proper that the Department of Education should entirely be placed under a Minister.
- (e) Jails may conveniently be treated as a transferred subject.
- (f) We desire to suggest that in the Appointment Branch the appointment, transfer, promotion, dismissal of the members of the Provincial Judicial Service might be transferred to the charge of a Minister. We do not see any objection to this arrangement and are of opinion that it may be made with advantage.
- (g) The following subjects under Agricultural Department may conveniently be transferred and placed under a Minister:-Research Institutes, Demonstrative Firms and Industries connected with agriculture.
- (h) Under land revenue we propose that administration of Court of Wards and Wards' Estates and Encumbered and Attached Estates, of the Partition Act, of the Road and the Public Works Cess Act, of the Settled Estates Act and the management of Trust Estates and also the granting of mining leases and prospecting license in respect of Government lands should all, for obvious reasons, be treated as transferred subjects.
- (i) It is also necessary that Administration of all the Acts for the purpose of taxation for Provincial purposes, should by in the hands of a Minister.
  - (j) We further suggest that the entire Registration Department should be placed under a Minister.
- 11. In making the above suggestions, we have always kept in view the Conclusion. Ministers, satisfactory results might reasonably be expected to follow.

B. & O. G. P. (P. A. & B.) No. 41-50-15-11-1918-T. W. L.

#### Views of the Hon'ble Babu Bishun Prashad.

#### MEMORANDUM OF VIEWS ON THE DIVISION OF FUNCTIONS IN THE PROVINCES.

(1) Executive.—(a) The Provincial Executive to be composed of (i) a Governor and (ii) a Cabinet. (b) The Cabinet to be formed in the mannerhereinafter provided :—(i) Not more than half of the members to be appointed from outside the elected members of the Provincial Legislative Council and one half of these must be non-official Indian. (ii) The remaining half to be appointed from the elected members of the Legislative Council. (iii) All members of the Cabinet to be appointed by the Governor and they must resign or vacate their office with the resignation of the Governor or with the close of his term of office. (iv) The members of the Cabinet appointed from the elected members of the Legislative Council to be in charge of "Transferred" subjects. The "Reserved" subjects to be incharge of such members as the Governor may appoint. (v) All members of the Cabinet to be called by the same name, receive the same order of precedence in all State functions. (vi). Members in charge of "Reserved" subjects and those in charge of "transfer" subjects to act together in all matters and form one and undivided executive and deliberate upon all subjects "reserved" or "transferred" together, and jointly decide the common policy of the Government. (vii) The division into "Reserved" and "transferred" to refer only to the control of the Legislature and not to create any division? of Responsibility within the Executive Government itself.

II. Legislative.—(i) The provincial Legislative Council to have full control over the Executive except for the first five years in regard to its administration of Law, Justice and Police which are to be treated as "reserved" subjects—at the end of five years these to be automatically transferred to the control of the Provincial Legislature.

(ii) Provincial executive to be subject to the direction and control of the provincial Legislature immediately with regard to "transferred" subjects and with regard to all subjects after five years.

(ii) The control of the Legislature to be exercised (a) through the vote on the Budget. The Provincial Council to have full right to alter, amend or reject it in regard to "transferred subjects" now and in regard to all subjects after five years. (b) through Resolutions which must be binding on the Exe-cutive.

B. & O. G. P. (P. A. & E ) No. 50-50-18-11-1918-R. B.

#### MEMORANDUM ON THE TERMS OF REFERENCE TO THE COM-MITTEE ON DIVISION OF FUNCTIONS.

I and II.—(1) Functions of Provincial Governments.—I quite agree with the view that the Provinces should be given 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 their own responsibilities. I agree that the following subjects should be Imperial:

# Opium,Railways,Custom,Salt,Stamps (General),Posts and Telegraphs,

#### Mints.

and I would add to these :

#### Ports and Pilotage.

My reason for this addition is that the results of the present war have shown how vital to Imperial interests is the proper development of ports throughout the Empire. There are many who are of opinion that this question of ports is so important that it should be made an Imperial matter; I mean not Indian Imperial but British Imperial, and that all the ports throughout the British Empire should be under one controlling authority in London. With this opinion I entirely agree, but until this comes about I do not think that ports in India should be handed over to Provincial Governments, but that all the Indian ports should be under the Government of India.

Excise. Police. Stamps (Judicial). Education.	
Stamps (Judicial). ' Education.	
Provincial Rates. Medical.	
Forest. Agriculture.	
Registration. Irrigation and	•
Law Courts. Civil Work.	1

(2) Powers of control by the Government of India.-I agree with the suggestions made in the report as regards the control of the Government of India and have no suggestions to make on this subject.

III. (i) Transferred subjects.-I agree that the following subjects may be transferred at the outside in each Province to the charge of Ministers.

Taxation for provincial purposes.

Local Self-Government, rural and urban.

Registration of Births, Deaths and Marriages.

Agriculture.

Co-operative Credit.

2

Forests, Fisheries and Boat Industries, excluding River Conservancy. Public Works.

Excise.

Charitable Endowments.

Development of arts and crafts and local industries.

Miscellaneous subjects.

Franchise.

Electoral Law and Constituencies when the Commission has reported.

I do not agree to the transference of-

Education ; ·

Medical and Sanitation;

River Conservancy;

for the following reasons :---

*Education.*—It seems to me that education is the very root from which any scheme of Reform on parlimentary lines must spring. I think that the Committee will undoubtedly satisfy itself before its labours are over that "Franchise", in the sense which the authors of the report intend, is impossible in India at the moment, owing to the enormous percentage of the illiterate classes. It can only be made possible by education. It is well known, however, that the tendency of educated Indians is either directly or indirectly against primary education. As an instance of direct opposition I quote the recent case in the United Provinces where educated Indians carried a vote against primary education being made free on the plea that if the masses were educated there would be great difficulty in finding servants for the rich man's houses and cultivators for their fields. As an instance of indirect opposition to education on the part of educated Indians there are instances of schools and of universities where instead of training up students to the standard of. an examination the authorities are quite willing to reduce that standard to the level of the student, whatever that may be, so as to enable them to say that they have passed. It is not unknown that when a sufficient number of students have failed in a particular examination papers have been returned to the examiners with instructions to go through them again more leniently, so as to increase the number which are returned as having passed. So much for Primary education.

As regards secondary education it is, in my opinion, most esential that it should be a reserved subject. It is as well to speak plainly in these matters, and therefore I say that it is a matter of common knowledge that secondary schools have up to the present been hot beds of sedition and anarchy. They require very careful supervision and control and should not, in my opinion, be handed over to an Indian Minister.

As regards technical education I have no strong views and would not oppose that Branch being transferred, but on the whole I consider that it would be as well to keep education together, both primary, secondary and technical.

Medical and Sanitation.—It is unnecessary to point out the enormous importance of Medicine and Sanitation in a country like India. The attitude of educated Indians towards both Medicine and Sanitation is such that I strongly oppose these subjects being handed over to an Indian Minister. Many Indians, it is true, conform to European ideas of sanitation but many also do it more or less for appearances' sake and without any conviction as to its necessity. In the large cities of India, such as Calcutta, it is becoming more and more common for rich Indians to live in houses in what is usually called the European Quarter. If the European Members of the Committee have the opportunity of inspecting a house in that quarter which has been in the occupation of an Indian for a short time, they will recognize what I mean when I say that the Indian idea of Sanitation is not that of a European. There is also the danger that money will be wasted in trying to revive ancient oriental forms of Medicine when every rupee is required for medical investigation and research on the latest Western lines. This has actually happened recently in Madras, and letters have appeared in the Press which show that educated Indians, from all over India, apparently approve of the movement.

*River Conservancy.*—Is, in my opinion, a matter of almost equal importance- to Ports and Pilotage. I am inclined to think that it should be really an Imperial matter, but if it is decided to make it a Provincial matter I am strongly of opinion that it should be a reserved and not a transferred subject.

R. M. WATSON SMYTH.

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The 29th October 1918.

E. & O. G. P. (P A. & E.) No: 120 (Ranchi) -50-2-11-1918-G. N. K.

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#### Views of the Hon'ble Mr. Mazhar-ul Haq.

#### MEMORANDUM FOR THE SUBJECTS COMMITTEE.

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1. I generally agree with the proposals of the Montague-Chelmsford Report as to the functions to be discharged by the Provincial Governments and the control of the Government of India over the Provincial Governments. With some minor modifications, as detailed below, I also agree with the Report, as to the subjects to be included in the Transferred Subjects.

2. The functions to be discharged by the Provincial Governments, are detailed in Appendix II of the Report, with the reservation of the powers of the Government of India as given in the column of remarks. I entirely agree with these proposals.

3. The Government of India should retain control over the Provincial Subjects and this control should be exercised by means of legislation in the Imperial Legislative Assembly. The control should not be exercised by any administrative action.

4. Amongst the Transferred Subjects, I would include the entire field of Education—Primary, Secondary, Colleges, Technical, Universities, Reformatories and Industrial Schools. The people of India have taken a keen interest in educational matters and Ministers may well be entrusted with education. I would also include the administration of prison in the Transferred Subjects. Many sociological and humane questions are involved and should be given into the hands of the Indians, who can best handle them.

5. I do not think that the Governor in Council should as a rule interfere with the discretion of the Legislative Assembly in the management of the Transferred Subjects. But in very rare cases of urgency he may veto the legislation passed by the Council.

B. &. O. G. P. (P. A. & E.) No. 49-50-18-11-1918-R. B.

#### Opinion of the Hon'ble Mr. Jameson.

#### COMMITTEE ON THE DIVISION OF FUNCTIONS.

II (i).—I would suggest the following amendments and exceptions to the list of Provincial subjects included in Appendix II of the Report.

No. 6.—Colonization and disposal of Crown lands should be subject to the approval of the Government of India, as the latter might find it advisable to form schemes of colonization in connection with the Army on Imperial rather than Provincial lines.

No. 7.—Effective improvements in Agricultural Research and Veterinary work can only be made by a close co-ordination of Research and Experimental work in different Provinces, and the general lines on which these are to be carried on must be subject to the control of some central authority under the Government of India.

As far as work of a general nature as distinguished from work of purely local importance is concerned, the Provincial Agricultural Departments cannot be entirely independent, and provision should be made for the allotment of, Imperial funds for work of a general nature.

No. 11.—Co-ordination is necessary with regard to University Education and the standard of qualifications required to obtain degrees in the various Universities, in order that there should be no chance of variations in the standard required adversely affecting the value of degrees.

Technical Education is also a highly specialized branch. It is at present in its infancy in India, some Provinces afford far greater scope for practical education and better opportunities for successful students than others, and there is no call for Higher Technical Colleges in all Provinces at present, while the general lines on which the more elementary stages of Technical education should be conducted must be laid down by the same authority which controls the Higher Colleges.

Some Central Authority is therefore required in the case of University and of technical Education, and to that extent the independence of the provinces must be curtailed.

No. 12.—Medical Research work, and teaching colleges and hospitals should be under a Central Authority in the same manner and for the same reasons as Agricultural Research and Technical and University education.

No. 14.—As the Franchise, Electoral Law, and kindred subjects are in an experimental stage, provincial action should for some while to come be subject to the previous sanction of the Government of India.

No. 19.--Industrial matters should be put on the same footing with regard to the Government of India as Business Concerns.

II.—The broad lines on which the intervention of the Government of India in provincial matters might be necessary are laid down in paragraph 240 of the Report. The details depend so much on the powers finally given to the provincial Governments and on the subjects transferred to popular control in the different Provinces, that the best method of defining them would be by means of an instrument of Instructions drawn up by a Joint Committee of both Houses of Parliament after the passing of the Bill instituting the Reforms.

III (i).-I would suggest the following exceptions to the list of Transferred Subjects included in Appendix II of the Report :--- No. 2.—Local Self-Government in rural areas in the form of village panchayats will have to be started from the very beginning in some parts of this province, and should not be handed over to the charge of an experimental and inexperienced body until firmly established and in smooth running order.

Nos. 4, 5, and 6.—As a Central Authority under the Government of India is necessary in the case of University' and Technical Education, and of Medical Agricultural and Veterinary research and experimental work, and as complete financial control by an inexperienced and independent body might result in the stultification of the policy of the Central Authority in any of these matters, it is advisable that these subjects should be treated as Reserved Subjects for the present.

No. 7.—Co-operative credit needs the administrative experience and the guarantee of stability only to be provided by official control.

No. 15.—Franchise, electoral law, etc., are in an experimental stage, so also are the Legislative Councils. The members of these bodies have no practical experience of representative Government, and legislation on and administration of these subjects would very closely affect their own position and powers. Hence it is advisable that they should be treated as Reserved Subjects until they have got beyond the experimental stage.

(ii) The Governor in Council must be the sole judge as to whether any question trenches on the Reserved Subjects; he must also have power to suspend incompetent or defaulting local bodies.

He should have power to intervene in Transferred Subjects on the lines laid down in paragraph 240 of the Report, but the extent to which that power of intervention may be necessary depends entirely on the subjects transferred to popular control. It should therefore be defined in the same manner as has been suggested in the case of the Governor-General with regard to Provincial Subjects.

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B. & O. G. P. (P. A & E.) No. 54-50-19-11-1918-S. J. N.

#### Suggestions for the Consideration of the Committee on Division of Functions.

#### THE REVEREND J. G. DANN.

(1) Which functions should be discharged by Provincial Governments? *List I.*—I have little to say as regards the list given in appendix II of the Report, seeing that the second column headed "Remarks" assumes that in most cases necessary reservations have been proposed.

There are, however, one or two items on which I wish to remark. Under 10, Public Works; 11. Education and 12 Medical and Sanitary, I would suggest that as far as the higher grades are concerned, the existing solidarity of the Imperial, Engineering, Educational and Medical services be maintained. In all these matters, India needs the services of the best qualified experts, and to secure this, I believe, that the cadres of the services should remain under the Government of India, that Government allotting to the Provinces the men required.

There will probably arise occasions when in the discharge of his duty, some member of one of these services may have to propose measures which are unpopular. He may be quite in the right, but popular opposition may take the acute form of personal attack with a view of his removal or intimidation. In such a case it would be in the interests of the country that the question be referable to the Government of India.

There are bound to arise inter-provincial difficulties. If these cannot be settled in the Indian Legislative assembly, they must go to the Council of State for revision. The same applies to questions of defence, political relations, foregin trade and tariffs, for these are too far-reaching in their implications to be dealt with provincially.

#### UNDER III.—REFERBING TO LIST II APPENDIX II.

Local Self-Government.—The power of suspending local defaulting local bodies should be retained. Its very existence should act as a deterrent, and as far as experience justifies a forecast, it may need to be exercised. The system of doles by Government which now prevails, has a tendency to create a spirit of irresponsibility on the part of members. It is, however, the duty of the Government which makes the grants to see that the money is not misapplied to the relief of local financial responsibility.

Education—The welfare of the country depends on the spread of sound education among the masses. Many prominent Indians have given their attention to this subject and a strong feeling has been manifested in favour of improvement. On the other hand, opposition has been equally in evidence. For instance some of the great landholders have expressed their opposition to the spread of education among the masses, on the ground that they need ploughmen and not scholars. Moreover, many of the suggestions made for the wide diffusion of education seem to indicate that the essential provision of the trained teacher and his adequate financial support, together with an expert inspecting staff, to advise and help, rather than merely to criticize him, is not kept sufficiently to the fore. When it comes to the question of finance, I fear that the responsibility of making adequate financial provision will be liable to be shirked, and the present position perpetuated. That is, in effect, that the teacher, being underpaid and consequently despised, takes as early an opportunity as possible of obtaining a post in some more lucrative branch of service.

When we come to the actual management by local bodies of education we find that the administrative work is carried on by the expert staff under the guidance of small Committees which again often secure the attendance only of the necessary quorum. If a strong department holds effective control over local bodies, as is the case with the Education Department in England, it may be possible to provincialize this important subject. Medical and Sanitary.—Here again such control by a department as exists, is England by the Local Government Board is necessary. There is at present a lotd outcry for Medical provision and Sanitary improvement but it too often takes the form of abuse of the Government for its supposed indifference. Under existing circumstances, local bodies cheerfully pass general resolutions which are rendered in-operative as soon as they fail to be carried into practice. Inertia passes into active opposition as soon as the measures call for temporary sacrifice of convenience and for adequate financial support. Doles from Government may be expended but when these are being exhausted, the local body has to finance the schemes, the erstwhile advocate of sanitation becomes obstructive. Therefore, unless the power of mandating is reserved to the Governor in Council, it is to be feared that little progress will be made. *Public Works*—Here not only proper ty, but human life and limb are st

Public Works.—Here not only proper ty, but human life and limb are st stake I question if dishonest work, peculation and neglect will be diminished under "popular" control. The tendency will be to employ a badly paid agency in order to save money and make a show of efficiency, rather than to ensure its reality. Here again it appears to be necessary that large powers of inspection, addition and rejection, also of protection of all grades of officers in the execution of their duty, should be reserved to the Governor in Council, acting through his expert advisers.

Forests seem to me to be another subject in which efficient safeguards are needed. Denudation of the forest area means decreased rainfall and sterility, but the prevention of the wholesale destruction of forests is not popular among selfish and irresponsible communities. If forests are to be among the transferred subjects, the powers of the Governor in Council must be very real and potentially effective.

With these reservations, I think that List II might be adopted.

G. J. DANN.

P. & O. G. P. (P. A. & E.) No. 36-50-14-11-1913-9. J. N.

#### Opinion of the Hon'ble Mr. T. S. Macpherson, I.C.S., Legal Remembrancer.

I HAVE read the letters of the Local Government No. 4110-P. of 10th November and No. 4097-P. of the 9th November, and I find myself in agreement with most of the proposals made therein.

I. (1) The functions to be discharged by the Provincial Governments :---I would accept the Illustrative List I, in Appendix II with the reservations therein but the power of suspension may well be exercised by the Minister, subject to the control of the Governor.

As regards paragraph 212 of the Report, I am in entire, agreement, with, it. A further statutory demarcation of powers is contra-indicated by, experience in India and in the United States. Even if a challenge in the Courts of the validity of an Act of the legislature is from the outset bound to be unsuccessful, it has as our experience this year in respect of the Defence of India Act demonstrated, a most unsettling effect on the administration.

(2) Powers of control to be retained by the Government of India in relation to the provincial subjects.—I have nothing to add to the views expressed in the Report.

II. Eunctions to be transferred to Ministers.—The extent of the transfer is closely related to the nature and extent of the electorate and the composition of the Council.

If a Conneil truly representative of the Province coud be attained, List II would with some modifications, notably the excision of item 15, be a good start.

These modifications are (1) that secondary and industrial education should be reserved for a decade or two, 1(2) that "Forests." which are mainly in the scheduled districts, the administration of which touches the aboriginal in his tenderest spot and of which the overwhelming majority of unofficial members have no experience, should be reserved, and (3) that so long as large non-vocal classes, or communities are unrepresented or inadequately or only indirectly represented, the franchise, electoral law and constituencies should be reserved, it being certain that the Minister and the Council will be most fully consulted before any alterations are made. The question of "Excise" is also difficult as the drinking of intoxicants is mixed up with the religious observance of aboriginals, but the proposals of the Local Government in the last paragraph of their letter will, if accepted, meet the difficulty.

I agree with the proposal of Government that the further subjects named may also be transferred with the single, exception of "Encumbered Estates" under the Chota Nagpur Encumbered Estates Act, which should perhaps be reserved. Only the Lieutenant Governor (not even the Lieutenant-Governor in Council) has at present any locus standi, and not much of that.

in Council) has at present any locus standi, and not much of that. But Bihar and Orissa is not homogeneous. 'Chota Nagpur and the Santal Parganas are in, but largely not of, 'the Province viewed from the political standpoint. There are indeed also 'backward areas' 'and 'backward tribes' on the fringes of the regulation districts, but they are scattered and small and it is perhaps not feasible to accord them special treatment.' But the non-regulation areas, both deregulationized tracts (Santal Parganas and Angul) and scheduled districts, cannot be 'represented' in a legislative council in the same sense as the regulation districts—they will be unrepresented, unde-rrepresented or misrepresented. It is true that Chota Nagpur (or part of it) nominally participates in the prosent Legislative Council but one may be permitted to doubt whether my three elected friends (all of whom I highly regard) are in the least representative of the people of Chota Nagpur, the great majority, of whom are only represented in some degree by a nominated member (though by him as fully as any single person could represent them). The Municipalities are in Chota Nagpur but not of it: the Mussalmans are a small fractionartizans are mainly in the towns--while the District Boards have probably not one aboriginal or agriculturist member, and there are of course no local boards subordinate to and electing to the District Board. Exclusion of backward areas is therefore expedient in this province.

For all portions of the scheduled districts which are not excluded the solution proposed by the Local Government is sound. It may however, be observed that the three Chattisgarhi zamindaries, the people of which—zamindars and raiyats are backward even in Sambalpur should not have a more advanced system than the other scheduled Chattisgarhi zamindaris which continue in the Central Provinces.

I am myself strongly in favour of the extension of representative institutions wherever even moderately feasible--always providing they are not misrepresentative, as Councils in India with proceedings in English may very readily be, but I feel constrained to say that it would be better if all subjects connected with the scheduled areas (I have served in all the six districts) except the Municipalities thereof were at the outset 'reserved'. As, however, it has been decided to advance, equipped as we are, and let the citizens secure their political training in the school of experience, I confine my recommendations to the exclusion as backward areas (Report, paragraph 199) of the deregulationized tracts (the Santal Parganas and Angul) and of coterminous areas in the non-regulation division of Chota Nagpur inhabited by tribes who are congeners of the Santals.

(a). It is inconceivable that the Santal Parganas (except the Municipalities) and Angul will not be excluded from the jurisdiction of the reformed governments. It is not necessary to labour this point; those areas do not even participate in the existing Council.

(b), I am also emphatically of opinion that the following portions of Chota Nagpur should be excluded :---

(1) The Kolhan and Porahat in Singbhum fexcept the Chaibassa Municipality in the former and the new (railway) Municipality at Chakradharpur in Porahat ).

(2) The Munda (Khunti) Subdivision of the Ranchi District, and the adjoining parganas, Barabhum and Patkum, in the Manbhum District.

joining parganas, Barabhum and Patkum, in the Mahohum District. (1) The Kolhan is the country of the (Larka) Hos who also extend into Porahat ; the north of Porahat and the Khunti Subdivision is the country of the Mundas (Horos); Barabhum-Patkum is (with Dhalbhum) the country of the Bhumij who are the same race as the Mundas of the south-east of Ranchi. All are highly exoitable tribes, extremely tenacious of their rights in land and distrustful of 'foreigners' (dikus) as they designate the neighbouring non-aboriginals, and the Hos and Mundas retain their tribal language. 'In each case, they are at the present day more backward than their cousins the Santals (Hors) of the Santal Parganas, and inclusion of their 'country' in anything approximating the present scheme of reforms ought not to be dreamt of for some decades.

dreamt of for some decades. The Kolhan which is a Government estate has its own land system worked through the village chiefs and district chiefs. The Chota Nagpur Tenancy Act is indeed in force, but only with the utmost difficulty has it been possible to make the Act fit in with the land system. Stringent provisions bind the chiefs to prevent dikus from securing land in the Ho villages, and until recently it was actually claimed that the Deputy Commissioner could. executively eject dikus from the Kolhan. It has also its peculiar police system—the village and district chiefs constitute the police, and the single police station (Kolhan thana) is in charge of an aboriginal subinspector. The civil judicial work is in the hand of executive officers, and the Civil Procedure Code has not been introduced. If there is any ground for differentiating the Kolhan from the Santal Parganas it is that the former is more backward and less suited for representative institutions.

If the Kolhan is excluded, Porahat adjoining should also be excluded. Porahat was included in the Chota Nagpur Division in 1893 having from 1858 been administered on the lines of a native state and of the Kolhan. In the two Sadant Pirs of Khas Porahat, through which the railway passes, there is a stretch of level land, and about half the population is Hinduized, but the Kol Pirs are extremely wild and jungly and the Mundas (designated Hill Hos) the most backward people in the province outside Angul. Porahat is far more backward than the Kolhan and in 1907 headmen and people looked back with regret on the paternal government they enjoyed before 1893 and I believe still do so. The headmen perform police duties and it was found very difficult to make the land system fit into the Chota Nagpur Tenancy Act, which had been applied after Porahat became part of Singhbhum.

Great areas in the Kolhan and Porahat are reserved and protected forests, and in the latter the question of forest rights is always acute.

It is ridiculous even to mention franchise and representation in connection with these areas. Further the inhabitants have no interests or ideas in common with the people of the regulation districts or the advanced parts of Chota Nagpur. It is also rather a fallacy to speak of participation of the Kolhan and Porahat in the present Legislative Council, because outside the municipality of Chaibassa the only voters were probably one (reinstated) landlord and a *very* few Muhammadans of external origin, all entirely unrepresentative and wholly opposed in interest to the local population. Singhbhum is the only district in the province, except the two deregulationized districts, to ,which the Local Self-Government Act is not extended, and it has therefore no District Board which could participate in the elections of a member of the Council. Pargana Dhalbhum, the remainder of this sparsely peopled district, is also backward, with a population largely Santal and Bhumij, but it is advanced compared with the rest of the district, and there is therefore a less strong case for exclusion than in the case of the Kolhan and Porahat.

2. The Khunti subdivision and parganas Barabhum and Patkum have peculiar land systems and the agrarain position frequently gives rise to anxiety. During the period of restrictions upon recruiting for Assam, all recruiters' except garden Sardars were rigidly excluded from the Munda subdivision (and, when attention was drawn to the matter, from Porahat). Close personal rule is essential among these excitable or turbulent tribesmen. As to representation one can imagine the Mundas anxiously enquiring whether a 'vote' is good to eat or preferably to' drink ! The worst feature of the position is that these races are desperately despised by 'clean' Hindus—witness a Hindu Honorary Magistratevat Ranchi, who, I found, solemnly set down in his judgment that he ground that they were "no better than brute beasts" and could not be believed against 'a gentleman' whereas especially in the tribal area—these tribes regard themselves as something of an aristocracy. Also even the best of the representatives of Bihar and Orissa in the Legislative Council are and cannot but be wholly ignorant and impatient of these alien and non-vocal races.

It would be the greatest possible mistake to provide that official members of Council should not vote in Council in the transferred subjects. It is important that their experience should be available and imperative that their interest in these subjects be conserved. If they are permitted to vote without re-triction, as should decidedly be the case, I am confident that their voting will exhibit a healthy variation of opinion, where such variation is to be expected.

B. & O. G. P. (P.A. E.) No. 53-50-19-11-1918-S. J. N.

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#### Views of the Orissa Landholders' Association on the subject of franchise, etc.

#### NO WITNESSES ARE PUT FORWARD.

#### I.-FRANCHISE.

In order to make the franchise as broad as possible the Association would submit that the following classes of persons may be qualified to vote. The voter must have attained the age of 21 :--

- (a) Persons paying Income tax and in urban areas persons paying Municipal-tax of Rs. 3 and above.

- (b) Landholders paying a revenue or rent of Rs. 16 or a cess of Re. 1.
  (c) Persons who are graduates or undergraduates of a University or have passed the Middle Vernacular Standard held by the Government. Education Department or are title holders in any public examination in any Oriental Classic.

## 11.—Constituencies and Constitution of Provincial Legislative Council.

COUNCIL. The number of members of the Bihar and Orissa Provincial Legislation Council should be 125 of which one-fifth at least should represent Orissa, having regard to the area, position and importance of Orissa. The illustrious anthors of the scheme for constitutional Reform have suggested that the insti-tutions of a Sub-Province for Orissa need not be excluded from consideration at a very early date. The people of Orissa will not be satisfied till Orissa is constituted a Sub-Province and the outlying Oriya-speaking tracts be brought under one self-contained administration. So long as this is not feasible it is not proper that the interests of Orissa should be as largely represented in the local Council as possible.

The Association is not in favour of the principle of nomination and could therefore suggest the following distribution :-

Nominated officials	•i• =	AT8	 	20
Elected non-officials			 	105
				125

of the elected non-officials the following distribution is suggested for Bihar and Orissa. Bibar. Orien

			Bihar.	Orissa.	,	
Rural non-Muhammad	lans	•••	<b>3</b> 3	11	Cuttack Puri Balasore Sambalpur Angul	***
Urban " "		•••	15	7.	Cuttack Puri Balasore Sambalpur	•••
<b>Rural Muhammadans</b>	•	in a la l	12	<b>£</b>		17
Urban "		•••	4	1		
Landholders (paying of Rs. 8,000 or ces for Orissa.)	land reven s of Rs. 2	ute 00	8	3	1	
Mining	•••	***	1	0	Δ	
University.		***	1 1	0		
Anglo-Indian			1	. 0		
Planter			1	0		
Indian Christian	ses 6		1	1	•	

- The Muhamadans and Landholders should have separate electorates of their own.

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The Association would suggest that having regard to the special land tenure system of Orissa and the fact that the interests of the landholders of the temporary settled estates differ from the interests of those whose estates have not been settled under the regulator and whose relations with Government is regulated by the terms of Sananda granted to them, it is not proper these different interests should be represented in the Legislative Council.

#### III.-INDIAN LEGISLATIVE ASSEMBLY.

The number of members should be 150 instead of 100 as suggested in paragraph 270 and the seats reserved for each Province should be raised proportionately.

#### IV.-COUNCIL OF STATE.

The Association would submit that one seat at least be reserved for the representative of Orissa.

#### V.-SEPARATION OF FUNCTIONS.-IMPERIAL AND PROVINCIAL.

The Association would only suggest that manufacture of salt might be treated a Provincial Concern in a Province where there are natural facilities for it.

## VI.—Separation of reserved and transferred subjects in Provincial Government.

The Association would suggest that University Education should also be transferred.

B. & O. G. P. (P. A. & E.) No. C24-50-16-11-1978-8. A.

Memorandum by the Hon'ble Raja Harihar Prashad Narayan Singh, O. B. E., Member of the Bihar and Orissa Legislative Council.

## FRANCHISE COMMITIEE,

I. (1) As regards Provincial Legislative Council-

I beg to submit a full scheme for this Council with details of franchise which in my humble opinion is as broad as possible in the present circumstances of this Province. I have tried in this scheme to bring in all important constituencies to make the Council fully representative.

(2) In my humble scheme no indirect election is suggested.

(3) I have suggested in my scheme special electorates for landholders, Muhammadans, Planters, Mining and University and suggested nomination to other minorities, viz., Christians, Anglo-Indians, Domiciles, Aboriginals and experts.

(4) I have suggested 18 official members which in my humble opinion represent all important departments.

(5) The full scheme is given in Appendix No. I.

II. (1) As regards the Indian Legislative assembly-

I have suggested a separate scheme for the Indian Legislative assembly which is absolutely in accordance with the recommendations in paragraphs 273 to 275 of the report excepting the exact number gives in the reform scheme. I have ventured to suggest the number of 150 members to make this assembly well represented, as the representation of each Province and all interests should be taken into consideration.

(2) In my humble opinion possibility of direct election is impracticable, considering the vast population of India we must have recourse to indirect election, except for especial interests in which direct election is perfectly practicable and as a matter of fact it even exists at present, viz., for landholders, Commerce and Muhammadans.

Indirect election may be carried out through the Provincial Legislative Council, as in this body representatives of all interests will be present. I do not suggest or propose any change in the qualifications of the voters of the special electorates. Scheme for this is annexed herewith as Appendix No. II.

#### (NOTE)

The proportion of landholders has been kept low purposely in this assembly to ensure predominant majority to non-landholders, as I propose that the landholders should have predominance in the second chamber, i.e., the Council of State.

III. As regards the Council of State I do not propose to give any tentative scheme for it at present, as I wholly differ in constitution of this chamber. I am strongly of opinion that this should be brought in line with (as far as possible) the House of Lords in England, which has unquestionably proved of immense value and benefit to England or at least it should have a predominance of landholders amongst the elected members.

APPENDIX	No. L.
I suggest the following scheme for the	constitution of the new Legislative
Council for Bihar and Orissa :	
Elected—	

Elected—					
Rural non-Muhammadans	•••	••••			81
Urban non-Muhammadans	•••				6
Rural Muhammadans	•••	•••	•••		16
Urban Muhammadans	•••				3
Landholders	•••	•••	•••		21
Planters		•••	•••		7
Mining					2
University	`		•.		ī
			Tctal		81
Ex-officio and nominated official.	8				
The Governor			- ,		•
Executive Councillors		•••		•••	1
	···	•••	•••	•••	2
Secretaries	•••		•••		6
Commissioners	•••				5,
Heads of Departments	- <b></b>	4.9.4	•		· 3
The Vice-Chancellor, Patna	. University		•••	•••	1
-			Total		18
Nominated non-officials			•••	•••	9
			Total	•••	108
	•				

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The Muhammadans special representation is 19 out of 78 elected Indian members or very nearly  $24\frac{1}{3}$  per cent. · •\_\_\_

	-	N ale popul years of thou	ation over 20 'age in mand.	Pro posed	number of	
District.		Musalmans.	Non-Musal- mans.	Mussiman Members,	Non-Musal- , man Menders.	Bemarka.
1		<u> </u>	8	4	6	6
Patna		41	4,14		,	
Gaya		48	. 5,10		2	
Shahabad	•••	29	4,39		2	
Patna I ivision Total		1.18	13,63	2	6	
Saran		56	4,62		2	
Champaran		71	4,25		2	
Luzaffarpur		78	e,16		3	
Darbhanga		84	6,38	*	3	
Tirbut Division To:al		289	21,41	, 5	10	

		thousand.         Musalmans.         Mon-Musal.         Musalmans.         Musalman	amber of				
Dist	rict.		Musalmans,	Non-Musal- mana,	Mutalman Membera.	Non-Musal- man Membera,	Remarks,
<u> </u>	1		3	8	÷.	5	6
Monghyr	•••		46	· 4,87		2	
Bhagalpur			53	482	·	- 2	
Parnea	•••	<b>.</b>	2,14	3,14		1	·
Santal Parganas		•••	39	3,86(1)	,	1	(1) Includes 158,000 ani- mists.
Bhsgalpur Div	ision Total	••••	3,32	1,669	6	6	
Cuttack			13	4.89		2	
Balasore			1	1	L.	1	a segure de la companya de la
Pari				and an and	. :	1	
Sambalpur							•
Angul						} 1	(2) Includes 14,000 ati- mists.
Orissa Division	Total		26	12,50	1	5	
Hazaribagh	•••	••••	29	2,64(3)		1	(3) Includes 19,000 animists.
Ranchi	<b></b>	•••	.12	288(4)	141	1	(4) Includes 124,000 animists and 3,000 Christians.
Palamau	•••	· I	14	1,49(5)	h	1 · .	(E) Includes 8,000 animista
Singhbhum		••• -		157(6)	} •••	. <u>1</u> {	and 2,000 Christians. (6) Includes 83,900 animists and 2,000 Christians.
Manbhum '	***	•••	23	3,68(7)		<b>.</b> 11	(7) In el-u de s . 48,000 animists.
Chota Nagpur Di	vision Total	۰.	75	1,226	2		· · ·
Provincial T	otal		8,43	7,649	16	31	

8

This gives-

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(a) One non-Muhammadan member for each District with more than 2 lakhs male adults after including Muhammadans: one member being added to every additional 2 lakhs.

(b) One Muhammadan member for each Division.

• (c) A second Muhammadan member for each Division containing 65 thousand of male adult Muhammadans and further addition of a member for every additional 65 thousand of male adults.

The number for the landlords is 21 which should be distributed on the numerical strength of the constituency in each Division.

Тожиз.		Total male population.	Musalman male population.	Number of Non-Mubam- madan members.	Number ol Mubamma dan members.	
1	. t .	2	8	4	Б	
Patna City		70,841	18,3 2	1	1	
Patna Division—less Patna City		• 118,799	30,484	1	•••	
Tirbut Division		145,686	84,670	1	1	
Bhagalpur Division		116,401	27,440	1	1	
Orissa Division		82,266	8,867	1		
Chota Nagpur Division		64,360	12,266	1		
Tot				6	3	

For the Urban constituencies the following are the relevant figures :--

4

The nominated non-officials might be distributed as follows :----

				Total	•••	9
Experts	•••	•••	•••	•••	•••	1
Aboriginals		•••				1
Indian Christians					••••	1
Anglo-Indian	•••	···		•••		1
Domiciles	•••			•••	•••	2
General	•••	•••				3

The comparative statement of percentage of the Muhammadans among elected Indian Members in the present Council and the Council proposed.

 Present Council 21 per cent.
 Proposed Council 24.36 per cent.

 The comparative statement of percentage of the landholders representation

among elected members in the present Council and the Council proposed. Present Council 25 per cent. Proposed Council 25.92 per cent.

The comparative statement of percentage of the landholders representation among Indian elected members in the present Council and the Council proposed.

Present Council 26<sup>1</sup>/<sub>4</sub> per cent. (about) Proposed Council 26.92.

The qualifications for General, Rural and Urban voters may be considered on the strength of their payment of cess, rent, income-tax, chaukidari tax and Municipal-tax (a limit of these I would suggest later in my evidence). As regards education I would suggest Matrie or Tirth Examinations passed.

The qualifications of landholders voters may continue as at present.

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The qualifications for Muhammadan voters may I suggest be the same as for general voters.

The Planters, Mining, and Commerce will perhaps continue to vote as at present.

For the University I suggest the same electorate who elect fellows for the University.

#### AFPENDIX No. II.

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I suggest the following scheme for the constitution of the Indian Legislative Assembly :---

Elected—						
Bengal		•••				۲۲
Madras					•••	. 16
Bombay,	F			•••		16
United Prov	inces			• • •		15
Punjab	***					10
Bihar and O	rissa		2.		·	11
Central Prov	inces			•••		7
Burma	***					4
Assam		•••	•••	•••		8
Delhi	••• .	•••			•••	1
				Total '		100
Nominated of	Nominated officials					<b>3</b> 3
	10n-officials	•••		•••	•••	17
			Grand total			150

This gives two-third elected members and two-ninth nominated officials and one-ninth nominated non-officials as proposed in the paragraphs 273 to 275.

As the intention of the authors of the scheme is that the Council should be as fairly represented as possible the figure suggested in paragraph 273 can scarcely suit India, being a very vast country. I therefore suggest that this number be increased by 50. The numerical strength of the members from each Province has been prepared and shown proportionately increased than given in the paragraph 274 as far as practicable.

I append a statement with suggestions to the distribution of members in each Province :---

•			Members elected Members elected by frovincial by landlords Council indirect election.		Members elected by Muhammadans direct election.	Members elected by Commerce and Trade.	Total numbers of members and from each Province.	
		1	-	3	8	•	8	6
Bengal				7	4	4	2	. 17
Madras	•••		·	9	8	3	1	16
Bombay		•••	·	. 8	. 2	3	8	16
United Pr	ovinces		***	- 6	4	4	1	15
Punjab	•••	•••	•••	5	· 1	8	1 for Sikh	10
Bihar and	Orissa .	•••		4	4	3		.11
Central Provinces			, <b></b>	4	• 1	2 ~		- 7
Burma				2		. 2		4
Assam.	•••			1	1	1.		8
Delhi '	•••	•••	•••	1	· · · ·	· · · · ·	••• 	<u>λ</u> 1
		Total	•••	47	10	25	1. 7	100

The distribution of members from each Province in the Indian Legislative Assembly is chiefly based on population, education, importance of commerce and trade and the importance of landed aristocracy.

The proportion of landholders has been kept low, i.e., one-fifth purposely to ensure predominant majority to non-landholders as I propose that the landholders should have predominance in the second chamber, i.e., the Council of State.

The indirect election may be carried on through the Provincial Legislative Council as in this body the representation of all interests will be present.

I do not suggest or propose any change in the qualifications of the voters of the special electorates.

B & O. G. P. (P. A. & E.) No. 31-50-11-11-1918-H. P. G. ۶., ۰. •

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# No. 21220 (Home-Judl.).

FROM

THE HON'BLE MR. H. D. CRAIK, I.C.S.,

## Offg. Additional Secretary to Government, Punjob,

# THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT.

# Dated Lahore, the 23rd November 1918.

Home.

SIR.

WITH reference to paragraph 4 of Mr. Hignell's letter No. 950, dated the 15th of July 1918, I am directed to address you, in amplification of paragraphs 13-16 of Mr. Thompson's letter No. 19351 (Home-Judicial), dated the 5th of November 1918, on the subject of franchise and electorates under the Reform Scheme. The Lieutenant-Governor has consulted several of his senior officers in regard to these questions, and has also before him the discussions (of which a summary is attached) on the subject by the non-official members of his Legislative Council; but the views set forth below are those of His Honour alone. He regrets that owing to other pressing pre-occupations, as explained in paragraph 11 of my letter of 16th November on the Subjects proposals, he has not been able to give to the consideration of the subject the time which its great importance demands, and for this reason the proposals contained in this letter must be regarded as to some extent tentative and subject to revision.

# I.-Size and composition of Legislative Council.

2. In the matter of Legislative Councils the Punjab, started later than the other major Provinces. The first Council was constituted in 1897 and consisted of nine nominated members, five officials and four non-officials—two Muhammadans, one Hindu and one Sikh. By the Reform Scheme of 1909 a Council of 24 members was established, composed of 19 nominated members (of whom not more than 10, were to be officials) and 5 elected. At the instance of the Local Government the number of elected members was raised to 8 in 1910 and in 1916 it was raised to 11.

The Council now consists of 28 members,	viz.—	2 **
Nominated officials	•••	
", non-officials"	•••	7
Elected ", "	**± '	11

of whom 5-one per Division-represent rural and 4 urban constituencies, while the University and the Chamber of Commerce each elect a member.

8. In paragraph 13 of the letter of the 5th of November, 1918, it was Proposals for reformed Council, be nominated and the remainder elected. Of the nominated members, 11 would be officials and 6 non-officials. The elective seats would be distributed as follows :-

Rural constituencies-3 members for each revenue	
division	15
Special Sikh constituencies—Lahore Division 2	
members, Jullundur Division 2, Ambala,	
Rawalpindi and Multan jointly 1	5
Large land-holders' constituencies-1 per Division	5
Trade and Industries	2
Punjab University	1
Urban constituencies-Lahore Division 2, other	
Divisions 1 each —	6
Total	34

# Total

Another of the second state of the second state of the second state of the second state of the state state of the state of the state of the state of the state of Paragraph 225 of the Report contemplates that the legislative councils should differ in size and composition from province to province. The Congress-League scheme suggests that they should consist of not less

### II.-Electorates.

4. The Lieutenant-Governor desires to make two slight changes in the distribution of the elected seats described above. On further consideration he considers that the Distribution of elected seats.

Distribution of elected sents. On further consideration he considers that the interests of the large land-holders will be sufficiently represented if they are allotted 4 seats instead of 5. These four seats might be distributed, one to the Ambala and Jullundur Divisions jointly and one each to Lahore, Rawalpindi and Multan. The fifth seat would be thrown into the general rural constituencies, the total number of which would thus be increased from \*15 to 16. Secondly, the allocation of the special Sikh constituencies should, for reasons of local contiguity, be Ambala and Jullundur Divisions 2, Lahore Divi-sion 2, Rawalpindi and Multan Divisions jointly 1, instead of the distribution of the Sikhs between the Malwa (eastern), Manjha (central) and the western portions of the province. portions of the province.

5. Before proceeding to deal with the larger constituencies, whether general or communal, it will be convenient to dis-cuss the question of special Sikh representation. Special Sikh representation.

\* 2

Sir Michael O'Dwyer has already expressed in paragraph 13 of Mr. Thompson's letter of the 5th of November 1918 his agreement with the proposal made in paragraph 232 of the Report that the Sikhs should be given communal representation, and he does not think this proposal requires further justification. A resolution proposing special representation for the Sikhs was defeated at the recent meeting of non-official members of the existing council. The Muhammadans would perhaps be ready to concede special representation to the Sikhs provided their own interests were adequately secured. But the Hindus' attitude apparently is that the Sikhs are Hindus and should vote in Hindu electorates. Both Muhammadans and Hindus were opposed to the somewhat extravagant claim put forward by the Sikh members to one-third of the total elected seats. Although they number a little over 2 millions in all, or nearly 11 per cent. of the total population, the Sikhs are in a minority in all districts and could not hope to secure adequate representation as by means of communal electorates. At the present moment there is not a single Sikh elected member on the local legislative council. The Sikh urban population is only 115,000 and their interests are thus almost entirely rural. On the basis of total population the Sikhs would be entitled to two or three seats only out of 21 (*i.e.* 16 rural plus 5 special Sikh constituencies), or between 3 and 4 out of the 34 seats to be filled by election. But their influential position in the province, which is based partly on their comparatively high educational level and economic importance in the central and colony districts entitles them to a considerably "greater degree of representation than is indicated by numbers, alone. The number of Sikhs in the Army is now believed to exceed 80,000-a proportion far higher than in the case of any other community—and the amount which they pay to the State in the form of land revenue and canal charges is out of all proportion to their numerical strength. These

6. The rural population is roughly 18 millions or 9-10ths of the whole, Bural and Urban Beloterates, P. gulatowns with a population of over 5,060, is onetenth. The rural population is almost wholly dependent on agriculture, and its interests in many respects are different from and occasionally clash with those of the urban. population. The Lieutenant-Governor hardly thinks that further arguments are required in support of this view, which was very strongly urged by rural members at the recent discussion, when a resolution in favour of separate rural and urban electorates was carried by 10 votes to 4. A resolution that the representation of each group should be in proportion to population was also carried by 8 votes to 6.

It is obviously desirable that constituencies should so far as possible coincide with well-recognised administrative units, and unless a seat is to be allotted to each district in the province, which would mean an unduly large council, the units must clearly be as at present the five revenue divisions. The relevant statistics of each of the revenue divisions are shown in the following table :---

	•	HINDUS.			MURAMMADANS.				
Division.	Total.	Town,	Bursl	Total.	Town.	Bural.	Total.	Town.	Bural
Ambala i	3,589,519	236,701	3,863,638	148,658	7,045	141,623	1,005,944	173,986	880,980
Jallandar 👾	1,894,876	185,190	1,759,358	781,889	20,976	760,662	1,373,811	169,350	1,109,051
Lahore	1,181,784	314,851	917,883	788,586	5Z,458	681,083	3,070,600	976,298	8,204,307
Bewalpindi	260,903	63,553	178,850	166,119	\$4,536	141,693	3,905,680	163,301	3,748,419
Multan 🕺	546,347	106,068	663,301	901,522.	9,793	\$51,729	8,977,639	153,468	3,624,041
s <sup>7</sup>									
Total of Province	6,439,780	762,770	\$,680,010	8,091,761	114,791	1,976,990	10,630,084	1,085,358	9,794,808

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7. These figures are for the total population, and no information is at Arguments in favour of communal licetorates for Mutammadam and bigdus. could only be compiled after a most laborious process of excerption practically amounting to a census of certain classes, but it is certain that the proportion of voters would be lowest among the Muhammadans and probably highest smong the Sikhs. The difference will be specially marked between the Hindu and Muhammadan urban populations, as the standard of education and wealth is much higher among the urban Hindus than among the urban Muhammadans. Making due allowance for these factors, the Lieutenant-Governor calculates that, assuming the Sikhs to be given special electorates of their own and the other two communities to compete in general rural and urban constituencies. co-terminous with revenue divisions, the Muhammadans could not count on obtaining more than 9 out of 16 rural and 2 out of 6 urban scats, or 11 in all against 11 Hindus though they outnumber the Hindus by 70 per cent. Of the 4 scats reserved for large landholders, the Muhammadans would be practically certain to obtain 2. Of the 3 special constituencies (*viz.* trade and industries 2, and University 1), the probability is that they would obtain none. Thus the total Muhammadan representation on a general non-communal electorate would amount to 13 out of 84 lective seats (or, excluding the three special constituencies. 13 out of 84 lective seats (or, excluding the three special constituencies. This calculation is based on a view favourable to the Muhammadans, but the recult would certainly not satisfy their expectations. As the Muhammadans form over 55 per cent. of the noire population and as the Congress-Muslim League agreement was passed at the recent meeting of non-official members of the existing council with only 2 dissentients, both of whom were Sikhs, after an amondment prefiving the words "subject to the just claims of the Sikhs" had been defeated by a similar majority. The Muhammadans' claim to one-half of the elected seats is thus, in the Lieutenant-Governor's opino, entitled to very great weight. It must be remembered that, should any sectarian question arise between the two great religions, the Sikhs would probably side with the Hindus. His Honour is therefore confirmed in the view tentaiti

8. Dealing first with the 16 rural constituencies it will be observed Distribution of rural seats. varies from 31 millions in Rawalpindi to 41 millions in Lahore, but the differences between the rural population (excluding the Sikhs) are much less marked. Multan has the largest rural population, just over 31 millions, while Jullundur, the smallest, exceeds 2,800,000. The Lieutenant-Governor accordingly proposes the following allocation of the 16 rural seats :--

JIOPOSOS VAC LOLIO HILLA				
			Hindus.	Muhammadane.
Ambala Division			2	1
Jullundur Division	•••		9	1
Lahore Division			1	2
Rawalpindi Division	٥)		٦.	<b>∫ 3</b> ∕
Rawalpindi Division Multan Division	\$*** \$**	•••	•	{∽ 8
an a 🖌 🖌 🖉 a 🖉			-	,
· .	Total		6	- 10

that the small minority of Hindus in the Rawalpindi and Multan Divisions should not be permanently unrepresented, the odd seat should, it is suggested, be shared by them jointly. It might of course be argued that these large plural constituencies are likely to lead to the capture of seats by the politician from the town, and that in rural districts the men of character, capacity and influence, whom it is desirable to attract to the councils, are as a rule little known outside the limits of their own districts. The Lieutenant-Governor ad-mits that there is some, though hot considerable, force in this argument, but he hopes that the danger alluded to would be avoided by enforcing a residential qualification, as suggested in paragraph 24 below, for all candidates. It would also be possible to split up the plural constituencies into smaller terri-torial divisions, though His Honour does not, as at present advised, think this sion, one might be allotted to the Hissar, Rohtak and Gurgaon Districts and will be necessary. Thus of the two seats for the Hindus of the Ambaia Divi-sion, one might be allotted to the Hissar, Rohtak and Gurgaon Districts and, one to the Karnal, Ambala and Simla Districts. Of the two seats for Jullun-dur Hindus, one might go to Kangra and Hoshiarpur and one to Jullundur, Ludhiana and Ferozepore. The two seats for Lahore Muhammadans might be allotted, one to Sialkot and Gujranwala and one to Lahore, Amritsar and Gur-daspur. In the Rawalpindi Division, one seat might go to Rawalpindi and Attock one to Liebum and Gujrat and one to Shahur and Mianwalj. In the Attock, one to Jhelum and Gujrat, and one to Shahpur and Mianwali. In the Multan Division the distribution might be Dera Ghazi Khan and Musaffargarb one seat, Lyallpur and Jhang one seat, and Montgomery and Multan one seat. These sub-divided constituencies would be somewhat unequal in size, but such anomalies are common in the United Kingdom and are almost impossible to avoid. The constituencies returning a single member, such as that for the Ambala Division Muhammadans, Jullundur Division Muhammadans and the Lahore Division Hindus, could not of course be sub-divided.

9. Turning to the urban constituencies, which would consist of all Distribution of urban sests. In the following distribution is proposed, based Ambala and Jullundur Divisions jointly would return one member and the Muhammadans of these two Divisions jointly would return one. For the Lahore Division, which comprises the two largest cities in the province (Lahore and Amritsar), there would be one Muhammadan and one Hindu member. The Hindus of Rawalpindi and Multan would jointly return one member and so would the Muhammadans of these two divisions. There would thus be three Hindu and three Muhammadan urban seats. It should here be explained that it is proposed that the small body of Sikhs resident in towns should vote not in the urban but in the special Sikhs constituencies, Sikhs constituencies.

10. As already explained, the Lieutenant-Governor thinks that for ad-

10. As already explained, the Lieutenant-Governor thinks that for ad-ministrative reasons it would be more convenient to group Ambala and Jullundur together as a two-seat Sikh constituency and to let the Sikhs of Rawalpindi and Multan jointly return one member. The Sikhs of the Lahore Division would return two members, Here again the two double constituencies could perhaps be sub-divided without serious inconvenience, but the Lieutenant-Governor does not consider that there is much danger of the special Sikh seats being captured by politicians from the towns. The interests of the Sikhs are almost wholly agricultural, and they are shrewd enough to elect members who will not subordinate their interests to those of the urban residents with whom the Sikhs have little in common.

11. If justification is required for the special representation of the Landed gentry constituencies, province of great landed proprietors like Bengal, Bihar and Oudh; but it possesses a landed aristocracy who, in a country where feudal traditions are still strong, are the natural and acknowledged leaders of the people in most of the rural areas. They almost invariably reside on their estates and as a class have always been distinguished for their military traditions and their loyalty to the British Raj—a loyalty of which the last four years have furnished many striking examples. Many of them are descended from historical families or

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high officers of the Sikh and Mughal governments; others are cadets of the families of ruling chiefs, and some, such as the Ghakkars of the North Punjab, still recall with pride the legendary past when their ancestors were rulers in the Punjab. There are also among the large landed proprietors a few successful business men, who set an excellent example of enterprising and scientific farming. The landed gentry are generally men of character and intelligence and many of their sons join the Provincial Civil Service or the commissioned ranks of the Army, but only a small proportion of them have had an English education and the Lieutenant-Governor is convinced that for many years to come few of them would stand as candidates in any but a special constituency where the electors were for the most part men of their own class. Anything like touting for votes among their social inferiors would be abhorrent to them, but their interests and those of their tenants and dependants undoubtedly deserve adequate representation, and His Honour feels that the four seats which he proposes to allot them are the minimum to which they are in justice entitled. Their representatives will form a valuable steadying influence in the council chamber where their practical experience and conservative tendencies should prove a healthy check on the impatient idealism of the educated middle-class politician.

It is not proposed that the competition for these four seats should be on a communal basis. One seat would be allotted to the Jullundur and Ambala Divisions jointly, where the number of large landowners is comparatively limited, and one each to the Lahore, Rawalpindi and Multan Divisions. The property qualification will be fairly high and the electoral roll will therefore be a small one. The probability is that the two western divisions would invariably return Muhammadans and that the other two seats would be held either by two flindus or by a Hindu and a Sikh.

12. The Lieutenant-Governor considers that the interests of the trade Representation of trade and industrices. Representation desirable in the reformed council. At present the Punjab

special representation desirable in the reformed council. At present the Punjab Chamber of Commerce, in which British firms predominate, returns a member, but some additional representation is clearly required. The provincial demand under part IV, schedule 2, of the now repealed Income-Tax Act of 1886 rose from Rs. 12·14 lakhs in 1913-14 to Rs. 19·39 lakhs in 1916-17, and these figures, though remarkable in themselves, do not correctly express the wealth and prosperity of the province, since the large exporting firms do not pay their tax in the province where a large proportion of their profit accrues, but in the great Presidency towns where their principal places of business are situated. During the same four years the number of companies taxed under part II of the Act rose from 58 to 89. In the last three years the value of provincial imports has increased from 31·23 crores to 34·29 crores, and that of exports from 27·58 crores to 33·90 crores. The bulk of the exports consists of wheat (8·3 crores), raw cotton (4·4 crores), hides and skins (3·2 crores), gram (3·1 crores), and piece-goods, oilseeds and wool (3·7 crores).

It is proposed that there should be two special trade and industry constituencies with one seat each, representing respectively European and Indian interests, which are not in all respects identical. Each of them would of course be provincial in area. In the case of these constituencies it is difficult to draw the line between the question of their constitution and that of the franchise appropriate for them. The latter question may therefore be conveniently disposed of here. The Lieutenant-Governor proposes that the members of the Funjab Chamber of Commerce and of the European Trades Association should conjointly form one of the two constituencies, representing in the main European commercial interests. Membership of the Chamber or of the Association would be the sole qualification for a vote. At present the two bodies have an aggregate membership of 109. The electors for the second constituency would be (1) every owner of a factory or factorics, subject to control under the Factory Act, "owner" including a firm; (2) all non-private joint-stock companies registered under the Indian Oompanies Act with a paid-up capital of not less than Rs. 25,000. Concurrent qualifications under both the shove

classes would not give more than one vote and in the case of a company the vote would be exercised by a duly accredited agent. The number of factories controlled under the Act, excluding Government and Local Fund factories, is 171. The number of public joint-stock companies is 65, and nearly all of these have a paid-up capital of not less than Rs. 25,000.

It is possible that at a later stage other qualifications for a vote in the second constituency may suggest themselves. It is not proposed that any one individual should be allowed to vote in both these constituencies, even if he should have the necessary qualifications.

13. The Punjab University is represented in the existing council by

13. The Punjab University is represented in the existing council by a member elected by all members of the Senate and all Honorary Fellows of the University having a place of residence in India. There are at present 84 members of the Senate and 36 Honorary Fellows. The qualification for a University vote should, in His Honour's opinion, be the same in the Punjab as in other provinces, but subject to this proviso he would add to the electoral roll all registered graduates. The existing number of these is 535, of whom 189 hold a Master's degree and 346 a Bachelor's degree. It is probable that if the franchise is extended as proposed, a large number of graduates will add their names to the register. In 1917 over 700 students graduated and the average for the last 5 years exceeds 400. average for the last 5 years exceeds 400.

14. The six nominated non-official seats would be utilised to represent the interests of the Army-there are now about Nominated non-officials and officials. I do0,000 Punjabis serving in the Indian Army-the domiciled community, both European and Anglo-Indian, the Indian Army-the domiciled community, both European and Anglo-Indian, the Indian Ohristians and the more backward and inarticulate classes, such as village menials. Nomination might also occasionally be necessary to redress inequalities in the results of the elections or to secure the presence of experts on the council.

As regards officials the Lieutenant-Governor considers that the number should not be less than ten or cleven in view of the necessity of having the main departments of Government duly represented and of providing official experience for the Standing Committees which will play an important rôle in training the non-official members in the system of administration.

# III.-Franchise.

15. There would seem to be no good reason for any differentiation in Electral rile for Muhammedana, Rindus and Biths. madans and Hindus. I't would of course bejnecressary to maintain three separate olecteral rolls, and in a set in a

madans and Hindus. I't would of course belaccessary to maintain three separate electoral rolls, as is now the case in municipalities where Muhammadans, Hindus and Sikhs have separate representation. Any one claiming to be a Sikh, a Hindu or a Muhammadan, and being *primâ facie* what he represents himself to be, would if possessed of the other qualifications be entered in the appropriate roll and would thereby be debarred from voting in a constituency allotted to either of the other two communities. It is not proposed that there should be any official inquisition into a candidate's claim to belong to a particular religion. As between Hindus and Muhammadans there could never be any reason for doubt. In the case of Sikhs such an inquisition might be a difficult matter, as the line of discrimination between Sikhs and non-Sikhs is often a subject of acute controversy. Some regulations may, how-ever, be necessary, and the Franchise Committee will doubtless receive valuable advice, especially as regards the views of the Sikhs, from their colleague the Hon'ble Sardar Bahadur Sardar Sundar Singh. 16. In defining the franchise for the rural constituencies, Sikh, Hindu

16. In defining the franchise for the rural constituencies, Sikh, Hindu and Muhammadan, the aim should obviously triterests to be represented in rural be to form an electorate of manageable size which will adequately represent the chief interests of the rural population. The latter may be defined briefly as follows :-

(a) Agriculture.—This is practically the supreme interest and land-holders, who in land revenue and water rates alone contribute three-fourths of the total revenue raised in the Province from "all sources, must clearly form the bulk of the rural electorate.

- of landrevenue.
- (c) Co-operative interest.—This, of course, might be regarded as merged in the general agricultural interest, but in view of the great importance and potentialities of the co-operative movement, which now embraces over 130,000 members, it is proposed to give rural co-operative societies a special electoral voice to be exercised through their presidents.
- (d) Tenants, artisans and menials.—The Punjab is essentially a country of the small peasant proprietor and there is not, as in the United Provinces, a special class of tenants. Most of the tenants are the proprietors of small hold-ings who also cultivate part of their neighbours' land. In their case no special representation is considered necessary. As regards artisans and menials, their interests are generally speaking identical with those of the landholders, and it does not appear to be either necessary or practicable to cival. not appear to be either necessary or practicable to give them separate electoral weight otherwise than possibly by means of a nominated member.
- means of a nominated member.
  (c) The military interest. This is of great importance, as the agri-cultural community provides practically the whole of the Punjab contingent in the army. Retired military men would form an element in the electorate whose intelligence has been sharpened by contact with the outside world and has moreover been subjected to the wholesome influence of regular discipline. The question whether officers and men on the active list should be entitled to vote is one primarily for the military suthorities. There should obviously be uni-formity of practice in this respect throughout India.
  7 The Lieutenant-Governor proposes that all males not disabled by

17. The Lieutenant-Governor proposes that all males not disabled by insanity, insolvency or serious criminality, who are British subjects of not less than 21 years of age and who are included in one or more of the following classes, should be entitled to vote in the Muhammadan or Hindu rural constituencies or in the special Sikh constituencies, as the case may be :---

the special Sikh constituencies, as the case may be :---(i) Lambardars (eillage headmen) as such.- This proposal is based on the desirability of giving each of the 33,421 villages in the Province an indirect voice in the elections. The lambardar is usually the most influential member of the proprietary body and is also the officially recognized repre-sentative of the village or of its sub-division in its relation to the adminis-tration and the outside world generally, his primary and most important duty being the collection of the land revenue. He is therefore a man accustomed to exercise some authority and responsibility both as the representative of the village on the one hand and the agent of Goyernment for certain purposes on the other. Appointment to the post is made by the Collector, hereditary claims under a rule of primogeniture being by legal prescription the most important consideration in deciding between rival candidates, though capacity, influence and extent of land owned can to a certain extent be taken important consideration in deciding between rival candidates, though capacity, influence and extent of land owned can to a certain extent be taken into consideration. The total number of headmen's posts is 65,327, giving an average of two per village, and though in a few cases one individual may be headman in more than one village, it is proposed to allow such persons a vote in respect of each such village, as the intention is that headmen should vote not in their individual but in their representative capacity. This will form an exception to the general rule forbidding plural voting within the limits of a single constituency. For the same reason it is not proposed to prescribe a minimum property qualification in the case of lambardars, as in the vyllage it would certainly be regarded as an anomaly that the lambardar, whatever his financial position, should be excluded from the franchise, while landowners who are not lambardars are admitted. Moreover the prescription

of a property qualification so low as an annual land revenue payment of at least Rs. 25 would exclude over 38,000 lambardars, while a similar limit of Rs. 50 would exclude more than 50,000. Either limit would defeat the whole object of the proposal which is, as explained above; to give every village in the province, however low its average wealth and however minute its individual holdings, a voice in the elections through its local and officially recognized representative.

The urban politician will no doubt orlicize the inclusion in the electoral rell of some 65,000 voters who can be represented with some plausibility as owing their stotes; to an official appointment. To such criticism the most effective reply is the unanimous resolution giving every lambardar the vote passed by the non-official members of the existing Legislative Council, to whom the views of the Local Government had not been communicated, on the 21st November. If further justification is required it may be pointed out that the appointment is in the vast majority of cases merely an official recognition of an inherited right to succeed, that if we postulate a direct electorate of manageable size, the plan suggested is the only practicable way of enfranchising every village, and that a secoret ballot precludes, at all events in theory, the pressure of official influence on the electors. It should be added that in most districts headmen as such are now entitled to vote in district board elections.

(ii) Owners of land, exclusive of mortgagees, whose holding, or share in a holding, is assessed or assessable to land revenue of an annual amount not less than a certain sum to be fixed; and crown tenants holding lands under the Punjab Colonisation of Land Act (Punjab Act V of 1912), or lessees for a term of not less than ten years under the waste land lease rules, subject in both cases to a similar property qualification as that prescribed for landowners.— In fixing the amount of the property qualification, which must obviously be expressed in terms of land revenue, two objects must be kept in mind. Firstly, the electorate must be of manageable size and, secondly, it must be sufficiently large to provide for the adequate representation of the 13 million land-revenue payers of the province. On the whole the Lieutenant-Governor considers that, including the lambardars, the total rural electorate for the 16 Hindu and Muhammadan and for the 5 Sikhs seats should be somewhere between 125,000 and 200,000. The average annual land revenue payment per owner is between Rs. 10 and Rs. 12 and there are only about 304,000 (including crown tenants) or just over 84 per cent of the total, who pay more than Rs. 25 a year. It will be observed from the enclosure that the non-official members are in favour of putting the property qualification as low as Rs. 20, which would probably enfranchise some 400,000 revenue payers. This would, in His Honour's opinion, be an unmangeably large electorate. If the minimum property qualified would be 110,000 landowners and 18,000 crown tenants, or 128,000 would already be enfranchised as lambardars, so the net total, set total, after making the necessary deduction of Rs. 50 would be sourd of 75,000 persons qualified and a net total, after making the necessary deduction would be about 52,000. In other would give a gross total of 75,000 persons qualification would be about 52,000. In other would give a gross total of 75,000 persons qualification to the electoral roll with a property qualification

A suggestion has been made that the property qualification should vary in different parts of the province. The point is of practical importance only in the colony districts and notably in Lyallpur where, owing to the enhanced value of the land and relatively high incidence of land revenue, the proportion of owners or crown tenants paying more than Rs. 50 per annum is very much higher than in other districts. For example, with a property qualification of Rs. 50 the total number of persons enfranchised in the whole Multan Division would be 54,143, of whom no less than 34,873 would be residents of Lyallpur District. If the qualification were raised to Rs. 75, the number of persons enfranchised would be 36,003, of whom 24,824 would belong to Lyallpur. In either case Lyallpur landowners and crown tenants would have a preponderating voice in the elections for their division. At the same time it is a fair enough general principle that voting strength should correspond roughly to the amount contributed to the revenues of the State, and the Lieutenant-Governor does not think that the peculiar circumstances of the colony districts justify the imposition of a special property qualification.

(iii) All saildars (rural notables appointed by the Collector for a sail or circle of villages for general assistance to the administration) and all sufedposhes and inamdars (rural notables of a lower status but exercising functions similar to those of zaildars).—The rural notables known as zaildars, sufedposhes and inamdars are as a rule selected from among lambardars of a superior class in consideration of their merit, influence and property. There are in all 1,636 zaildars and 2,671 sufedposhes and inamdars. But nearly all of these would enjoy the franchise as lambardars. The addition to the electoral roll on account of this class would therefore be inconsiderable, but His Honour thinks it desirable to provide for such cases as may exist.

(iv) Assignces of land revenue.—Persons enjoying by the bounty of Government assignments of land revenue.—Persons enjoying by the bounty of grants being generally hereditary and dating often from the time of native rule. They range in status from men of rank and importance enjoying *jagirs* of an annual value of many thousands of rupees to small *muafidars* whose grants are worth only a few rupees per year. The Lieutenant-Governor proposes to give the vote to assignees enjoying an annual sum of not less than Rs. 200. The total number of such assignees is at present 1,289, but many of them are also owners of land. The net addition to the electoral roll may be estimated at 900. A resolution to enfranchise all assignees of Rs. 20 or more was carried by the non-official members, but there is no need to fix so low a limit, which would admit a number of petty *muafidars* of little position or influence.

(v) Non-official members of district boards resident in rural areas.— Such members are voters for the election of members of the existing Legislative Council, and it would be inadvisable to disenfranchise them. The present number of non-official members of district boards is 841, but most of them would be included among one or other of the previous classes and the net addition which they would provide to the electoral roll may be taken at only 200.

(vi) Honorary Magistrates and Honorary Sub-Registrars resident in rural areas.—The present numbers are 111 Honorary Magistrates and 15 Sub-Registrars. Here again many individuals would be included in previous classes, but where this is not the case the Lieutenant-Governor considers that the official status in question should qualify the holder for a vote. This again is in accordance with the views of the non-official members of the existing council. A net addition of 60 may be made to the electoral roll on this account.

(vii) A.-Retired and pensioned Indian Military Officers of or above the rank of Jamadar (i.e., the lowest commissioned rank).- These officers would help to represent the military interest referred to in paragraph 16 above. Their number has been returned at 1,750, but this is probably an underestimate. In any case it is certain to increase largely in the near future, as many officers would, however, enjoy the franchise as landowners or crown tenants, and it would probably be correct to estimate the number to be added to the electoral roll on account of military rank alone as at least 2,000. The inclusion of this class is independently recommended by the non-official members, who would add every Indian soldier who has received a decoration or has been awarded a wound or injury pension. The number who would qualify under this addition cannot at present be estimated.

(vii) B.-Civil pensioners of Government or of a local body, resident in rural are is and drawing a pension of not less than Rs. 500 per annum.-The total number has been returned at 843 and allowing for overlapping the addition to the electorate may be taken as at least about 250.

(viii) All persons, including servants of Government, resident in rural areas who pay ncome-tax. The total number of such income-tax payers is

nearly 23,000, but if the property qualification in the case of landowners is fixed at an annual land revenue payment of Rs. 50 or Rs. 75 there would seem to be no reason to enfranchise persons who pay less than Ks. 50 income-tax. It is accordingly proposed to give the vote only to persons paying on incomes of not less than Rs. 2,000 per annum, the amount of tax in the case of such an income being at present Rs. 52. The number of such income-tax payers is estimated at 5,500. It will be seen from the enclosure that a proposal to limit the franchise in the case of income-tax payers as proposed was defeated by a narrow majority at the recent Council meeting.

(ix) All presidents of agricultural co-operative societies registered under the Co-operative Societies Act.—The present number of these is 3,995, of whom 1,852 are village headmen and a certain number would also be qualified as landowners. The probable net addition to the electorate under this head would be about 2,000. These men too, like the village headmen, would vote as representatives of their societies. This proposal accords with the views of non-official members non-official members.

(x) All registered graduates of an Indian University.—The educated community will certainly demand that the possession of a university degree should confer a vote not only in the special University constituency but also in the ordinary constituency of residence, and in present conditions the Lieutenant-Governor thinks this demand is not unreasonable. The number of registered graduates at present is, as already explained, very small, but if this proposal is accepted, a large number will probably register themselves and the total number of electors under this qualification should perhaps be estimated at not less than 600. less than 600.

18. The total number of rural voters Estimate of total number of rural voters, under each of the above classes would thus be. approximately

	approximation	tery .—		
	Lambardars			65,000
(11)	Landowners and crown tenants	with a property	quali-	j. <del></del>
• •	fication of Rs. 50			85,000
(iii)	Zaildars, sufedposhes and inamda			100 -
(in)	Assignees of land revenue			900
(v)	Members of district boards			200
	Honorary Magistrates and Sub-l			60
(eii)	(a) Pensioned Military Officers		2,000)	
			ļ.	2,250
	(b) Civil Pensioners		<b>2</b> 50).	
(riii)	Income-tax payers			5,500
	Presidents of Co-operative Societ			2,000
(x)	Registered graduates		· •••	600
		•••		
		Total		161,610
		T AND?		101010

or say 1,60,000 round. By raising the property qualification to Rs. 75 per annum the number of voters will be reduced by about 33,000 and would stand at roughly 127,000. That figure is slightly in excess of the present district board electorate of the province which is about 120,000. The pro-posed electorate of 160,000 would be slightly less than 1 per cent. of the total rural population of 18 millions; and the average number of voters for each of the 21 rural seats (*i.e.*, the 16 Hindu and Muhammadan and the 5 special Sikh seated would be between 7 500 and 8 000 seats) would be between 7,500 and 8,000.

19. In urban constituencies it is proposed that all males, not labouring under the disqualifications mentioned in para-graph 17, who are British subjects and not less than 21 years of age and who are included in one or more of the following cate-gories should be entitled to vote:--

(i) All persons including servants of Government who pay income tax.— There is no object in the case of urban constituencies in imposing a minimum income qualification. Income tax payers as a class are essentially an urban interest. The total number residing in towns is returned at nearly 21,000.

(ii) All construct resulting in towns is returned at hearly 21,000. (ii) All construction of this class are the same as in the case of rural constituencies. The total number of graduates residing in towns is several thousands, but very few of these are at present registered. Assuming that most of them will register, the number on the electoral roll may be estimated at 2,000.

(iii) Retired Military Officers and pensioners, as in rural constituencies.—The number is approximately 1,000.

(iv) All non-official members of municipal and notified area committees.---The number of these is 912 but allowing for those who are income-tax payers, or graduates the net addition to the electoral roll may be taken at 800.

(v) Honorary Magistrates and Honorary Sub-Registrars.—The total number resident in towns is 263 and the net addition to the roll may be put at 200.

(vi) Presidents of urban co-operative societies.—The co-operative movement in urban areas is of growing economic and social importance and it seems desirable that this should be recognised in framing the electorate, although the present number of such societies is only about 60.

(vii) Owners of immovable property.—The committee appointed by His Honour to examine the question of franchise suggested a minimum property qualification of Rs. 20,000 as being roughly equivalent to a net annual rental of Rs. 800 to Rs. 1,200. It estimated the number of persons with this qualification at about 10,000 and of these approximately one-half would also be income-tax payers. The Lieutenant-Governor is disposed to think that this qualification is unnecessarily bigh and he would lower it to Rs. 10,000. It is calculated that this would enfranchise some 30,000 persons of whom 10,000 would be income-tax payers. The net addition to the electoral roll would thus be 20,000 but the figures are at the best only a rough guess.

(siii) Lambardars as such and owners of agricultural lands situated in urban limits.—In the case of land-owners the property qualification should be in terms of land revenue payment and the minimum should be the same . as in the rural constituencies, either Rs, 50 or Rs. 75 per annum. Adopting the lower figure a rough estimate puts the number of voters under this class at 5,000. The higher figure would give probably \$,000.

(ix) -Persons paying direct municipal taxes amounting to not less than Rs, 50 per annum.

(x) Persons occupying premises of an estimated annual value or rental of not less than Rs. 120.

Only the roughest possible estimate can be made of the number of voters of these two classes, but the Lieutenant-Governor is inclined to think it would be somewhere in the neighbourhood of 20,000.

20. The total number of urban electors, after allowing for over-lapping, Estimate of total number of urban would thus be :--

<i>(i)</i>	Income-tax payers	•••	•••		21,000	₹ •
	Graduates				2,000	
(111)	Retired military an	d civil pen	ioners		1,000	
(iv)	Non-official member	rs of local b	odies		800	
	Honorary Magistra				200	
	Presidents of co-ope	vetine soul	-ivegiation		<b>6</b> 0	
(0)	Trestdents of 60-ope	stative soci	enses		00	
(VII)	Owners of immovab	le property	of a gross	value of		
	not less than Rs.	10,000			20,000	- 1
(viii)	<b>Owners</b> of agricultu	ral land			5.000	
	Persons paying mu		es amountin	g to not		्य
· · · · · · · · · · · · · · · · · · ·	less than Rs. 50					
<b>(</b> -)			_1		20,000	
(x)	Persons occupying	premises	viaued at	not less		
	than Rs. 20,000				/	
	100					
			Total		70.060	
	•		2014		,	

or, say, 70,000 round, returning 6 members or an average of rather over 11,000 per member. The number of voters would thus be a little over 3 per cent. of the total urban population of 2 millions. This proportion may be contrasted with the existing municipal electorate which is about 225,000 or 11 per cent. of the total urban population. It should, however, be noted that the latter percentage is the highest similar proportion in India, the next

highest figure being 8 per cent. in Bengal, while in the United Provinces it is as low as 1.5 per cent, the average for the whole of India being 6 per cent. The present municipal franchise also varies very widely from town to town. The existing proportion of municipal varies to total population in the Punjab need not therefore be accepted as a cogent argument for an equally wide urban franchise for the reformed council. On the other hand the existence of a large municipal electorate familiar with the use of the ballot box is an argument in forces of a wider franchise in urban than in rural constituencies. favour of a wider franchise in urban than in rural constituencies.

21. The qualification for a vote for the four landed gentry seats would be the payment of an annual sum in land revenue which the Lieutenant-Governor would fix Franchise for landed gentry con-stituencies.

mount would also be entitled to vote. A return showing the total number is qualified has been called for, but it is probable that the num-ber enfranchised will be somewhere between 2,000 and 3,000. To these the Lieutenant-Governor would add hereditary darbaris, who number 277. A rough guess puts the electorate for each of the four constituencies at about 600.

22. The franchise for the three special seats, viz., trade and industries, Pranchise for three special constituencies. and University, has already been described in paragraphs 12 and 13.

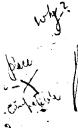
23. As has been explained in paragraph 17 (i), it is proposed that the lambardar should have a vote for every village of which he is headman, even if this gives him han one vote in a single constituency. With this exception, both in voting,

of which he is headman, even if this gives him more than one vote in a single constituency. With this exception, both in urban and rural areas concurrent qualifications under two or more classes of franchise will not give more than one vote in one and the same con-stituency. As regards the question whether a voter qualifying in more than one constituency should be allowed to vote in each such constituency, the Lieutenant-Governor is of opinion that the rule in the Punjab should be the same as in other provinces. Subject to this reservation, His Honour thinks that in the case of a lowed by unfrained electrate. Wealth and duration same as in other provinces. Subject to this reservation, His Honour thinks that in the case of a largely illiterate and untrained electorate, wealth and education as such should be given special weight. At the census of 1911 only one male in 16 could read and write, and only one in 110 had any knowledge of English. He is therefore inclined to allow plural voting of this description. As regards the special constituencies, *i.e.*, those for which the voting will not be on a com-munal basis, he would allow voters on the landed gentry roll to vote in their communal urban or rural constituencies, as the case may be. Those on the electoral roll for the special trade and industrial constituencies and for the University constituencies and to vote in their ordinary territorial University constituency would be allowed to vote in their ordinary territorial constituencies if duly qualified. Certain of the officers consulted by the Lieutenant-Governor do not, however, share this view, but the matter is not one to which His Honour attaches much importance.

\* • 24. The subject of the qualifications to be required of candidates is one of considerable importance and it may con-veniently be dealt with in connection with the Qualifications of candidates.

veniently be dealt with in connection with the franchise. It seems to His Honour obvious that some special precautions must be taken to prevent so far as possible the capture of rural seats by "carpet-baggers" with purely urban interests or by the nominees of a party pancus. It may of course be argued that restrictive qualifications would tend to deprive rural constituencies of candidates of suitable education and intellectual calibre. Such a result might possibly make itself felt to some extent in the initial stages of the new political system. But Sir, Michael O'Dwyer feels that in regard to this matter it is necessary to take a longer view. What we want to aim at is the political education of the rural masses and if our object is ever to be attained we must encourage them to 

(i) a voter's qualification in the constituency, (ii) literacy in all cases,



(iii) for rural constituencies persons belonging to classes 7 (b), 8 and 10 (cp. paragraph 18) would not be entitled to stand for election unless they were also qualified under at least one of

 (iv) the candidate must have been resident in the constituency for which he stands for not less than three years in the case of rural and for not less than one year in the case of urban constituencies.

It is also suggested that candidates must be not less than 25 years of age. IV .- The Indian Legislative Assembly and

# Council of State.

25. In paragraph 31 of Mr. Thompson's letter of the 5th of November 1918, the Lieutenant-Governor has asked that at least 8 members of the Legislative Assembly Indian Legislative Assembly. should be assigned to the Punjab and has tentatively suggested that they should be as follows :--One Sikh representative, one representative of the landed gentry one urban representative and five rural representatives, one for each division His Honour would prefer that for the present at any rate election to the Legis'a-tive Assembly should be indirect, that is that the Punjab members should be elected by the elected members of the local council. Apart from the diffi-culties surrounding direct election to which allusion is made in paragraph 273 of the Report, it is desirable at least in the beginning to avoid the disturbance and additional work involved by a simultaneous or second election. Whether the election by members of the local council should be on a communal or a general basis clearly depends on the decision as to communal or general electorates for the local council. If the Lieutenant Governor's proposals in that respect are accepted, he would suggest that the urban representative on the Legislative Assembly should be elected alternately by the Hindu and Muhammadan urban members of the Council. Of the five rural representatives three should be elected by the Muhammadan rural members of the local dentry would of course be chosen by the Sikh community and of the landed gentry would of course be chosen by the members representing those two interests respectively. If only seven seats are allowed there would be some difficulty in securing adequate representation of the Muhammadans, and this is a further argument for allowing eight. should be assigned to the Punjab and has tentatively suggested that they should

argument for allowing eight.

26. Paragraph 277 of the Report contemplates that the non-official members of each provincial council should re-Conneil of State.

Conneil of State. Conneil of State. Honour suggests that the non-official members of the Council of State. His saked to elect one Muhammadan and one other member. The latter might be a Hindu, a Sikh or a European. Sir Michael O'Dwyer is at present unable to make any suggestions as regards the six elected members of the Council of State who are intended to supplement the representation which the Muham-madans and the landed classes of India generally will otherwise secure.

27. The Lieutenant-Governor has not yet had leisure to examine the question of electoral agency to supervise polling, to adjudicate on election petitions and to maintain

Electoral machinery. the electoral rolls. These questions are, however, being examined by a small committee of officers, and His Honour hopes that a note on the subject will be ready before the Franchise Committee visits Lahore.

Twenty copies of this letter have been sent direct to the Secretary of the Franchise Committee.

I have the honour to be.

# SIR.

# Your most obedient Servant,

## H. D. CRAIK.

Offg. Additional Secretary to Government, Punjst. 1859 C8-170-23-11 18-SGPP Labore. -

# Summary of the Proceedings at the meeting of the Punjab Legislative Council, held on the 20th and 21st November 1918.

# Note .- There were 14 non-official members present, all Indian.

1. A resolution that the strength of the Punjab Legislative Council should not be less than 100, was carried, with 2 dissentients. The latter favoured a Council of 60.

2. A resolution that four-fifths of the Council should be elected and that only one-half of the remainder should be officials, was carried, with 4 dissentients.

3. A resolution proposing separate constituencies for the rural and urban populations, was carried by 10 votes to 4.

An amendment substituting the words "Agricultural" and "non-agricultural" for "rural" and " urban," was defeated by 8 votes to 6.

4. A resolution that the representation of each group should be in proportion to its population, was carried by 8 votes to 6.

5. The following resolutions regarding franchise qualifications were discussed :-

- (i) The rural property qualification to be the payment of an annual land revenue of not less than Rs. 20 or receipt of an assignment of equal amount: carried by 8 votes to 6.
- (ii) All income-tax payers—carried by 8 votes to 6,—after an amend-ment limiting the franchise to persons paying an income-tax exceeding Rs. 50 had been defeated by a similar majority.
- (iii) A proposal giving the franchise to persons possessing house property of a minimum value of Rs. 5,000 was defeated by \$ votes to 6.
- (iv) A resolution giving the franchise to non-student matriculates or persons holding a Punjab University diploma "on the Oriental side, was carried by 9 votes to 5.
  (v) It was unanimously resolved that title-holders and. Government
- Darbaris should enjoy franchise.
- (vi) It was unanimously resolved that Commissioned Indian Officers, who are on the active list or retired, and soldiers who had been decorated or were in enjoyment of wound or injury pensions, should be given the franchise.
- (vii) The Council was unanimous that the franchise should be enjoyed by every Lambardar, member of a District Board, Municipal Committee or Notified Area Committee, every Honorary Magistrate and President of a Co-operative Society. It also resolved, with one dissentient, that Zaildars and Sub-Registrars should enjoy the franchise.

6. A proposal that for seats allotted to the rural population, candidates should belong to statutory agricultural tribes, unless they have a permanent residence in rural areas, was defeated by 8 votes to 6.

7. A resolution affirming the Congress-League agreement to the effect that Muhammadans should be allotted 50 per cent. of the elected Indian membership, was carried by 12 votes to 2, the two dissentients being Sikhs.

An amendment prefixing the words "subject to the just claims of the Sikhs" was lost by the same majority.

A resolution that the Sikhs should have one-third of the total 8. elected seats was supported only by the two Sikh members present and was defeated by 10 votes to 2.

### 1910 SG-170-23-11-18-SGPP Labore.

# Note concerning the present system of election in municipalities and other local bodies in the Punjab.

## I.-MUNICIPALITIES.

At the end of March 1918; 70 out of 100 numicipalities in the Punjab contained elected members, the number of elected members in these municipalities being 542. The elective system is in force in every municipality of the Jullundur Division and, with two exceptions, of the Lahore Division. In the other three Divisions there are still a considerable number of municipal towns in which the system has not yet been introduced, but after recently reviewing the possibilities of extending the system; it was found desirable to introduce it only in eight more municipalities. The number of municipalities in which the elective system will now be inforce is therefore 78. The elective system does not prevail in any of the notified areas of the province.

2. The Punjab Government has recently issued general rules under the Punjab Municipal Act, III of 1911, applicable to all municipalities with regard to the general procedure to be observed at elections. A copy of these rules is attached (Appendix I). Their most important features are that they fix the term of office of elected members at three years. They lay down certain disqualifications for membership. They prescribe dates with suitable intervals for the proparation of voters' registers, for disposal of objections to and revision of these registers, for the nomination of candidates and the disposal of objections to such nominations and for the holding of elections. They also provide for the appointment of returning officers and regulate the procedure of such officers and of yoters at the time of election as well as the counting of votes and the publication of the results.

3. These rules are supplemented by special rules applicable to each individual municipality regulating such matters as the division of the municipality into wards or the inhabitants into classes or both, the number of representatives of each ward or class and the qualifications of members and of voters. Two specimen copies of such rules are attached (Appendices II and III). The original rules on these subjects were for the most part made 20 or 30 years ago, but their revision was taken up in 1917, and for the majority of municipalities revised rules are now in force, and in the remainder will be completed shortly. Among the chief changes effected by this revision the following call for mention:—

(1) The ward system, whether combined or not with a system of communal representation, is, with a few exceptions, being extended to all municipalities and is being provided for in the special rules framed for each municipality by Government instead of as hitherto in many cases being left by the rules to be determined by separate correspondence. Information on the subject will thus be readily available to all the inhabitants.

(2) The insistence on a literary qualification in candidates for membership in all municipalities, the particular standard of literacy prescribed being allowed to vary in different municipalities.

(!) The introduction, subject to a few exceptions, of uniformity throughout the province as regards the nature of the qualifications both of candidates for election and of persons entitled to be registered as voters, the precise standard, however, varying considerably in each case. The qualifications thus prescribed for voters are of the following nature:--

- (a) Possession of immovable property situated within municipal limits of a specified minimum value for a period of 12 months preceding the date on which the register of voters is prepared. (This minimum generally varies between Rs. 100 and HS. 1,000.)
- (b) Payment of rent of a specified minimum amount, (This generally varies between 1 and 5 rupees per mensem.)

(c) Payment of land revenue (including cesses) or of land revenue and owners' or occupiers' rate under the Northern India Canals and Drainage Act, 1873, to a specified minimum amount in respect of land situated within the tabell or district in which the municipality is situated. (The amount thus prescribed is usually Rs. 20 or Rs. 25.)

### (d) Possession of any of the qualifications for membership.

- (c) Receipt of an income of a specified minimum amount. (This varies in different municipalities from Rs. 10 to Rs. 100 per mensem.)
- (f) Payment of a specified minimum amount of direct taxes during the 12 months preceding the date on which the register of voters is prepared. (In this case any payment of income-tax is usually taken as the minimum qualification.)

4. The above qualifications are alternative, and in addition to them the rules invariably provide that every voter must be a male of at least 21 years of age, ordinarily residing or carrying on business within municipal limits for tha 12 months preceding the date on which the registers of voters are prepared.

5. The system of plural voting in the event of a voter possessing more than one of the prescribed qualifications is being gradually abolished in the case of a few municipalities where it has hitherto obtained as the process of revising the rules in these municipalities is being taken up.

6. In some cases the division of the inhabitants into separate electorates has been allowed where it has been established that the representation of a minority or of a particular community would not be secured by a distribu-tion of the municipality into wards only.

7. It has also been recently arranged that in future the elections for all seats on a committee shall, as far as possible, be simultaneous, and in order that the system of simultaneous election for all seats of a committee may be intro-duced smoothly and without undue interference with the other duties of the duced smoothly and without undue interference with the other duties of the gazetted officers employed as returning officers, a calendar of general elections has been drawn up, showing the year in which the first general election under the new rules will be held in each municipality. No elections except casual elections will be held in 1919, 1922, etc., as elections to the Provincial Legisla-tive Council will presumably take place during those years, and assuming that members of municipal committees could, as such, be voters for the Legislative Council, it would obviously be inconvenient if the seats on the committees were unfilled at the time of the Council elections.

8. Separata rules are also in force which govern the procedure for dealing with corrupt practices of intimidation at municipal elections. A copy attached (Appendix IV).

# II.-DISTRICT BOARDS.

9. At the end of March 1918 the number of district boards in the Punjab in which the elective system obtained was 15 out of 28. The system is in force in all districts of the Ambala, Lahore and Jullundur Divisions except Simla and Gurgaon, but in none of the districts of the Bawalpindi and Multan Divisions except Gujrat. Since that date it has been decided to extend the elective system to two other boards, namely Gurgaon and Lyallpur, but effect has not yet been given to this decision. At the same time it has been decided to increase considerably the elected element in the boards where election already prevails and when the necessary revision of the rules which govern in each district the distribution of electoral circles has been carried out, the num-ber of elected members of district boards under this new scheme will be 564 in 17 heards, the number of nominated members in the same boards being 87. in 17 boards, the number of nominated members in the same boards being 87.

10. The existing rules, framed under the Punjab District Boards Act of 1883, which govern the procedure of elections and the qualifications of candidates and voters vary in the case of each board and in most cases these

rules were framed lorg ago. It has now been decided to revise them in the same manner as described above in the case of municipalities. General rules prescribing matters connected with election procedure have been notified and will come into force in July 1919. A copy of these is attached (Appendix V). They provide for a term of office of three years for all elected members and in other respects follow closely the general rules for municipalities, the most important changes which they effect in the procedure hitherto in force being the introduction of simultaneous election and of voting by secret ballot.

11. These general rules will, in due course, be supplemented by special rules for each district board laying down the qualifications of members and voters and providing for the distribution of the area into electoral circles. Such rules are under consideration and have not yet been published. The existing rules which they will supersede, as already stated, vary in the case of different district boards, but the qualifications in force in the Hoshiarpur District may be regarded as typical. These provide that every male person not less than 21 years of age who pays local rate which is leviable under section 5 of the Punjab District Boards Act, 1883, amounting to not less than Rs. 4-2-8 per annum, or who is a lambardar, is qualified to vote, and any one who is qualified to vote is qualified to become a member of the Board.

12 As regards electoral machinery a reference is invited to the General Municipal Rules (Appendix I) and the General District Board Rules (Appendix V).

1914 CS-80- 28-11-18-SGPP Labore.

# APPÉNDIX I.

### General Election Rules for Municipalities.

## The 25th September 1917.

No. 17877.—With reference to Punjab Government Notification No. 466, dated 9th January 1917, it is hereby notified that the Lieutenant-Governor has been pleased to make the following Bules in exercise of the powers vested in the Local Government under section 240 (1) (d), (e), (f), (g), (h) and (4) of the Punjab Municipal Act, 1911, and in supersession of the rules published in Punjab Government Notifications—

No. 1518-S., dated 1st October 1885; No. 5, dated 6th January 1886; No. 67, dated 27th January 1886; No. 464, dated 1st July 1886; No. 204, dated 31st May 1887; No. 191, dated 29th March 1883; No. 13, dated 12th' January 1892; No. 2, dated 3rd January 1894; No. 300, dated 10th June 1897; No. 223, dated 13th May 1899: No. 30, dated 22nd January 1901; No. 50, dated 22nd January 1901; No. 568, dated 17th June 1901; No. 568, dated 21st November 1902; No. 299, dated 26th April 1906; No. 357, dated 17th June 1907; No. 67, dated 3rd February 1908; No. 431, dated 5th July 1910; No. 611, dated 17th November 1910; No. 787, dated 2nd December 1910; No. 133, dated 20th March 1911; No. 498, dated 14th September 1912; No. 614, dated 13th November 1912; No. 753, dated 17th November 1913; No. 754, dated 17th November 1913; No. 754, dated 14th April 1914, as No. 207, dated 14th April 1914, as amended by No. 445, dated 27th July 1914.

No. 155, dated 22nd February 1915; No. 155, dated 22nd February 1915; No. 191, dated 15th March 1915; No. 567, dated 18th September 1915; as amended by No. 660, dated 2nd November 1915. No. 23, dated 12th January 1916; No. 24, dated 12th January 1916; No. 26, dated 12th January 1916;

No 169, dated 13th March 1916; No. 436, dated 10th July 1916:-

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# - RULES.

1. All members appointed by the Local Government or by the Commissioner except Term of office of members. Date of general elections. filled by election on such date or dates between the tenth day of April and the tenth day of May as the Deputy Commissioner may determine.

2. (i) Except with the sanction of the Local Government which, subject to the Disqualification from membership. percon other than's British subject or a natural born subject of a State in India shall be eligible for election as a member of a municipal committee.

(ii) No person shall be eligible for election as a member of a municipal committee -ha

(a) is not a registered voter in the municipality ;

- (b) is under contract as regards work to be done for or goods to be supplied to the municipal committee;
- (c) receives any romuneration out of the municipal fund for services rendered to the municipality ;

(d) has been proscribed from Government employment;

- (c) has been convicted of any such offence or subjected by a criminal court to any such order as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member;
- (7) has been adjudged an insolvent :

Provided that the Local Government may exempt any person or class of persons from the disqualification contained in clause (e) of this rule.

a ci) The Deputy Commissioner shall by the thirty-first day of December preceding a general election cause to be prepared in Form I appended to these rules registers of persons entitled to be registered as voters. Separate registers shall be prepared in each class of voters or for each election 240 (1) (b) of the Punjab Municipal Act, 1911, regulating the division in each case of a municipality into wards or of the inhabitants into elasses or both.

(ii) The names of voters in the registers shall be arranged in alphabetical order and shall be numbered serially.

4. As soon as the registers have been prepared under rule 9, public notice of the fact shall be given, together with an intimation that the regis-ters are open to inspection at the municipal office.

5: (i) Any person whose name is not entered in the registers of voters and who claims Objections to voters' registers and dis-genal of the same. twentieth day of January, give notice in writing of his claim or his objection, as the case may be, to the Deputy Commissioner or to an Assistant Commissioner or Extra Assistant Com-missioner appointed by the Deputy Commissioner in this behalf.

(ii) Every such claim or objection received on or before the due late shall be enquired into by the Deputy Commissioner or by an Assistant Commissioner or Extra Assistant Com-missioner appointed by the Deputy Commissioner in this behalf, who, after hearing the claimant or objector or his representative and after taking such evidence as he may consider necesor objector or his representative and after taking sary, may reject or admit such claim or objection.

(*iii*) No appeal shall lie from the order passed by the Deputy. Commissioner or of any Assistant Commissioner or Extra Assistant Commissioner acting under clause (*ii*) of this rule, but an order passed by such Assistant Commissioner or Extra Assistant Commissioner shall be subject to revision by the Deputy Commissioner: provided that every application for revision must be submitted within three days of the date of the order to be revised.

(iv) The Deputy Commissioner shall not later than the last day of February cause the registers of voters to be corrected, if necessary, in accordance with any order passed under this rule.

6. (:) The registers of voters prepared under rule 8 and corrected, if necessary, under Revision of voters' registers. (following) until the last day of March in the following year, and no person shall be entitled to vote whose name is not entered in the registers during that period.

(ii) The registers of voters shall be subjected to such correction yearly before the first day of April as may be necessary to bring them up to date, and shall after such correction be deemed to be the registers of persons entitled to vote with effect from that date until the last day of March in the following year. Claims to be registered as a voter or objections to the entry of any person's name in the register may be submitted at any time between the first and the tweatieth day of January in each year, and shall be dealt with as nearly as may be in the manner prescribed for claims or objections submitted under rule 5 (i).

7. (i) On or before the fifteenth day of February preceding a general election the Deputy Commissioner shall issue public notice fixing the indiates of objections and nominations and date or dates on which the elections shall be held for those seats which are to be filled by election and calling on candidate. The same. cand disp

before 4 P.M. on the last day of February. (ii) Every candidate for election as the representative of any class or ward shall be nominated by not less than five registered voters belonging to the class or ward in question. Such nominations shall be made on Form II appended to these rules, which shall be subscribed by the nominators and also by the candidate in each case to indicate his assent to such

nomination.

(iii) On or before the fifth day of March the Deputy Commissioner shall publish a notice containing a list of the candidates who have been nominated and intimating that the nomination papers may be scrutinized at his office on a date not later than the twelfth day of March to be specified in the notice, and that any person may on that date submit in writing his objection to the regularity of any nomination or the eligibility of any candidate. notice cont

his objection to the regularity of any nomination or the eligibility of any candidate. (iv) Every objection made under clause (iii) of this rule and received on or before the due date shall be enquired into by the Deputy Commissioner or by an Assistant Commissioner or Extra Assistant Commissioner appointed by the Deputy Commissioner in this behalf, who, after hearing the objector or his representative and after taking such evidence as he may con-sider necessary, shall pass orders allowing or disallowing the candidature objected to : provided that if an objection is made on the score that the candidate is disqualified under sub-clause (c) or clause (c) of rule 2 (ii), the Deputy Commissioner shall forthwith through the usual channel obtain the orders of the Local Government as to whether the candidate in question shall be exempted from such disqualification, and on receipt of such orders shall pass an order allowing or disallowing the candidature accordingly.

(c) The Deputy Commissioner may also of his own motion pass an order disallowing auy candidature if the nomination of the tandidate was irregular or if the candidate was not eligible for election as a member under any rules for the time being in force in the municipality in question : provided that if he considers any candidature should be disallowed on the score

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that the candidate is disqualified under sub-clauce (c) or clause (c) of rule 2 ( $\dot{r}$ ), he shall proceed in the man ner prescribed in clause (io) of this rule in the case of an objection to a candidature based on these reasons.

(vi) No appeal shall lie from any order passed by the Deputy Commissioner or by an Assistant Commissioner or Extra Assistant Commissioner under elause (iv) or (v) of this rule, but any such order passed by an Assistant Commissioner or Extra Assistant Commissioner shall be subject to revision by the Deputy Commissioner : provided that every application for re-vision must be submitted within three days of the date of the order to be revised.

8. The Deputy Commissioner shall, at least one weak before the date fixed for the Publication of list of candidates and the objections, nominated. are found to have been validly nominated.

9. (s). If no candidate is validly nominated for election to any seat, the Deputy Commissioner shall fix a further date by which candidates for election may be nominated, and shall proceed as nearly as may be in accordance with rule 7 in regard to the scrutiny be in accordance with rule 7 in regard to the scrutiny, he shall report the matter to the Local Government with a view to action being taken under section 14 (b) of the Panjab Municipal Act, 1911.

(st) If at any time before the declaration of the poll a duly nominated candidate inti-mates to the Deputy Commissioner in writing that he withdraws from his candidature, his name shall be removed from the list of candidates.

(iii) If only one duly nominated candidate stands for election to any seat, he shall be deemed to have been duly elected a member.

(iv) If more than one duly nominated candidate stands for election to any seat, a poll shall be taken on the day fixed for the election in respect of that seat.

10. If under rule 9 (iv) a poll is to be taken in respect of any seat, the Deputy Com-missioner shall issue a notice at least one week before the date fixed for the election fixing the time or times and place or places at which the poll shall be taken. Such places shall be known as " polling sta ions."

11. The Deputy Commissioner shall appoint two or more gazetted officers, hereinafter Appointment of returning officers. be assisted by one or more persons as may be considered necessary. Two of these returning officers shall be known as the first and second returning officers, respectively.

12. If before or at the time of the election any of the returning officers refuse to act intment of returning officers. or becomes incapable of acting as such, the Deputy Com-missioner shall appoint another person to act as returning officer in his place. Appointment of returning officers.

13. The first returning officer shall be supplied with a copy of the register of voters and with a copy of the list of valid nominations of candi-dates for election referred to in rule 8.

14. All votes shall be given in person at the polling station and no voting by proxy Voting to be in person, not by proxy. shall be allowed.

15. Voting shall be by ballot ; ballot papers shall be in Form III appended to these rules. Voting to be by ballot,

16. (i) When a person presents himself to vote, but not afterwards, the first returning officer may, of his own accord, and shall, if so required by a candidate or his agent, put to the person all or any of the following questions, the answers to which shall be recorded in writing and the record signed by the first returning officer and by -the person who

gives the answers :---(a) Are you the person registered in the register of voters as follows (reading the whole entry from the register)?

(b) Have you already voted at the present election ?

(c) Such other question as he may think fit or necessary.

(ii) No person required to answer any of these questions shall be permitted to vote a bas answered it.

antil he (iii) Every person presenting himself to vote shall, if he be literate, sign his name opposite the corresponding entry in the copy of the register of voters supplied to the first re-turning officer, or, if he be illiterate, shall affir his thamb mark thereto, in the presence of the first returning officer. 2

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(iv) The first returning officer shall then give to the voter a ballot paper or papers bearing an official mark.

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Nors.—In municipalities where plural voting is in force, each voter should be given a ballot paper for a vote to which he is shown as entitled in the voters' register. A voter may then record his votes all in favour of candidate and some in favour of another or others, but shall not record more one vote or any one ballot paper.

17. (1) The voter on receiving the ballot paper or papers shall forthwith proceed to Frocedure for recording votes. against the name of the candidate for whom he votes; he shall put his ballot paper or papers into a box provided for the purpose, hereinafter called the ballot box.

(ii) The second returning officer shall be in charge of the arrangements at the place wherein the ballot box is kept. He shall admit only one voter at a time, and refuse admission to any other person or any voter not in possession of a ballot paper.

If a voter is unable to read or write, the second returning officer shall cause the vote of such voter to be marked on the ballot paper or papers in the manner directed by such voter and the ballot paper or papers to be placed in the ballot box.

(iii) 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.

(iv) Just before the commencement of the poll the second returning officer shall show the ballot box empty to such persons as may be present at the polling station, and shall then lock it and place his seal upon it in such manner as to prevent its being opened without break-ing such seal, and shall keep it so locked and sealed.

18. Any ballot paper which is not duly marked or on which votes are given to more than one candidate or on which any mark has been made by which the voter may be identified shall be invalid. Invilid ballot papers,

by which the voter may be identified shall be invalid. 19. If a person representing himself to be a particular voter named in the voters' re-gister applies for a ballot paper after another person has voted as such voter, the applicant shall, after duly an-swering such questions as the returning officer may ask, be entitled to mark a ballot paper in the same manner as any other voter, but the ballot paper shall be of a colour differing from the other ballot papers and, instead of being put into the ballot box, shall be given to the first returning officer and endorsed by him with the name of the voter and his number in the voters' register, and set aside in a separate packet, and shall not be counted by the returning officer. The signature or thumb impression of the voter in a separate list containing a copy of the corresponding entry in the voters' register and bearing the heading "List of Tendered Votes."

20. At the close of the poll, in the presence of the persons nominated to assist the returning officers and of such candidates or their agents, fauy, as may be in attendance, the returning officers shall -

(a) open the ballot box and separate the ballot papers which they admit as valid from those which they deem invalid, endorsing on the latter the word "re-jected " and the ground of rejection ;

(b) count the valid votes given to each candidate ;

(c) prepare and certify as correct a return setting forth-

(i) the number of persons who presented themselves to vote,

- (ii) the number of valid votes given for each candidate,
- (iii) the name of the candidate for whom most valid votes were given,
  - (ir) the number of ballot papers declared invalid, and
- (v) the number of tendered ballot papers ;
- (d) seal up in separate packets the tendered ballot papers, the ballot papers admitted as valid, the ballot papers rejected as invalid, the copy of the voters' register referred to in rule 16 (iii), and the list of tendered votes prescribed in rule 19, and record on each packet a description of its contents and the date of the election to which it relates together with the name of the class or name and number of the ward for a sepresentative of which the election was held;

(c) permit any candidate or his agent to take a copy of or an extract from the re-turn prescribed in clause (c) of this rule.

21. The first returning officer shall then forward the return and the packets of ballot Returns to be forwarded to and publish-ed by the Deputy Commissioner. Who shall cause a copy of the return prescribed in rule 20 (e) to be published for general information.

22. (i) The Deputy Commissioner shall retain for three months the packets of the ballot papers and lists forwarded to him by the first re-turning officer, and shall then, unless there appears to him to be good reason for retaining them for a further-period, cause them to be destroyed.

(ii) While the packets are in the oustody of the Deputy Commissioner, they shall . not be opened or their contents inspected except under his written order or under the order of a court enquiring into an election petition under any rules that may be in force.

23. If it is found that two or more candidates have polled an equal number of valid votes, a fresh election shall be held in which such candi-dates shall be the only candidates. Procedure in event of a tie.

24. The Deputy Commissioner shall in due course forward to the Commissioner the names of the candidates duly elected with a view to their election being notified in the Gazette. Notification of members elected.

25. When a vacancy occurs among the elected members of a committee by death, resignation or removal and a new member has to be elected in his place in accordance with section 17 (1) of the Punjab Minnicipal Act, 1911, such election shall be con-ducted in the manner prescribed in these rules for a general election, save that the date of the election shall be fixed as soon as may be convenient after the occurrence of the vacancy, and the provisions of rale 6 shall apply with regard to what is to be deemed to be the register of voters. wot

# FORM I.

#### REGISTER OF VOTERS. . . .

### \_\_\_Municipality.

### Class Election ward No.

Serial No.	Name of voter.	Father's name.	Caste.	Occupation.	Address.	Rule und er which qualified.	Number of votes to which entitled.	Randare.

## FORM II.

# NOMINATION PAPER

# Municipality

alam We, red in the register of voters belonging to ed, being voters duly regist election ward No. hereby els a candidato for election as member



day of I, the under , being a person duly qualified for election as a member to പ്പെട

hereby assent to being nominated as a candidate for election. election ward No.

(Signature of candidate.) ۰, **1**-Dated this \_dey of\_

\*Norz.-Here insert full name, description and address of the candida

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# vi

# FORM 111.

### BALLOT PAPER.

### Municipality.

#### olass No= her for also óf s and No.

Scrial No.		Name and description of candidate,	Column for cross (x) of voter.		
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· ·	2	B.	and a second		
<b>ب</b> ر	8	C.			
•	4	D.			
•	5 -	E.	an a		

# O. F. LUMSDEN.

# Financial Secretary to Government, Punjab.

### APPENDIX II.

# Specimen copy of special election rules of the Lahore Municipality.

# GAZETTE NOTIFICATION.

# The 9th January 1917.

**No. 464.**—The following draft rules which the Lieutenant-Governor proposes to make in exercise of the powers vested in the Local Government under section 240 (1) ( $\delta$ ), (c) and (d) of the Punjab Municipal Act, 1911, are published for the information of persons likely to be affected thereby. The proposed rules will apply to the Lahore Municipality, and the draft will be taken into consideration on or after 1st April 1917, together with any objection or suggestion which may be received from any person with respect to the draft before that date :—

### DRAFT RULES.

1. For the purpose of electing members of the Lahore Municipal Committee the in habitants of the Lahore Municipality shall be divided into four classes, that is to say,--

(a) Class I.-European British subjects, Anglo-Indians and Indian Christians.

(b) Class II.-Sikhs.

(c) Class III.-Muhammadans.

(d) Class IV.—Hindus,

2. (a) For class I of the inhabitants there shall be four representatives.

- (b) For class II of the inhabitants there shall be one representative.
- (c) For class III of the inhabitants there shall be nine representatives.
- (d) For class IV of the inhabitants there shall be eight representatives.

S. (a) The representatives of class I shall be elected by registered voters belonging to that class resident in any part of the municipality.

(b) The representatives of class II shall be elected by registered voters belonging to that class resident in any part of the municipality.

(c) For class III one representative shall be elected for each elective ward shown in schedule A by the registered voters of that class ordinarily resident in that ward.

(d) For class IV one representative shall be elected for each elective ward shown in schedule B by the registered voters of that class ordinarily resident in that ward.

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4. No one shall be aligible for alcotion as a member of the Labors Municipal Committee unless-

(c) in the case of a member to be elected as a representative of class I, he is an owner or occupier of house property within the limits of the manicipality and is a European, Anglo-Indian or Indian Christian : or-

(d) in the case of a member to be cleated as a representative of any other class,-

(f) he has an income of not less than Rs. 150 per mensera ;

(ii) he possesses immovable property situated within the Lahore District of a value of not less than Rs. 5,090; or

(iii) he pays income-tax or land revenue and cesses to an amount of not less than Re. 35 per annum; or

(iv) he possesses the degree of B.A. or B.L., or any higher degree, together with an income of not less than Rs. 100 per mensem,

5. No person shall be entitled to be registered as a voter unless he-

(a) is a male British subject and has attained the age of twenty-one years : and

(b) (i) in the case of a person to be registered as a voter for a representative of class I, is a European British subject, Anglo-Indian or Indian Christian; or

(ii) in the case of person to be registered as a voter for a representative of class 11, is a Sikh;

(iii) in the case of a person to be registered as a voter for a representative of class III, is a Muhammadan ; or

(iv) in the case of a person to be registered as a voter for a representative of class VI, is a Hindu ; and

(c) (i) in the case of a person belonging to class I or II, has for the twelve months immediately preceding the first day of December in the year in which the register of voters belonging the class I or II is prepared or revised, ordinarily resided or carried on business within the limits of the municipality; or

(ii) in the case of a person belonging to class III or IV, has for the twelve months immediately preceding the first day of December in the year in which the register of voters belonging to class III or IV, as the case may be, is prepared or revised, ordinarily resided or carried on business in the election ward for a representative of which he desires to be registered as a voter; and

(d) (i) in the case of a person belonging to class I, has, for the twelve months immediately preceding the first day of December in the year in which the register of voters belonging to class I is prepared or revised, been in occupation of premises rented at or. of rental of not less then twenty rupees per mensem or is in receipt of an income of not less than Rs. 150 per mensem; or

(ii) in the case of a person belonging to any other class-

- (aa) belongs to any of the learned profession ; or
  - (bb) carries on any trade or business on his own account or as an agent for another at definite fixed premises and pays income-tax; or

(cc) is in receipt of a salary or pension of more than twenty rupees per menisem from Government or from a private employer, or earns as an artizan or mechanic, but not as a day labourer or cooly, more than twenty rupees per mensem; or

- (dd) owns land and pays to Government land revenue, or land revenue and occupier's or owner's rate under the Northern India Canal and Drainage Act, 1878, to an amount of more than twenty rupes per annum, or would pay such land revenue or such land revenue and occupier's and owner's rate to such amount unless specially exempted from such payment; or
- (ce) owns or occupies premises whereof the rent actually is or may be estimated to be not less than sixty rupees per annum.

Explanation .- For the purpose of calculating a period of ordinary residence within the limits of the municipality or of a particular ward no account shall be taken of any period of temporary absence such as time spent in the hills or on leave.

6. Notwithstanding anything contained in rule 5 no person shall be entitled to vote in respect of more than one alternative qualification on to give more than one vote, and no person shall be recorded as a voter in more than one register of voters. If any person is entitled to be recorded as voter in more than one register of voters, he must choose in which register to have his name registered : provided that any person qualifying under clause (*ee*) of rule 5 (d) (i) shall, if he belongs to class III or IV, he recorded only in the register of voters of the election ward in which he ordinarily resides.

Na	imber of ward.		Name of ward.	Description of boundaries.
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			-	(North.
		-		Bast.
	1	**		South
			at.	West.
				(Borth.
	· .		11	Baet.
. •	n			South.
		,	A.1	
	• .			West.
etc.				

# SOREDULE B.

Election wards for representatives of voters belonging to class IF-Bindus.

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Number of ward,	Name of ward.	Description of houndaries.		
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· · · · · · · · · · · · · · · · · · ·		(North.		
		South.		
	<b>a</b>	East.		
	-	West.		
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		North.		
π		South.		
-	· · ·	Bast.		
	· ·	West.		
-	· . ·	-		
etc.	1			

# APPENDIX. IV.

Specimen copy of the special election rules of the Jhang Maghiana Municipality. DRAFT NOTIFICATION.

#### 1918. The

**No.** .--The following draft rules which the Lieutenant-Governor proposes to make in exercise of the powers vested in the Local Government under section 240 (1) (b), (c) and (d) of the Punjab Municipal Act, 1911, are published for the information of persons likely to be affected thereby. The proposed rules will apply to the municipalty of Jhang-cum-Maghiana, and the draft will be taken into consideration on or after 1917, together with any objection or suggestion which may be received from any person with respect to the draft before that date :--

## DRAWT RULES. .

1. For the purposes of the election of members of the Jhang-emm-Maghiana Municipal Committee the inhabitants of the Jhang-emm-Maghiana Municipality shall be divided into three classes, that is to say-

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(b) Class II. — Muhammadans including Chuhras.
(c) Class III. — Others, including all inhabitants of the municipality not included in class I or class II.

2. For the same purposes the municipality of Jhang-esse Maghiana shall be divided into five election wards, the boundaries of which are described in the schedule appended to these rules.

S. There shall be six representatives of class I and six representatives of class II.

4. One representative each of class I and one representative each of class II shall be elected by registered voters belonging to the respective classes resident in each of wards I to IV described in the schedule appended to these rules. Two representatives of class I and two representatives of class II shall be elected by registered voters belonging to the respective classes resident in ward V described in the said schedule : provided that a registered voter belonging to class III may vote for one candidate to represent either class I or class II in the ward in which he is resident.

5. No one shall be eligible for election as a member of the Jhang-eum-Maghiana Municipal Committee unless-

- (s) (i) in the case of a member to be elected as a representative of class I, he is a Hindu or a Sikh; or
  - (ii) in the case of a member to be elected as a representative of class II, he is a Muhammadan or Chuhra; and
- (b) (i) he pays income-tax; or
  - (is) he pays as proprietor or receives as assignce of Government, land revenue to an amount of not less than Rs 20 per annum in respect of land situated in the Jhang Tahsil; or

(iii) he is the owner of immovable property of a value of not less than Rs. 2,000, half or more of which is situated within the limits of the municipality; or

- (iv) he is in receipt of a pension from Government of not less than Rs. 25 per mensem; or
- (v) he has been admitted and is enrolled as an Advocate or Pleader under the orders of the Chief Court or has obtained a degree in Medicine from the Punjab or any other recognized University in British India; or
- (v) he holds a certificate of having passed the Entrance Examination of the Panjab or any other recognised University in British India and is able to prove that he has an income of not less than Rs. 50 per mensem.

Note.—In the esse of a father and son living together the payment of income-tax or land revenue or the receipt of land revenue as an assignce of Government or the possession of immovable property to the amount or value specified in clauses (b) (ii) and (iii) of this rule shall be held to qualify the father only, provided that, if the father so desires, such payment, receipt or possession shall be held to qualify the son in lieu of the father.

6. No person shall be entitled to be registered as a voter in the Jhang-eum-Maghiana Municipality-

(a) if (i) in the case of a person to be registered as a voter for a representative of class I, he is a Mahammadan or Chuhra; or

(*ii*) in the case of a person to be registered as a voter for a representative of class II, he is a Hindu or a Sikh, and

(b) unless he is a male and has attained the age of 21 years and for the 12 months preceding the first day of December in the year in which the register of voters is prepared has ordinarily resided or carried on business within the municipality; and

(c) unless (i) he possesses immoveable property situated within the limits of the municipality of a value of not less than Rs. 500; or

(ii) he pays rent for a house or part of a house situated within municipal limits to an amount of not less than Rs. 2 per mensem; or

- (iii) he pays land revenue or income-tax or both to an aggregate amount of not less than Rs. 25 per annum; or
- (iv) he is in receipt of an income of not less than Rs. 100 per mensem ; or
- (v) he has passed the Entrance, or any higher examination of the Punjab or any other recognised University in British India.

7. Notwithstanding anything contained in rule 6 no person shall be entitled to vote in respect of more than one alternative qualification or to give more than one vote and no person shall be recorded as a voter in more than one register of voters. If any person possesses qualifications which would otherwise entitle him to be recorded in more than one register of voters, he must choose in which register to have his name registered.

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x SCHEDULE.

Number of ward.	Name of ward.	Description of boundaries.
I— II— III— IV— V—		-

# APPENDIX IV.

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### GAZETTE NOTIFICATION.

# The 19th May 1913.

No. 366.—Notification.—In exercise of the powers conferred by section 240 (1) and (2) of the Puujab Municipal Act, III of 1911, the Lieutenant-Governor is pleased to make the following rules for dealing with corrupt practices or intimidation at municipal elections :—

### RULES.

1. (a) No election shall be valid if any corrupt practice is committed in connection therewith by the candidate elected.

(b) A person shall be deemed to commit a corrupt practice within the meaning of these Regulations-

(i) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consider-ation, or holds out any promise of individual profit, or holds out any threat of injury, to any person, or

(ii) who gives, procures or abets the giving of a vote in the name of a voter who is not the person giving such vote.

And a corrupt practice shall be deemed to be committed by a candidate if it is com-mitted with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation.---A "promise of individual profit" includes a promise for the benefit of the person himself, or of any one in whom he is interested.

2. Every petition using one in whom he is interested. 2. Every petition using the return of any candidate at a municipal election on the ground of corrupt practice shall be made in writing, signed by a person who was a candidate at the election or by not less than five electors, and the petition shall be presented to the Deputy Commissioner within one week after the day on which the result of the election was declared. The petition shall specify the acts which the objector or objectors allege to amount to corrupt practice as affecting the result of the election, and which he or they are prepared to establish, and shall on presentation be supported by a statement made on oath by each objector:

Provided that on sufficient cause being shown the limit of one week prescribed by this rale may be extended by the Deputy Commissioner.

S. (1) At the time of presenting an election pelition or within three days afterwards the objector shall give security for all costs, charges, and expenses which may become payable by him to any witness summoned on his behalf, or to any respondent.

(?) The security shall be such amount, not exceeding Rs. 2,000, as the Deputy Commissioner may direct, and shall be given, either by a deposit of money or by recognizance entered into by not more than three sureties, or partly in one way and partly in the other.

4. The Deputy Commissioner may either immediately or after a summary enquiry reject the application, after recording his reasons in writing for so doing, if he is not satisfied that there are grounds for further action on the petition.

5. If the Deputy Commissioner believes, after examining the objectors and making such enquiry as he deems fit, that any corrupt practice has been committed in connection with the election of the respondent, he or in the case of 2nd class municipalities such officer not below the rank of a Magistrate, 1st class, as he may appoint on this behalf, shall serve on the respondent a notice of the presentation of the petition, together with a copy of the petition, and shall summon him and in his presence make an enquiry regarding the charges brought are an enquiry regarding. against him.

6. (1) The enquiry shall be held in a place to which the public have free access, and notice of the time and place of enquiry shall be given to the parties not less than 7 days before the first day of the enquiry. 19, and

(2) The place of enquiry shall be within the municipality, except that the officer hold-ing the enquiry may, on being satisfied that special circumstances exist rendering it desirable that the enquiry should be held elsewhere, appoint some other convenient place for the enquiry.

7. Where the respondent does not appear when the enquiry is instituted, then-

- (1) if it is proved that the summons was duly served, the officer holding the enquiry may proceed with the enquiry ex parte;
- (2) if it is not proved that the summons was duly served, the officer holding the enquiry shall direct a second summons to be issued and served on the respondent.

8. For the purpose of compelling the appearance of witnesses or the production of documents or other moveable property and of seconding evidence, the officer holding the enquiry shall exercise the same powers as are exercisable by a District Magistrate under Chapters VI and VII of the Criminal Procedure Code of 1898.

9. The officer holding the enquiry shall make a record of all relevant evidence tendered, and shall, at the conclusion of the proceedings, draw up a report of what he believes to be the facts of the case, supported by the recorded evidence, and state his opinion whether the alleged corrupt practice has been committed in connection with the election of the respondent. If the officer holding the enquiry be satisfied that no case has been established against the return of the candidate whose election has been the subject of inquiry, he shall record an order to this effect and declare his election valid. If, on the other hand, he believes that the allegation of corrupt practice has been established, he shall forward the proceedings with his report to the Commissioner.

10. All costs, charges, and expenses of, and incidental to, the presentation of the petition, and the subsequent enquiry, shall be defraved, by the parties concerned, in such manner and proportions as the Deputy Commissioner determines; and in particular any costs, charges or expenses which, in the opinion of the Deputy Commissioner, have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of any objector or of the respondent, and any needless expenses incurred or caused of any objector or or the respondent, may be ordered to be defrayed by the parties by whom they have been incurred or caused.

11. Any costs awarded under these rules may be recovered on application to a magis-irate having jurisdiction within the limits of the municipality, or in any other place where the person from whom the money is claimable may for the time being be resident; by the distress and sale of any moveable property within the limits of his jurisdiction belonging to such mercan to such person.

12. If the Commissioner, after a perusal of the proceedings, is of opinion that the charge of corrupt practice has not been established, he may pass an order declaring the candi-date duly elected. If, on the other hand, he finds that the charge of corrupt practice has been established, he shall (\*) in the case of a munipality of the 2nd class declare the election void, and may further order that the candidate shall be incapable of holding a municipal office for a period which may estend to 10 years; or (ii) in the case of a municipality of the lst class, forward the proceedings to the Local Government with an expression of his opinion. On receipt of the proceedings, the Local Government may pass such orders as might, in the case of a municipality of the 2nd class, be passed by the Commissioner.

13. Either the Commissioner or the Local Government may remand the proceedings to the officer holding the enquiry for further enquiry, if this be thought necessary, before passing a final order. No party to the proceedings may claim, as a right, to be present in person or by counsel before the Commissioner, or the Local Government.

14. The Deputy Commissioner may, of his own motion, make an enquiry regarding the conduct of any candidate whom he has reason to suspect of having committed any corrupt practice, in connection with his candidature, and the case shall be investigated and disposed of in the manner prescribed in these rules.

15. When under rule 11 the election of a candidate is declared void, the Commissioner -or the Local Government as the municipality may be of the 2nd or lst class, shall direct either that the unsuccessful candidate next following on the list be declared duly elected, or that a new election be held.

# <sup>•</sup> APPENDIX V.

General election rules for District Boards (will not come into force until

# 9th July 1919).

. --GAZETTE NOTIFICATION.

The 9th January 1918.

No. 18801, dated 17th October 1917, it is hereby notified that,

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in exercise of the powers vested in the Local Government under section 55 (2) (d) of the Punjab District Boards Act, 1883, the Lieutenant-Governor is pleased to make the following rules in supersession of the rules published with Development the following rules in supersession of the rules published with Punjab Government notifications-

No. 2789-B., dated 6th December 1583, as amended by No. 143, dated 30th July 1890, and No. 220, dated 28th August 1916;

No. 2841, dated 13th December 1893;

No. 1655-S., dated 12th October 1885, as amended by No. 192, dated 5th September 1904;

No. 30, dated 24th February 1886, as amended by No. 163, dated . 20th July 1912;

No. 105, dated 15th June 1887; No. 227, dated 17th October 1888;

No. 267, dated 1st December 1888;

No. 58, dated 5th March 1894, as amended by No. 216, dated 3rd October 1894;

No. 194, dated 2nd November 1898, as amended by No. 259, dated 16th November 1907;

No. 1, dated 5th January 1899; No. 25, dated 20th January 1899;

No. 62, dated 25th May 1900; No. 103, dated 10th June 1901, amended by No. 81, dated 8th May 1912; and No. 49, dated 5th February 1913;

No. 106, dated 10th June 1901, as amended by No. 141, dated 19th June 1915;

No. 42, dated 14th February 1902, as amended by No. 265, dated 21st November 1902;

No. 96, dated 25th March 1902 ; No. 123, dated 13th June 1904, as amended by No. 225, dated 19th October 1904 ;

No. 152, dated 18th July 1904; No. 63, dated 6th March 1905, as amended by No. 245, dated 13th December 1906, as amended by No. 457, dated 9th January 1917;

No. 31, dated 14th February 1908;

No. 45, dated 27th February 1908, as amended by No. 281, dated 27th October 1913;

No. 193, dated 15th July 1913; No. 170, dated 15th July 1896, as amended by No. 258, dated 23rd October 1912;

No. 136, dated 13th June 1894, as amended by No. 245, dated 28th September 1911;

No. 1905, dated 29th January 1917;

No. 155, dated 9th August 1906, as amended by No. 122, dated 18th April 1913;

The rules shall come into force eighteen months from the date of this notification :--

## Rouge.

1. All members appointed by the Local Government or by the Commissioner except Term of office of members. Date of general elections. Tilled by election on such date or dates in the month of February as the Deputy Commissioner

may determine.

2. (i) Except with the sanction of the Local Government which, subject to the approval of the Governor-General in Conncil, may be granted in respect of any person, or class of persons, no person other than a British subject or a natural born subject of a State in India shall be

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(ii) No person shall be eligible for appointment or election as a member of a district

board who (a) (in districts where some of the members are elected) is not a registered voter in the district ;

(b) is under contract as regards work to be done for or goods to be supplied to the district board ;

(c) receives any remuneration out of the district fund for services rendered to the district board ;

(d) has been proscribed from Government employment :

. . .

(e) has been convicted of any such offence or subjected by a criminal court to any such order as implies, in the opinion of Local Government, a defect of character which unfits him to be a member;

(1) has been adjudged an insolvent,

Provided that the Local Government may exempt any person or class of persons from the disqualification contained in clause (c) of this rule.

8. (i) The Deputy Commissioner shall by the thirty-first day of October preceding a general election cause to be prepared in Form I appended to these rules registers of persons entitled to be registered as voters. Separate registers shall be prepared for each election circle prescribed by any rules which may have been or may hereafter be made under soction 55 (2) (d) of the Punjab District Boards Act, 1883.

(ii) The names of voters in the registers shall be arranged in alphabetical order and shall be numbered serially.

4. As soon as the registers have been prepared under rule 3, public notice of the fact shall be given, together with an intimation of the place in each election circle when the register of voters in that circle may be inspected. Voters' registers to be open to inspec-

5. (1) Any person whose name is not entered in the registers of voters and who

Objections to voters' registers and dis-posal of the same. the twentieth day of November give notice in writing of his claim or his objection, as the case may be, to the Deputy Commissioner or to an Assistant Commissioner or Extra Assist-ant Commissioner appointed by the Deputy Commissioner in this behalf.

(ii) Every such claim or objection received on or before the due date shall be en-quired into by the Deputy Commissioner or by an Assistant Commissioner or Extra Assistant Commissioner appointed by the Deputy Commissioner in this behalf, who, after hearing the claimant or objector or his representative and after taking such evidence as he may consider necessary, may reject or admit such claim or objection.

(iii) No appeal shall lie from the order passed by the Depnty Commissioner or of any Assistant Commissioner or Extra Assistant Commissioner acting under clause (ii) of this. rule, but an order passed by such Assistant Commissioner or Extra Assistant Commissioner shall be subject to revision by the Deputy Commissioner: provided that every application for revision must be submitted within three days of the date of the order to be revised.

(is) The Deputy Commissioner shall not later than the last day of December cause the registers of voters to be corrected, if necessary, in accordance with any order passed under this rule.

6. (i) The registers of voters prepared under rule 3 and corrected, if necessary, under Revision of voters' registers. (following) until the last day of January in the following year, and no person shall be entitled to vote whose name is not entered in the registers during that period.

(ii) The registers of voters shall be subjected to such correction yearly before the first day of February as may be necessary to bring them up to date, and shall after such correction be deemed to be the registers of persons entitled to vote with effect from that date until the last day of January in the following year. Claims to be registered as a voter or objections to the entry of any person's name in the register may be submitted at any time between the first and the twentieth day of November in each year, and shall be dealt with as nearly as may be in the manner prescribed for claims or objections submitted under rule 5 (i).

7. (c) On or before the fifteenth day of December preceding a general election the Deputy Commissioner shall issue public notice fixing the date or dates on which the elections shall be held for those sents which are to be filled by election and calling on candidates to submit their nomination papers to him on or before 4 P N on the last day of December. hefore 4 P.M. on the last day of December.

(ii) Every candidate for election as the representative of any election circle shall be nominated by not less than five persons whose names are registered as voters in the register of voters of the election circle in question. Such nominations shall be made on Form II appended to these rules, which shall be subscribed by the nominators and also by the condidate in each case to indicate his assent to such nomination.

(*iii*) On or before the fifth day of January the Deputy Commissioner shall publish a notice containing a list of the candidates who have been nominated, and intimating that the nomination papers may be surthinized at his office on a date not later than the twelfth day of January to be specified in the notice, and that any person may on that date submit in writing his objection to the regularity of any nomination or the eligibility of any candidate.

(is) Every objection made under clause (iii) of this rule and received on or before the due date shall be enquired into by the Deputy Commissioner or by an Assistant Commissioner or Extra Assistant Commissioner appointed by the Deputy Commissioner in this behalf, who, after hearing the objector or his representative and after taking such evidence as he may con-sider necessary, shall pass orders allowing or disallowing the candidature objected to : provided that if an objection is made on the score that the candidate is disqualified under sub-clause (c) or clause (c) of rule 2 (ii), the Deputy Commissioner shall forthwith through the usual channel obtain the orders of the Local Government as to whether the candidate in question shall be exempted from such disqualification, and on receipt of such orders shall pass an order allowing or disallowing the candidature accordingly.

(v) The Deputy Commissioner may also of his own metion pass an order disallowing any candidature if the nomination of the candidate was irregular or if the sandidate was not eligible for election as a member under any rules for the time be ng in force in the District Board in question : provided that if he considers any candidature should be disallowed on the score that the candidate is disqualified under sub-clause (c) or claure (e) of rule ? (ii), he shall proceed, in the manner presented in clause (iv) of this rule in the case of an objection to a oudidature based on these nearest candidature based on these reasons.

(v:) No appeal shall lie from any order passed by the Deputy Commissioner or by an Assistant Commissioner or Extra Assistant Commissioner under clause (ic) or (c) of this rule, but any such order passed by an Assistant Commissioner or Extra Assistant Commissioner shall be subject to revision by the Deputy Commissioner : provided that every application for revision must be submitted within three days of the date of the order to be revised.

8. The Deputy Commissioner shall, at least one week before the date fixed for the Publication of list of candidates duly nominated. are found to have been validly nominated.

9. (1) If no candidate is validly nominated for election to any seat, the Dep

Procedure on receipt of all valid nominations and be all proceed as nearly as may be in accordance with rule 7 in regard to the soruting of any objections against such nominations. If no further valid nominations are received, he shall report the matter to the Local Government with a view to action being taken under section 11 (3) of the Punjab District Boards Act, 1883.

(ii) If at any time before the declaration of the poll a duly nominated candidate inti-mates to the Deputy Commissioner in writing that he withdraws from his candidature, his name shall be removed from the list of candidates.

(iii) If only one duly nominated candidate stands for election to any seat, be shall be deemed to have been duly elected a member.

(ip) If more than one duly nominated candidate stands for election to any seat, a poll shall be taken on the day fixed for the election in respect of that seat.

10. If under rule 9 (iv) a poll is to be taken in respect of that seat. Notice of date of election. place or places at which the poll shall be taken. Such places shall be known as " polling stations."

11. The Deputy Commissioner shall appoint two or more gazetted officers, hereinafter Appointment of returning officers. tion at each polling station, and such returning officers shall be assisted by one or more persons as may be considered necessary. Two of these re-turning officers shall be known as the first and second returning officer, respectively.

12. If before or at the time of the election any of the returning officers refuses to act or becomes incapable of acting as such, the Deputy Com-mis joner shall appoint another person to act as returning Spp intment of returning officers. officer in his place.

13. The first returning officer shall be supplied with a copy of the register of voters and with a copy of the list of valid nominations of candi-thraing officer.

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1.4. All votes shall be given in person at the polling station and no voting by proxy. Voting to be in person, not by proxy. shall be allowed.

15. Voting shall be by ballot, ballot papers shall be in Form III appended to Voting to be by ballot. these rules. Δ.

16. (i) When a person presents himself to vote, but not afterwards, the first return-Guestions to be put to votere and dis-tribution of ballot papers. corded in writing and the record signed by the first returning officer and by the person all or any of the following questions, the answers to which shall be re-gives the answers to the person who gives the answe

(a) Are you the person registered in the register of voters as follows (reading the whole entry from the register)?

(b) Have you already voted at the present election?

(c) Such other question as he may think fit or necessary.

(ii) No person required to answer any of these questions shall be permitted to vote e has answered it. until he has ans

(iii) Every person presenting himself to vote shall, if he be literate, sign his name opposite the corresponding entry in the copy of the register of voters supplied to the first raturning officer, or, if he be illiterate, shall affix his thumb mark thereto, in the presence of the first returning officer.

(iv) The first returning officer shall then give to the voter a ballot paper or papers bearing an official mark.

Norm.—In dis ricis where plural voting is in force, each voter should be given a ballot paper for every vot to which he is show as entitled in the rotars' register. A voter may then record his votes all in favour of on candidate or some in favour of one candidate and some in favour of another or others, but shall not record more that one vote on any one ballot paper.

17. (2) The voter on receiving the ballot paper or paper shall forthwith proceed to the place set apart for the purpose, and there make a cross against the name of the candidate for whom be votes; he shall put his ballot paper or papers into a box provided for the purpose, hereinafter called the ballot box.

(ii) The second returning officer shall be in charge of the arrangements at the place wherein the ballot box is kept. He shall admit only one voter at a time, and refuse admission to any other person or any voter not in possession of a ballot paper.

If a voter is unable to read or write, the second returning officer shall cause the vote of such voter to be marked on the ballot paper or papers in the manner directed by such voter and the ballot paper or papers to be placed in the ballot box.

(iii) The ballot box shall be so constructed that the bollot papers can be introduced therein, but cannot be withdrawn therefrom without the box being unlocked.

(iv) Just before the commencement of the poll the second returning officer shall show the ballot box empty to such persons as may be present at the polling station, and shall then lock it and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall keep it so locked and sealed.

18. Any ballot paper which is not duly marked or on which votes are given to more than one candidate or on which any mark has been made by which the voter may be identified shall be invalid. Invalid ballot papers.

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by which the voter may be identified shall be invalid. 19. If a person representing himself to be a particular voter named in the voters' re-Frocedure where more than one person attempts to role as registered voter. be entitled to mark a ballot paper in the same manner as any other voter, but the ballot paper shall be of a colour differing from the other ballot papers, and, instead of being put into the ballot box, shall be given to the first returning officer and endorsed by him with the name of the voter and his number in the voters' register as provided in rule 16 (iii), but shall be made in a separate list ontaining a copy of the corresponding entry in the voters' register and be made in the inter Votes.''

20. At the close of the poll, in the presence of the persons nominated to assist the returning officers and of such candidates or their agents, cording result of the elections.

(a) open the ballot box and separate the ballot papers which they admit as valid from those which they deem invalid, endorsing on the latter the word " re-jected" and the ground of rejection ?

(b) count the valid votes given to each candidate ;

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(c) prepare and certify as correct a return setting forth-

(i) the number of persons who presented themselves to vote,

(ii) the number of valid votes given for each candidate,

(iii) the name of the candidate for whom most valid votes were given,

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(iv) the number of ballot papers declared invalid, and

(v) the number of tendered ballot papers.

(d) seal up in separate packets the tendered ballot papers, the ballot papers admitted as valid, the ballot papers rejected as invalid, the copy of the voter's register referred to in rule 16 (*iii*), and the list of tendered votes prescribed in rule 19, and record on each packet a description of its contents and the date of the election to which it relates, together with the name of the election circle for a representative of which the election was held;

(e) permit any candidate or his agent to take a copy of or an extract from the re-turn prescribed in clause (c) of this rule.

21. The first returning officer shall then forward the return and the packets of ballot Returns to be forwarded to and published by the Deputy Commissioner. who shall, cause a copy of the return prescribed in rule 20 (c) to be published for general information.

22. (c) The Deputy Commissioner shall retain for three months the packets of the Retention of documents relating to the election by the Deputy Commissioner. The ballot papers and lists forwarded to him by the first re-turning officer, and shall then, unless there appears to him to be good reason for retaining them for a further period, cause them to be destroyed.

(ii) While the packets are in the custody of the Deputy Commissioner, they shall not be opened or their contents inspected except under his written order or under the order of a court enquiring into an election petition under any rules that may be in force.

. 23. If it is found that two or more candidates have polled an equal number of valid votes, a fresh election shall be held in which such candidates shall be the only candidates. Procedure in event of a tie.

24. The Deputy Commissioner shall in due course forward to the Commissioner the names of the candidates duly elected with a view to their election being notified in the Gazette. Notification of members elected.

25. When a vacancy occurs among the elected mombers of a board by death, re-procedure for filling casual vacancy in this place in accordance with section 15 (1) of the Punjab in the manner prescribed in these rules for a general election, save that the date of the election shall be fixed as soon as may be convenient after the occurrence of the vacancy, and the pro-violant. voters.

## FORM I.

Election Circ's

## REGISTER OF VOTERS.

\_\_\_\_District Board.

Serial No.	Name of voter.	Father's name.	Caste.	Occupation.	Address.	Bule under which qualified.	Number of votes to which entitled.
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# FORM IL NONTRATION PAPER.

# District Board.

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;	3	<b>A</b>	
	2	B.	
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	8	<b>B</b> .	

1914 CS-80-28-11-18-SGPP Labore

THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA (Through His Excellency the Viceroy and Governor-General of India and His Honour the Lieutenant-Governor of the Punjab.)

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To

SIB,

On behalf of the Sikh Community in India, the undersigned members of the Sikh Deputation, that had the honour of waiting upon His Excellency the Viceroy and yourself at Delhi on the 22nd November 1917, have been directed by the said deputations and by the Committee of the Chief Khalsa Diwan to lay before the -Government respectful but empfatic protests of the community against the most inadequate provision recommended, by the Franchise Committee, for the representation of the Sikhs on the various Councils under the new Reforms Scheme. These recommendations, so far as they have been published, have caused grave disappointment to the Sikh community and it is believed that the facts and arguments stated in the various representations submitted by the Sikhs have not had their due consideration at the hands of the Committee. It is a cause of serious complaint that the views of the Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia, who in the Punjab was a co-opted member of the said Committee, do not appear to have received that consideration which they were entitled to. In fact, even the opinion of the Punjab Governiment as to the extent of the community, does not seem , to have been accepted by the Committee, who, with a view perhaps, to give effect to the Congress-League compact (Sikhs being no party to it) not necessarily in principle but as an accomplished fact, have seemed to have disagreed from the weighty reasons stated by the said Government.

2. In their letter no. 21220 (Home—Judicial), dated the 23rd November 1918, to the Government of India, the Punjab Government, while recommending five seats for the Sikhs out of 26 non-special seats wrote about the Sikhs as follows :—" But their (Sikhs) influential position in the Province which is based partly on historical and political factors, partly on their military prestige, and partly on their comparatively high educational level and economic importance in the central and colony districts entitles them to a considerably greater degree of representation than is indicated by numbers alone. The number of Sikhs in the Army is now believed to exceed 80,000\*—a proportion. far higher than in the case of any other community—and the amount which they pay to the State in the form of land revenue and charges is out of all proportion to their numerical strength." The Punjab Government were further "certain" that the eivil conditions in the Province were such that "the proportion of voters would be probably highest among the Sikhs".

3. In the Montagu-Chelmsford Report (paragraph 232) the Sikh community were distinctly assured that to them would be extended the system of communal representation "already adopted in the case of Mohammedans". From this, and in fact from the declarations made by and on behalf of the Government, on various other occasions, to the effect that in the matter of our representation in Councils and civil administration, considerations based on numbers do not apply to the community like ours, the Sikhs have, it is submitted, rightly come to believe that the extent of their representation would be determined on the same principles at least as are applied to Mohammedans in provinces where they form a minority. The community have always believed and they are fully sure that whatever other considerations may intervene the British Government will kindly fulfil the expectations created by these solemn assurances and pledges given to the Sikhs and which is their rightful due.

• In fact the number was more than 100,000 and the Sikha gave more than 1 out of every & of their male population of military age.

4. Whatever the merits of the Congress-League compact as an agreement between representatives of the Hindu and Mohammedan communities may be, it is obvious that in arriving at the so-called agreement neither were the Sikh interests represented nor considered, and however desirable it may appear to the Franchise Committee not to re-open it, so as to avoid a controversy, it is clear that it can not bind the Government in cases of interests about which the compact makes no provision to all. The Sikhs have no objection if the proportion between Hindus and Mohammedans is maintained as in the compact, but they have serious objection if the compact be brought in to whittle down their due share. In one respect at least, the Government of His Excellency Logd Chelmsford have recommended a substantial departure from the Congress-League compact. In paragraph 24 of their fifth despatch (no. 4 of 1919) the Government of India have questioned." Whether the claims of the Mohammedan population of the Eastern Bengal were adéguately pressed when the Congress-League compact was in the making ", and have recommended an addition of ten seats for the Mohammedans of Bengal to those which the Committee have advised on their behalf. In such a case, it is believed that the case of the Sikh community" has only got to be brought to the notice of His Majesty's Government, both in India and England, for its justice to be conceded. The principles of representation of minorities have been very clearly enunciated by His Excellency's. Government in paragraph 22 of the despatch already above referred to. Electoral advantages have to be allowed on grounds of political importance, past history and other civil and economic conditions, and it has been considered a "valid answer to observe that the effectiveness of a minority depends upon being large enough to have the sense of not being entirely overwhelmed ". It is humbly prayed that these principles which have been applied to determine the extent of Mohammedan representation throughout India

5. The following table would show how the Congress-League compact, as applied by the Franchise Committee, has established the representation of Mohammedans in provinces where they are in a minority :---

Province.	Percentage of Mohd. population.	Percentage fixed in Congress-	seats pr	non special oposed by Committee.	Percentage.	Remarks.
		Lengue scheme.	Total seats.	Mohd. suats.		• . •
Bombay United Provinces Bibar and Oriess Mairas Central Provinces Assam	20 14 10 6 4 28	<b>83</b> <b>9 8</b> 0 25 15 15	73 84 63 74 47 30	27 27 17 18 7 12	87 89 27 18 15 40	

In Bengal and the Punjab, where the Mohammedans form a majority of the population, the percentages works out as follows :---

Province.	ge of Moham. population.	Percentage under Com- gress-League Compact.	Number o proposed Franchise mittee.	by	As' amer Govern India.	ided by ment of	Perce	ntage.	BEMARKS. (
	Percentage medan po	Feroentage gress-Lea	Totala non- special.	Maulim.	Total	Muilim,	Franchise Committee.	Govern- ment of India.	
Bengal .	50	40	75	84		<u>44</u> ·	43	57 <b>†</b>	fIf the total no. is not in-
Punjab	54	50	54	28	54	28	52	52	creased, but 50 per cent. if they are.

" Sikh claims were not represented at all."

6. As regards the Sikhs, they form approximately 11 per cent. of the population of the Punjab, and even if their special political, historical, and military position over and above that of the Mohammedans were put aside, and only the principles applied to Mohammedans alone were made applicable to them, they would, it is respectfully submitted, he entitled to about 28 per cent. of non-special seats, whereas the Punjab Government in their aforesaid letter recommended only five out of 26 or about 20 per cent. of non-special seats, which the Franchise Committee have proposed to reduce to 8 out of 54 or nearly 15 per cent. No reasons, however, have been given either by the Punjab Government or by the Franchise Committee why the Sikhs are not to be governed by, the principles similar, if not more generous, to those which have been applied to Mohammedans and why the pledges in their case are not to be enforced. It is conceded that the Sikhs are in all respects but numbers superior to all other communities in the Province, and are as a fact better fitted to exercise their vote than others, and yet in spite of that and in spite of the sacrifices made by them the Sikhs are proposed by the Franchise Committee to be condemned to that position " of being entirely overwhelmed." which the Government of India rightly deprecate.

7. From questions put to the representative witness of the Sikh community before the Franchise Committee, it appeared that perhaps the Sikh claims were not being accorded similar treatment with Mohammedans on the ground that they had held aloof from the Congress and were therefore not called in to take interest in the Congress-League compact. The Sikh community refuse to believe that such an argument could be countenanced by the Government. The Sikh sum not have joined the Congress and so had not the Mohammedans, but they claim no mean share in the education of the masses so as to fit them for political rights. They at the present moment possess and run two Arts Colleges, fifty secondary and now about three hundred primary schools in various parts of the country, nearly all of the secondary and primary institutions being the results of the efforts of the Educational Committee of the Special activities of the Diwan in the matter of reclaiming and educating orphans and estimate and the the secondary and primary institutions being the results of the other communities in the matter of organising themselves for the common uplift of our countryment. The Sikh share very often found their interests clashing with those of other communities and they are apprehensive that the introduction of helplessness and bord ination to other communities who in spite of their numerical superiority do not possess in the Punjah the same amount of stake as the Sikhs do. The proportions now fixed will, for a considerable period, stand as forecasted in the already referred to despatch of the Government or India (paragraph 2). The Sikhs is the out the secondary the kings of the Pranchise Committee and the out or own community if we did not bring to the notice of the Government at to our own community if we did not bring to the notice of the Government at the out of the Government of His. Majesty the Kings Emperor, whon the Sikhs lam ther special privates damaded and made, through times of stress and trouble, will, on the recommendations

8. As regards the Sikh representation of Provincial Councils other that that of the Funjab, the Franchise Committee have absolutely paid no considera tion to it, there being no Sikh on the Franchise Committee to press their claims It can not be denied that we have considerable stake in the United Province

of Agra and Oudh and in Sind, while we have our holy places and othe. interests in all other provinces except Madras. And yet not a single Sikh has as yet been able to sit in any of the Provincial Councils. It is submitted that some provisions in the local councils of all such provinces for the Sikhs residing therein is an absolutely necessity.

some provisions in the local conference of all such provinces for the Sikhs resulting therein is an absolutely necessity. 9. Regarding the representation of the Sikhs in the Legislative Assembly and Council of State the recommendation of the Franchise Committee is, to say the least about it, most inadequate. Is it believed that the voice of the two men in an Assembly of 120 and of one man in council of 56 among the jarring notes and clashes of various communal interests will be of any avail? The proceedings of the Punjab Legislative Council in recent times and in fact the fate of the Hon'ble Sardar Sundar Singh's 'proposal in the meeting of the non-official members of the Imperial Legislative Council on the Reforms Scheme, most eloquently demonstrate the futility of such a feeble, however just, voice. We therefore beg humbly to lay our claims before His Majesty's Government for a representation in the Assembly and Council of India which may not be negligible and liable to be ignored. Two votes in an Assembly composed of no less than 68 non-Sikh Indians, who by themselves constitute a majority in the whole Assembly, is hardly a share worth mentioning for a community who alone have both before and during war supplied onefifth of the entire combatant man power of the Indian Army and have won about one-third of the entire number of awards for sacrifices in the field of battle. We trust that these sacrifices shall not be disregarded and our humble prayer shall attract the attention of His Majesty's Government in a spirit of generosity that befits the occasion.

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We beg to remain, SIB,

Your most obedient servants,

#### JOGENDRA 'SINGH.

SUNDAR SINGH, Majitbia

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SGPI Delhi 114 R 0-17-2-20- 50.

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# questions to be placed before His Honour the Lieutenant Governor.

1. The possibility of lowering the franchise, so as to give somewhat larger electorate, particularly by lowering-

(a) <u>Burnl</u> the land revenue qualification of B1.53.

(b) <u>Dural</u> the income tay qualification to all incometax payers;

(c) lithan immoveable property of Bu. 1. value:

(d) Urban municipal tax of Rs.50.

(e) lirbon rental of Es. 120.

2. The question of simplifying the franchise proposals by excluding the following special classes:-

(v) Non-official members of district boards,

(vi) Honorary magistrates and Honorary Dub-Registrars,

(vii) Civil pensioners of Rs. 500;

(ix Presidents of Agricultural Co-operative Credit Societies;

#### (b) lichen

(iv) Non-official members of municipal and notified ar committees;

> (vi) Presidents of urban co-operative credit societies Further (e) whether for the sake of similarity

assignees of land revenue should not be put on the same

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basis as payers of land revenue; (d) thether owners and occupiers of imimmoveable property should not be combined into one

4 .....

class based on the annual rental value.

3. The question of lowering the general educational qualification from graphduates to non-student matriculates.
 If not, whether all graduates should be gualified rather than registered graduates only.

4. The question of giving a separate vote to lamberdars, sufedposhes and inomdars. Whether lamberdars should exercise a plural vote or whether the vote should be exercised by the substitute in cases where the lamberdar holds more than' one village.

5. The question whether, if a spparate electorate is given to big landowners. The members of this electorate should be debarred from candidature elsowhere.

6. The rearrangement of rural constituencies on the basis of the district unit, so far as this is practicable. An increase in the proposed size of the Legislative Council, consequential on the acceptance of any of the above suggestions. The proportion of nominated members and of official members.

7. The rearrangement of urban constituencies by:-

(1) making separate constituencies of the very large towns;

(2) combining the very small towns (e.g., notified areas into the rural constituences.

8. The suggestion that for the second commercial seat should be elected by an electorate of all income-tax payers deriving their income from trade and commerce rather them by factory-owners and joint steck companies.

9. The question of <u>razidance</u> in the constituency as a qualification for a candidate, and the disqualification of . pensioners, income-tax payers and registered graduates as Grand candidates for rural constituencies.

Refer

13 officials 7 non-016 20

1 (2 mul 1 Hindu 1 Sikh) ~ (4 mul 3 General)

#### At Labore on Schurday December the 7th

# 1518 at 10.3%. ----

## fresonti-

The Eight Hon'ble Lord Southborough, U.C. H., 0.0. V. 0. . 0.0. a. 0. .

Schibzada aftab alugad shon.

sir Frank sly, K.O.S.I.,

er. R.M. balley, C. S. I., C. I.S.,

Hon'ble Dabu parendra Nath Sonorjee,

Non'ble Dr. prinivana Sastri,

Kon'ble ar. Balcolm Horr,

# Co-opted neubers: { ur. fatan, Harble Surder Behadur Berder Sunder Jacob Kajithia,

Secretary: Mr. F. O. Tallents, 1.0.3.

The Committee met the Lioutanent Covernor of the runjab (don'ble Sir Wichael U'Dwyer, 9.0.1.s., 8.0.3.1).

Cofore the Committee proceeded to consider the specific questions set down for disquesion, His Honour explained the principles on which the Local Movernment had traned their rohand for the transhise and for the composition of the Council on the general main lines laid down in the hoforme Seport, but in the funjeb three local conditions had to be taken into consideration. .

Firstly, there were three instead of the two usual examities, the third being the sikks who were in a minority every here. This must the mostion of communal representation more urant than is other provinces. The three communities must be a tiggied that they had been

been fairly dealt with and that they were being given equality of opportunity.

2.

Secondly, there was in the Funjab, a marked line of clearage between the rural and the urban breas whice did not run on communal lines. This was partly the result of a general difference of interest and partly of the special legislation which had given the rurat population its peculiar position. The rural population was prodominant in numbers and probably paid over 90 per cent of the taxes. The great mans of these were the small persont progrietors who numbered 31 millions, organized in strong village communities which moted through the village he dean. Full second therefore must be taken of this interest.

Thirdly, the people and the administration were more closely connected in the Anjab than elsewhere. This was partly owing to the rescent eccupation of the province, in part it was the result of the Anjab being the base for frontier operations, and in part it was the result of the active co-operation between the Government and the people in the development of the province. This association should be preserved.

These three local considerations had been taken into account by the local Government in formulating their Scheme rather than logical precision 1 or theoretical completeness. Though not perhaps so suble-minded as other Indians, the Junjabie were a rough and vigorous and the race of great compn-sense, Junjab scheme must sotisfy them in its bread lines.

The meeting then proceeded to consider the following exections:-

З.

1. The possibility of low ring the tranchise so as to give a some-hat largor electorate, particularly by lowering:-

(a) Eural the Land revenue qualification of 10.50.

(b) <u>Aural</u> the income tax gualification to all incometax rayers;

(c) irbon immoves ble property of Ms.10,000 value;

(d) Erban municipal tax of Ma.50

(•) Urban-rental of 83.120.

2. The question of simplifying the franchise provesals by excluding the following special classes:-

## (a) 31-1

(v) Non-official mombers of district boards,

(vi) Honorary magistrates and Honorary Sub Redstrors,

(vii) Civil pensioners of Rs. 50 .

(iz) President: of Agricultural Co-oper tive Credit Societies,

- (b) lirbian\_
- iv) Mon-official members of municipal and notified area committees;
- (vi) Presidents of urban co-operative credit societies;

Surther (c) whether for the sake of simplicity assignces of land revenue should not be mit put on the same basis as payers of land revenue;

(d) whether owners and occupiers of ismove ble property should not be combined into one clars based on the annual rental value. qualification from graduates to non-student matriculates. I not, whether all graduates should be qualified rather than <u>registered</u> graduates only.

4. The question of giving a separate vote to lamborders, sufedposhes and inamdars. Another lamberdars should exercise a plural vote or whother the vote should be exercised by the substitute in cases where the lamberdar holds more than one village.

5. The question whether, if a separate electorate is given to big landowners, the members of this electorate should be debarred from cundidature elsowhere.

5. The re-arrangement of rural constituencies on the basis of the district unit, so far as this is pt:cticable.

An increase in the prop sed size of the Legislative Council, consequential on the acceptance of any of the above suggestions. The proportion of nominated members and of official seubers.

7. The rearrangement of <u>urban</u> constituencies by: (1) making separate constituencies of the very large towns;

(2) combining the very small towns (e.g., notified areas) into the rural constituencies
8. The suggestion that the candidate for the second commercial seat should be elected by an electorate of all income-tax payers deriving their income from trade and com erce rather than by factory-owners and joint stock companies.

9. The quistion of <u>radidance</u> in the constituency as a qualification for a candidate, and the dis-

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registored graudates as condid tes for rural constituencies.

incotion foil. Sir Frank SLy sold that it had been urged bofore the Condittee that the land revenue qualification should be accored because the Report recommended that the baris should be as wide as possible. Some of the rural representatives also had urged that this should be done in order to secure their adoquate representation. It had also been argued that the income tex qualific tion in rural and urban areas should be the same. The ismov able property fundification in urban aloas was had as compared with other provinces, and so was the proposed cualific tion of No. 50 municipal tax, Elsowhere the proposals wont as low as Us. 3 and even in.1/b/- . The same remarks applied to a rental of Mall in urben areas, "A rent of Re. 10 a month could only be - paid by a fairly big man.

His onour adid that generally speaking the vote should be regarded as a monter of <u>intat</u> and a privilege not to be given chearly. They winted voters with a sense of responsibility and with a stake in the country. Their experience of lowering the franchise in municipalities was that it led to complaints of corruption. In some cares candidates had refused to stand as a protest against the bribes demanded and 1 other cases it had been proved that bribes had been given, in one election to the extent of 28, 49,000. A voter hould be regarded as a person in a position of honour like an assessor. This was the more necessary oming to the backwardness of the rural population.

ills intention was that the village should be represented by the headaan who would be accarble to village opinion. In proposing a qualification of 3s. 50 land revenue in rural areas, his intention was to prevent/on the part of the headman internet by giving votes to other substantial men who were likely to excreise it with some sense of responsibility. He cuoted the last District Board Herert to show the apathy that prevailed in regard to District Board elections. Out of 175 elected seats which fell vacant, only 27 had been contested, 14 elected seats, ten of which were in the same distric had had to be filled by nomination. In Judhiam where the contests were here only two-thirds of the In Amritsar no interest had been shown voters had voted. /In Gurdascur there had been. no contest because the electors were satisfied with their represent tive. This could not be ascribed to the fact that the local pedies had no power. They sere asked to decide a number of questions of local importance, such as the position of pohogls. The masher of officials on these bodies had been dliberately out down by Sovernment and Government had also attempted to force nonofficial chairsen and the elective system upon the Boards in the western districts. He did not think that big constituencies would be a safeguard against corruption. They would only mean that the individual pribes would be mailter. in municipal election more interest was shown. In 70 out of 100 sumicipalities the elective system was in force. The Local Government had been trying to extend the elective system to the municipal ties and it was about to be introduced into

8 more. At the last electims the sujority of Wacancies were not contested. Lest year 75 sector in all had been contested out of Lad. Troyecro go it had been proved in Jhelmp, where there was a low Tranchise, that voices were to be high for No.1.

Fr. Aftab wointed out that in the unjab there was no trouble between landlord and tenant. The tenants were of a superior class and ould make suitable material for electorates. It was undesirable to exclude 34 millions of such person from political education.

His donour was aminst extending the franchise widely to begin with, until some incat was attached to the voto and a decand for it had been oreated. He would go cautiously and e-tend the franchise as the demand and capacity for exercising it inor deed. out of 160,0% rural voters 150,000 would be lumberdars or agriculturista. The original prosteal in the local Council was that the qualification for a vote should be the marmont of no loss than Ma, 200 land revenue, and emonyst the better classes there when at propent a desire to raise the franchise in the municipalities where it was low. 00 votes in the sunjable sinst an average for all-India of 6 per cent. In the shilippines where the r venue per head was almost identical with that of the sunjab, vote was given to anyone who wild the 30 plastres (= 10.48) a year in establi hed taxes. The views of men who paid and 70 in land revenue were likely to be the same on these who paid 6.50. It would be easy to expand but difficult to reduce the frenchise.

8.

He was prepared to lower the immoveable property qualification in urban means to 80.5.000 value in the rural areas. He was not in fevour of a property qualification. The land revenue qualification was more outtable and easier to ascertain. Non-agriculturists in rural areas would come in under other qualifications, for instance income tax payment. An income tax payment of 35.52 had been proposed so that agriculturists who paid 85.50 in land revenue might not have a grievance.

sucction Rows. Sir Frank Sly sold that the evidence revelved by the Counciltee had shown that there was a feeling amainst the present method indirect election to the Council through local bodies. The feeling was that these bodies should be kept out of politics and that their members were largely nominated. Mas

lis Honour said that har his view on this subject was practical rather than logical. There was a feeling that to deprive these non-official members of the District Boards of the franchise would tend to meme the scheme unpopular. It could be done later. At pre-out the members voted individually. He was not strongly in favour of the sugression that only elected members should vote, but he had no objection.

The non-official members of Council had been unanimous in favour of giving a vote to Treadents of Co-secrative Codicties. These were LESSER members men were in no sense officials. There were LESSER members in these societies, and to give a vote to the frecidents would encourage the movement. They would only have to vote ones in three years and there yould be too much at stake for presidents to be responsibilities. For the most part they were not lumbardars and they would not as a useful check on the lambardars. If they were given a vote, it would incoment the respect in which the vote was held. He was proposed to accopt the proposal that assignees of land revenue should be put on the same basis as the payers of land revenue. The bigher figure fixed for the assignees had been taken because it had been reckened th t a land revenue of Sm. 50 was roughly equivalent to an income of Sm. 250.

le allo a read to comming the owners and occupiers of immove ble property into one class.

mention 35. 3. His Honour was evaluated howering the general of extional qualification to include nonstudent matriculates. He was anxious that the voters should be men of some status. He would include graduated of any university in the British Empire omitting the word "registered" and he would also include persons who had pessed other examinations recognized by any such university as equivalent to a degree.

inoriion The is Sufedponkes and inanders were usually picked lumbarders. They were rather higher then lumbarders and in oh rue of circles. They were appointed and could be dimissed by the Collector but they were not really officials and he thought that they would vote independently. The isk local Government dealt with the village as a whole, and the lumbardars were not in the same polition as, for instance, the paters in Madras who were merely collectors of land revence. It

was not important not to antarphice the existing machinery. The idea was that very village should have a vote, and if votes were not fiven to lumbardare, whole villages minht be infranchiced there there had been much subdivition, as in the central districts, or where the assessment was light. They proposed to give plural votes to implementer for this reason. He had an open mind in regard to substitutes voting for the lumbardare; the substitutes wat be local and he pay no objection. He then hat it would be difficult for the immerdare this would be no quarantee that they would vote in accordance with the villagers' wishes.

Er. Halley said that the man with the largest holding in a village was nearly sloways the largerdar who represented the stock of the original founder. If any lumbardar was not qualified by the puysiont of land revenue, it might be taken that all the holdings in that village were shall.

unation No.5. Is Honour acid that if graduates sere allowed to stand in the general electorates, he did not see why ianufolders should not also. In the funjab the iss landholders were not a class apart as in other provimes and he did not think that there was any fear of their dominating the general electorates.

uncition No. 6. Us Honour said that the roerronpement of vural constituencies on a district basis was complicated by the mecessity for communal representation. The proposal might lead to an unconageably large Consoil, but it sould be possible

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arrangement had occurred to him. It was that it might lead to two kings in Breatford', namely, the district officer and the elected cember, just as in Francis, difficulties were sometimes or periorsed between the Deputy and the Frefect.

incrimined for the information of separate constituencies out of the very large to be also led to afficultion because of communal representation. No had no objection to the proposal but he then sht that it would be necessary to group the terms.

(2) A "notified area" contained a population of less than 10,000 and contained a town or a besear: it must not be a purely spriouitural village but urban features must prodominate. The maller municipalities were similar. Their inters to were trade and connerce. The notified areas should be included in the urban electorates.

Be would consider the proposals contained in this question with a view to r considering the soneme.

Er. Helley pointed out that certain size class s of traders such as brickmakers and test makers would not be included in the trade and connerce electorate proposed by the local for erusest, but the objection to the alternative now proposed was that if all income tay payers deriving income trom trade and co merce were formed into an electorate, the electorate would represent menoylanders and house-holders rather than trade and commerce.

FT .....

Erl Nor thought that the original proposal/ made by the local forement was such the better alternative. His Hondur was prepared to accept Fr. Hors's opinion.

As reprise the second part of question Ro.5 His Honour was prepared to increase the size of the Council to 60, doubling the present size in accordance with what was generally proposed in other provinces. He thought that 60 would be a sonegoals number and that all interests would be addenately represented. It would be easy to add but not casy to reduce later on. By this proposal the number of slooted ne bers would be raised from 11 to 40. He feared that a Council of 100 members would be too big for educative purposes and that half the members would be incopable of taking an intelligent interest in the proceedings. He suphraized again the necessity that a seat in the Wouncil should be regarded as a position of izzat.

He proposed to distribute the 40 elected seats as follows:-

University	1
Counserse & Industry	2
1kbs	6
fanded gentry	4( if on a communal basis, 2 ceats to buhammadans, 1 to finans and 1 to
Urban	Siths) 7(4 to Subarradans and 3 meneral, no cost bring reserved for the
lural	Sikhs). 20(13 for Sukarredone and Y general).
of them, 40 conts,	probably 19 would be

held by Bihamadrins, 13 bythe Mindus 11, as

and one of the trade and commerce seats, i by the Ulths and probably one by a European. The nominated seats would assunt to 20, of whom 13 would be efficials and 7 non-officials. There would thus be 47 mmofficials in all in the Council and at the cost 14 Europeans. The nominated non-official members would probably represent the desiciled Europeans, the indian Christians, the military classes, the nDoility, the depressed classes and possibly the tunents. The Sinhs, who represented 11 per cent of the population, would get 6 seats. In deciding the constitution of the Funjab Council the position of Sikhs in other provinces could not be taken into account.

The Local Covernment had not been approached by the Auropean or Anglo-Indian completies. with a request that they should be allowed to elect their member, out <u>prime facio</u> they were entitled to a seat by nomination. There will be would have no objection to election if the case . munities were sufficiently organized to frame an electorate.

Lord Southe or of maid that such electorates tended to become ions losse and that Soverment should exercise some control ever the system of voting and the elections.

Lucation Mail. His Honour said that when the Local Government required a candidate to be resident in his constituency, they meant that he should bave a place of residence. This was the present rule and it as desirable partly because local knowledge was very necessary in a considute and sartly because

electorate on a local man. In the constitution of the shilippine Islands a sandidate was required to have resided for a year in his constitutions. The agricultural closes did not object to layer lawyers as such representing them, but to layers lawyers drawn iron other classes. They to mode to distrust a townsion as a representative of their real interests, and it as part of their education to try and find suitable representatives out of their com number.

As repards the disqualification of persion re, income tax pyorss and registered groduates as candidates in rural constitute oics, he realized that it was difficult to defend it on general grounds, but such men would mit not be in teach with the circumstances and feelings of the rural classes and be thought that local conditions rendered the rule desirable. He was however content to leave it to the decision of the Carbittee.

The Cormitice than adjourned.

# M

# PROGRAMME.

# (FRANCHISE COMMITTEE.)

#### Wednesday, 4th December.

#### ે છે. કે 1. Mr. Craik, 11 A.M.

2. Mr. Maynard, 12 noon.

3. Mr. Bull, 2-30 P.M.

4. Reverend Oswald Younghusband, 3 P.M.

### \*Thursday, 5th December.

1. Mian Haq Nawaz, 10-30 A.M.

2. Nominee of Provincial Muslim League, 11-15 A M. -

3. Mirza Bashir Ahmad, 12 noon. of Ordian \_

4. Chaudhri Zafarullah Khan, 12-45 P.K.

S. Sardar Kharak Singh, 2-30 P.M.

6. Mr. Sewaram Singh, 3-15 P.M.

7. Mr. Duni Chand, 4 P.M.

#### Friday, 6th December.

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1. Hon'ble Rao Bahadur Lal Chand, 10-30 A.M.

2. Hon'ble Sardar Bahadur Gajjan Singh, 11-15 A.M.

3. Hon'ble Raizada Bhagat Ram, 12 noon.

4. Sir Umar Hayat Khan, 12-45 P.M. 5. Raja Narendra Nath, 2-30 P.M.

6. Lala Gulshan Rai, 3-15 P.M.

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7. Mr. Matthews, if time permits, 4 P.M.

Matenents of Tringa

#### OPINION.

1. Strong bodies of opinion will advocate communal representation for the Sika and Mahammadan communities : a system which would carry with it a similar method for Hindus. The arguments for it are :-

(1) Sikh and Muhammadan opinion is convinced that Sikhs and Muhammadana, can only be properly represented by Sikhs and Muhammadans respectively: \* and also that the election of Sikhs and Muhammadans,\* respectively; in the proportions thought fair by these communities—or decided to be appropriate, for they will n't agree amongst themselves on the subject—samot be scoured in general electorates. The rank and file of both communities (not the leaders, in my opinion, but the leaders are afraid of opposing their followers) believe that communal representation is the only method of securing the readers, in my opinion, but the leaders are afraid of opposing their followers) believe that communal representation is the only method of securing the result which they desire. Many Hindus would take the same view : but they feel sure of detaining representation by Hindus without such special protec-tion. There is no doubt that the popular wish for communal representation is general among Sikhs and Muhammadans.

(2) Both communities have been led to hope for communal representation, though it cannot be said to have been promised.

(3) In the actual conditions of the Punjab it is impossible for Government to con-since these communities that they ought to be content to be represented by men who are not of their own faith.

(4) It is difficult to see how Muhammadans, and still more difficult to see how Sikhs, can be adequately represented under any other system than that of communal representation.

2. A Hindu or Sikh or Muhammadan standing for election by a general electorate would find it desirable to show moderation in matters in which the communities are at would kind it desirable to show moderation in matters in which the communities are at variance, lest he should alignate potential supporters, who are not of his own faith. This motive is removed if he is offering himself for election by his own people; and is replaced by the motive of enlisting supporters by showing himself a vigorous defender of his own com-munity in all matters in which it is at variance with the others. The system of bommunal representation tends to bring the bigot and the strong communal partissan to the force. I have, personal experience of this in a large municipal town in which I was President of a Municipal Committee elected by communal electorates.

3. The system of communal representation once introduced is hard to get rid of. The community concerned fights for it as a privilege. Its faults are thus apt to be perpetuated. There is also a tendency for sub divisions of the communities originally thus privileged to call for an extension of the system. I see, for instance, signs of a possible claim for the separte representation of Hindu sgriculturists.

4. I believe the faults of the system of communal representation to be so grave that it is worthwhile to face the general opposition and odium involved in denying it, provided that some other system can be devised for the adequate representation, by men of their own faith, of the different religious communities.

5. In the existing state of opinion this cannot be done by giving up\_election and having recourse to nomination. But in my opinion nomination might quits properly be, used to redress the balance between the communities, in so far as the elections gave more or less than their fair share of representation to one or other of them.

6. Proportional representation to one of ours, or ourse, would not be inderstood by the mass of the electors, and it would not be properly worked by the agencies available for conducting an election and tabulating results. Moreover, propor-tional representation, at its best, would only give representation to each community in. propor-tion to its numerical strength; and the Sikks claim more, or various grounds which are at any rate planeible. are at any rate plausible.

Are at any rate plausible. Ar If the Punjab were divided into constituencies, each of which would return three or more members, it would be possible to arrange by means of the oumulative vote that both. Hindus and Muhammadans should have a fair prospect of fair representation. But I am not able to devise any plan, with the help of this system, which would give fair representation to the smaller minority of the Sikhs - unless the whole Province should be made a single constituency. To such a plan there is the objection that electors would be voting for men whom they did not know merely because they were members of a particular community.

8. A possible plan is to give communal representation to the Sikhs ; while endeavour-ing, by means of the cumulative vote, to do fairly by Muhammadans and Hindus without extending the scope of a system which has the grave faults of communal representation. To

FOr by persons elected by these communities, which in practice somes to the same thing.

show how it might work, I take the case of the Ambala Division with 231 lakhs of Hindus' 14 lakhs of Sikhs, 91 lakhs of Muhammadans, and assume that voting power will be in these proportions. If there are three vacancies to be filled, the available votes will be  $23\frac{1}{2} \times 3 = say$ 70 for Hindus,  $1\frac{1}{2} \times 3 = say$  5 for Sikhs,  $9\frac{1}{2} \times 3 - say$  28 for Muhammadans. If the Hindus divide their votes over the three vacancies, the average number of votes which each of their sendidates will receive will be 23, and in practice some would get more and some Jess. The Muhammadans, if they act together, can give 28 votes to one candidate and ensure his return. The result will probably be two Hindus and one Muhammadan elected : but the Sikhs-will have no chance, except by striking a bargain with one party or the other,

9. The results are apt to be vitiated if the minority party splits its vote, and it may be tricked into doing so by the other party putting up some weak candidate for the purpose of splitting the vote. But people must learn to be wise and to protect themselves.

pose of splitting the vote. But people must learn to be wise and to protect themselves. 10. Against a system of general electorates common to themselves and to Hiadus, Muhammadans will arge that the economic bondage in which some of their people are held will give to Hindus some Muhammadan votes. It is doubtful whether, in Indian conditions, a system of secret voting would provide a remedy for this, because secrecy will not in practice be observed. The difficulty is real. It is the disadvantage inseparable from the advantage of making it worth a candidate's while to consider, and conciliate by moderation, the voters of a community which is not his own. In the calculations which I have made in paragraph 8 of Hindus. In existing conditions it will ordinarily be so : but it will not be so in every instance, for there are cross divisions (for instance, the interest of the agriculturist, who is Hindu as well as Muhammadan, against the townsman and the professional man who is largely Hindu but not exclusively so), and it is not inevitable that it should always be so.

Exclusively so), and it is not inevitable that it should always be so. 11. Another plan, which would give the candidate a strong motive for conciliating the voters of the other communities, has been sketched by the Hindu Saha. It is that, after deducting the seats assigned to Sikhs and special electorates, and determining the number to be assigned to Hindus and Muhammadans, candidates of each of these two classes should be elected by voters of *all* classes, who would vote twice, once for Hindu and once for Muhammadan candidates. The Hindu would thus have to win support among Sikhs and Muhammadans and the Muhammadan among Sikhs and Hindus. I havo no doubt that Muhammadans will object to this system, on the ground that the Muhammadan who will have the best chance of the Hindu community nonsesses. But in the Western Punjab, particularly where there are many well-to-do Muhammadan land-owners, it is quite possible that the process might sometimes be reversed.

12. This plan deserves serious consideration, not because it has no disadvantages, but because the disadvantages of communal representation are so great that an alternative plan having some dangers and some defects may nevertheless be preferable. It cannot be applied to the election of Sikhs because the important point of difference between the most zealous section of the Sikhs and the Hindus is that the latter claim the Sikhs as a mere sub-division of themselves, and if Sikh candidates had to obtain Hindu support the men who would get it would be those Sikhs only who accept the Hindu contention.

13. It should be noted that, in any event, it is not feasible completely to satisfy the conflicting claims of the three communities. The Sikhs, on grounds of larger revenue payments, of military services, and of political and historical importance, claim one-third of the representation : and perhaps expect one-fourth or one-fifth. The Muhammadans claim 50 per cent. of the whole; and the Hindus a whare equal to that of Muhammadans : both on grounds that are quite plausible.

The 26th November 1918.

#### H. J. MAYNABD, Binancial Commissioner, Punjak

1951 C8 - 26 - 25-11-18 - 89 PP Labor

#### No. 549, dated Lahore, 21st November 1918. -The Reja NAMINDRA NATH, President, Punjab Hindu Sabha, Labore, From To-The Additional Secretary to Govern ant, Punjak

I HAVE the honour to invite your kind attention to my letter dated 18t h August 1918 (copy enclosed for facility of reference) on the subject of Hindu representation on the Council's under the Reform Scheme, and to request that the scheme of proportionate but joint representation of Hindus and Muhammadans contained in the letter be laid before the Franchise Committee. With regard to other matters connected with the question of Franchise the Sabha has asked me to submit the following proposals:--

2. The Province should be given a Council of 100 members of whom

four-fifths, siz., 80 should be elected. 3. The following seats should be allotted to special and communal electorates :-

(i) Senate of the Panjab University			3
(ii) Graduates of Universities in the British less than 10 years' standing.	Empire	of not	3
(iii) Sikhs	***		8
(iv) Chamber of Commerce-			

(a) European 1 (b) Indian 1

.

4. Out of the remaining 64 seats, 18 should be allotted to the following big towns having a population of more than 50,000 :---

(1) Lahore		4	٦- ١	14	-	
(2) Amritsar	<u>.</u>	2	4 5 6	·/ ·. ·		
(3) Multan		2		,		
(4) Rawalpindi	1 <u>;</u>	2	Hal	f to Hindus	and half	to Muham-
(5) Ambala		2	l{ I	nadans.		
(6) Jullundur	•	2				
(7) Sialkot			2	-	11 - A	
(8) Ferozepore			2		•	

9 0 W

Total

2

.... 16

5. Forty-six seats left for rural constituencies should be distributed amongst 28 districts of the Province in such a way that in districts in which Muhammadan population predominates, Muhammadans should get more repre-sentatives than the Hindus, and *vice versa*, but the total assigned to Hindus and Muhammadans should be equal, *viz.*, 23 to each. The Sabha would suggest the following distribution :--

	Muhammadans.	Hindus.
6	· Hissar and Gurgaon 1	Muzaffargarh and D. G. Khan I
. ]	Simla and Ambala 1	Montogomery and Jhang 1 Min
ล่	Kangra and Hoshiarpur 1	Rawalpindi and Attock
	Rohtak and Karnal 1	Shahpur and Mianwali 1 ( 74
1	Jullundur and Ludhiana 1	Gujrat and Jhelum 1
	In the remaining 18 districts Musalmans should get one member for each district.	In the remaining 18 districts Hindus should get one member for each district.

6. On the subject of Franchise for rural areas and for 8 big towns given in paragraph 3, the Sabha would make the following suggestions :---(i) Rural areas :---

All men above the age of 21, who either pay Rs. 100 as land revenue, or pay income-tax, or are Matriculates of 5 years' standing (not reading in an educational institution) or pay a house-rent of Rs. 5 a month.

# (ii) Urban areas of the towns :---

#### Mentioned in paragraph 8.

All men above the age of 21, who either pay income-tax or are Matriculates of 5 years' standing (not reading in an educational institution) or pay house-rent of Rs. 180 a year.

9

The Sabha thinks that the above limit is broad and low enough consistent with efficiency. The sense of political responsibility has yet to be awakened amongst voters.

7. The Sabha strongly recommends the scheme of election by mixed electorates explained in the enclosed printed letter and thinks that it is quite workable. The election of Hindu and Muhammadan candidates should take place on separate days, both in the rural and urban constituencies, the whole electorates taking part in the election of each class of candidate. The same rule may be observed in the electorates of graduates who may be directed to return a Hindu, a Muhammadan and a Sikh candidate. Election by the Senate, which contains a large number of Europeans, need not be fettered in this way. Opportunity has been afforded for a candidate of each of the three communities being returned.

8. The reason which has led the Sabha to propose so many as six seats for the University and the graduates is that the Sabha wishes to secure the return of a sufficient number of educated men to the Council. With the low Franchise proposed for urban and rural areas, or with the Franchise that may ultimately be adopted, there is no guarantee that the voters who have up to the present no political education will return men other than their equals in education. The association of educated men in the Council is necessary for various 16300ns:--

(1). Government should utilise the highest characters and the best intellects of the country in the work of Government.

(2) Government should be given a field wide enough out of which to choose its Ministers and Under-Scoretaries.

(3) The object of the Scheme being to lessen irresponsible criticism, by making a beginning in responsible government, the scheme would fail in its object if the educated classes, who are at present the chief critics of Government were left out of Councils.

9. With regard to the Imperial Legislative Conncil, the Sabha think<sup>8</sup> that the elected members of the Provincial Council should form the electorate and that election should be on the principle laid down in paragraph 8 of the enclosed letter.

10. The Sabha understands that in most European countries, if not in all, residence in the constituency is not a necessary qualification for candidature. The Sabha sees no reason to recommend deviation from that rule in the Punjab.

This letter and its enclosures are full and exhaustive and explain the principles on which the proposals of the Sabha are based. If, however, there is anything which needs further explanation the Sabha has nominated me to appear as a witness before the Franchise Committee.

### NABENDRA NATH,

President, The Punjab Hindu Sabha, Lahore.

#### Se. , dated Labore, 1915. From-The President, Hindu Sebbs, Labore, To-The Chief Seyrisry to Government, Punjsb.

THE Punjab Hindu Sabha, at their meeting held on 22nd July 1918, resolved to submit, for the consideration of His Honour the Lieutenant-Governor, a representation on the Montague-Chelmsford Scheme of Reform so far as it is likely to affect the interests of the Hindus of the Punjab, deferring, for the present, a discussion of the Scheme in its general poliucus aspect. I am, therefore; desired by the Sabha to address you as follows :---

aspect. I am, therefore; desired by the Sabha to address you as follows :--2. In 1909, when Morley-Minto Scheme was announced, the Punjab Hindu Sabha had reason to believe that the interests of the Hindus of the Punjab were not sufficiently safeguarded by it. The grant of special communal electorate to Muhammadans created an alarm. It was thought that the old policy of absolute impartiality and neutrality had been departed from. These fears were aggravated by a retrospect of the policy of legislation and administration which had been followed and which appeared to the Hindus to indicate a deviation from the line of strict neutrality and a departure from that healthy political principle which regards all human beings as essentially equal in the eye of the powers that be. The Sabha then submitted a memorial to His Excellency the Viceroy, paragraph (III) of which related to the anticipated working of the Reform Scheme. The paragraph is reproduced in Appendix I to this letter. A reply to the memorial was vouchsafed in letter No. 1174, dated Simla, the 21st of October 19.9, from the Secretary to the Government of India, Home Department, to the Officiating Chief Secretary to Government, Punjab. Paragraph 12 of that letter referred to the representation in respect of enlarged Councils, and is subjoined to the extract from the memorial in the Appendix.

3. I invite your attention to Statements I and II printed in Appendix II to this letter. Statement I shows the composition of each Punjab Council since 1910, the year in which enlarged Councils under Morley-Minto Scheme were established. Statement II shows the number returned for the Imperial Council from the Punjab at each election. The history of the gradual expansion of the Provincial Council since the introduction of the Morley-Minto Scheme is well known to you. It would, however, serve the purpose of this letter to recapitulate it. Regulations for the nomination and election of members of the Legislative Council were framed and published by Punjab Government, Home Department Legislative Notification No. 31, dated 15th November 1903. The Punjab was given 5 elected members to be elected in the following way :--

(r) By the University of the Punjab-1 member.

(ii) By the Municipal and Cantonment Committees-3 members.

(iii) By the Punjab Chamber of Commerce-1 member.

In 1912, the Regulations were revised and the amendment was published by Government of India Notification of 15th October 1912. By this amendment franchise was for the first time granted to District Boards, which were arranged in 3 groups, each group returning one member. The franchise for towns was also re-arranged. More towns were included in the Municipal groups. Early in 1916 there was a further revision of the Regulations. The amending notification of Government of India was dated 30th March 1916. According to it the District Boards in each revenue division were given the right of returning a member, the Municipal and Cantonment Committees were given the right of returning 4 instead of three members, the Committees of the Central Group being sub-divided into two groups, A and B.

4. Statement (I) in Appendix II shows that the result of polling was very unfavourable to the Hindus in 1910, one Hindu being returned against three Muhammadans. In 1913, the tide turned in favour of Hindus, the election resulting in the return of 5 Hindus against one Muhammadan. In 1916 the results were fair to both sides, the number of Hindus and Muhammadans elected being equal. On the first two occasions the deficiency of election was made up by nomination. Statement III in Appendix (II) shows the numerical strength of Hindu and non-Hindu voters in each constituency, except the University, at each of the elections, which have taken place, since the introduction of Morley-Minto Scheme. An examination of it will show that out of the three Municipal groups of the first election Hindus. In 1912 out of 6 constituencies of Municipal and District

Boards the Hindus were in a majority in 3, equal in one, and in a minority in 2. In the Central Group of Committees there were 67 Hindus as compared with t2 Muhammadans, but 2 Parsis and 7 Europeans constituted a majority of non-Hindus. In the Western Group of Committees there were 61 Hindus, 58 Muhammadans and 3 Europeans. In 1916 out of 9 electoral circles of local bodies the Hindus were in a majority in 5. The University having a majority of non-Hindus, there were 5 electoral circles in which Hindus constituted a majority and 5 in which non-Hindus predominated. The result was that the Council of 1916 was the only one in which seats were equally distributed between Hindus and Muhammadans. The relative proportion of Hindus, Sikhs and Muhammadans in the Council, including both nominated and elected members, was as follows :--

#### First Council.

		L' W SL O'UW/CW.	•	
	Hindus.	Muhammadans.	Sikhs.	
Ê.	3	7	2	
		Second Council.		
	Hindus.	Muhammadans.	Sikhs.	
	5	5	3	•
	•• •	Third Council.		, ,
	Hindus,	Muhammadans.	Sikhs.	
	7	• 7	2	
			· .	

This retrospect of the history of Provincial Council points to three conclusions :--

(i) That elections have proceeded mainly on communal lines.

(ii) That Government have made up the deficiency of election in the case of each community by nomination.

(iii) That since 1913 the claim of Hindus to equal representation with the Muhammadans, exclusive of Sikhs, has been recognised.

5. The Sikhs have now been given a separate electorate. This separation of Sikhs from the Hindus, as the result of an avowed policy, is much regretted by the Sabha, though the concession, (if a measure, which deprives a community of the weight and influence of numbers, be a concession) is not gruded, as it has been given in deference to the explicit desire of the community. This separation, however, should lead Government to crystalize the policy which has so far been, in a more or less nebulous state, viz., that the seats allotted to Sikhs should count as separate and not be deducted from those assigned to the Hindus. Apart from the considerations urged in the Memorial of 1909 and the facts and figures cited therein, the Sabha thinks that it would be anomalous to treat Hindus in any part of Hindustan, whatever be the numerical proportion of their population to other communities, as anything other than an important minority. The Congress League Scheme, which embodies the mutual compact of Hindus and Muhammadans about their relative influence in politics, recognises the claims of the Hindus of the Punjab to equal seats with the Muhammadans. The case of Sikhs was not considered at the time, as the grant of communal electorate to the Sikhs was not anticipated. The recognition of the United Provinces is 47,182,044 out of which the Hindus are 40,253,433 and Muhammadans 6,658,378. The total population of Bohar and orissa is 34,490,084, of which Hindus are 28,365,235 and Muhammadans 3,666,861. In the Punjab, the total population is 19,974,956, of which Hindus, excluding Sikhs, are 6,632,818. The Muhammadans form in United Provinces L43, population and in Orissa and Behar 106 per cent. of the population. The Hindus in the Punjab are 33.4 per cent. of the population. The Hindus in the Punjab are 33.4 per cent. of the population. The Hindus in the Punjab are 33.4 per cent. of the population. The Congress League Scheme conceded to the Muhammadans of the population. The Hindus in the Punjab are 33.4 per cent. of the popul

the United Provinces 30 per cent. and to those of Behar and Orissa 25 per cent. of the elected seats in the Legislative Councils, respectively. It cannot be conceived that the Muhammadan leaders could have ever thought of assigning to the Hindus of the Punjab (considering the Sikhs to be so completely separated from them as to deserve and to get separate electorate) anything less than half the number of seats. The claim advanced, in certain quarters, that the seats assigned to the Sikhs should be deducted from the share of Hindus, is preposterous, and if it is sought to borrow strength from any interpretation put on the mutual compact of the Hindus and the Muhammadans indicated in the Congress-League Scheme, that interpretation is perverse. The first prayer of the Hindu Sabha is, that out of the total number of seats fixed for the Provincial Council, those assigned to special and communal electorate, namely -the University, Chamber of Commerce, Landed Gentry and aristooracy, and Sikhs, should be deducted and the rest divided equally between Hindus and Muhammadans.

6. The Scheme of Reform, which forms the subject of the report prepared by Lord Chelmsford and Mr. Montague, marks a new epoch in the History of Indian political advancement. The Legislative Councils of the future will no longer be consultative Boards, reflecting and focussing the opinion of intelligent classes on administrative matters, but will be bodies entrusted with responsibility, controlling certain departments, through Ministers selected out of them. The Sabha is of opinion that for the successful working of the Scheme two things are essential :--.

(i) To insure the adequate representation of all classes in the Council, and

(ii) To keep off, as much as possible, from its atmosphere, sectional and denominational bias, which is obstructive of the growth of the spirit of citizenship.

There is no doubt that the changes introduced by the Reform Scheme, which alters the character and status of Councillors, from irresponsible critics te responsible administrators, will in itself create and develop a sense of citizenship, but this will take time. Nothing should be done at the outset which unnecessarily divides classes. I cannot do better than quote here the concluding part of paragraph 229 of the reports-

"The British Government is often accused of dividing men in order to govern them. But if it unnecessarily divides them at the very moment when it professes to start them on the road to governing themselves, it will find it difficult to meet the change of being hypocritical or shortsighted." The Sabha therefore prays that the educational and pecuniary qualifications of voters, though differing territorially, should be the same for all communities. Any course to the contrary will produce great heart-burning and will be prejudicial to the successful working of the Scheme.

7. I now come to the crux of the problem, namely, how to secure adequate representation of all classes on the scale mentioned in paragraph 5 of this letter. Hindus, Muhammadans and Sikhs are the three main classes in the Punjab with whom we are concerned and who will be affected by the Regulations about elections. They differ from one another in education and wealth. It is difficult to fix upon any qualification which will secure numerical equality of the members of each community in the constituencies which may beformed. The Sabha does not mind if franchise is kept low enough to secure approximate equality. But exact equality of numbers it is impossible to attain. The coming events afford no time for experiments or tentative measures. The functions assigned to the Council will be of too important a character to admit of variations in the return of members belonging to various classes. Our experience of Minto-Morley Scheme tells us how slight variations in electoral roll tell on the classes of members returned. In the memorial submitted in June 1909 the Sabha asked for separate communal representation for the Hindus of the Punjab. The evils of communal representation, though self-evident, were not then recognised by the authorities. Paragraphs 228 and 229 of the report condemn communal electorates as opposed to the teaching of history and calculated to perpetuate class divisions. The Sabha shares these

views, but is at the same time cognisant of the necessity of securing adequate representation for the community which it represents. It wants no recurrence of the results of 1910. Nor does it want to perpetuate the unsatisfactory state of Hindu representation on Imperial Council which exists up to the present day and with which I will deal later on. Short of communal representation which has been retained by the authors of the report as a necessary evil, and in consequence of pledges, given in haste, there is but one contrivance which has been briefly alluded to in the concluding part of paragraph 232, but which I will explain more fully as the words of the report omit an essential part of the method of election. The Sabha proposes that ofter deducting the seats assigned to Sikhs and special electorates, and determining the number assigned to Hindus ord Muhummadans, election of each class of candidate should take place not simultaneously but separately preferably on different dates, to avoid 'con/usion, voters of all classes taking part in the election. Supposing for instance that the Punjab is given a council of 12<sup>5</sup>, out of which 4 ths, i.e., 100 are to be elected. Supposing, out of 100 26 go to communal and special electorates, such as the University, Landed Gentry and Chamber of Commerce. Then 74 seats remain open to Hindus, there are 50 candidates. Then, all qualified voters of the Punjab, belonging to different communities in various constituencies, should be called upon to elect, on one day 37 Hindus out of 50, that present themselves. Similarly, for Muhammadan candidates, but on a different date. No other mode of election, short of separate communal election, will guarantee to a community the number of seats assigned to it in an electoral scheme. As pointed out in the Memorial submitted in June 1909 most of the questions that came up before Council affect Hindus and Muhammadans alike. There is no reason why a Hindu should not have voice in the choice of a Muhammadan representative, who has an equal

It is needless for me to say that the right of election is highly valued by each community, so much so, that the number of scats for election thrown open, to a community is considered to be the measure of its importance, otherwise there would have been no need for communal electorates. As the future councils will have substantial elective majority, and as various interests will have to be represented, there will be little scope for nomination.

8. Statement II in Appendix (ii) shows how unsatisfactory and inadequate is the representation of the Hindus on the Imperial Council. Within the last nine years only one Hindu has been returned, and even he was not, an elected Hindu member of the Provincial Council. Whatever be the electorate finally fixed for the Imperial Council, the Sabha requests that the methed and principle of election of the Hindus of the Punjab for the Imperial Council, as well as their numerical proportion, should be the same as for the Provincial Cremcil. In conclusion, the Sabha desires me to say that if Government finds itself unable to attach due weight to considerations which have found expression in paragraphs 228 to 231 of the report, if Government thinks that it is impossible to make franchise qualifications equal for all communities, then, and as a last resort, the Hindu Sabha prays that the Hindus may be given separate communal electorate with the same number of seats as the Muhammadans. The Sabha is a communal body, and though one of its objects is to promote mutual good feeling between communities, yet the primary object of it is to protect the interest of the Hindus. If Government finds itself unable to help the Sabha in promoting one of its subsidiary objects, the Sabha cannot the expected to abandon a principle which is its raison de'être.

# APPENDIX I.

The Beform Scheme.-Your Excellency's memorialists fully appreciate and feel deeply grateful for the spirit of generosity and large-minded statesmanship which actuated Your Excellency and the Eight Hon'hle Lord Morley in inaugurating the great Scheme of Reforms.

The before between the second and argo-miniced statemanship which actuated Your Excellency and the Right Hon'ble Lord Morley in inaugurating the great Scheme of Reforms. The main object of the Reform Scheme is to eakisfy the classes which, to quoted Your Excellency's words used on a memorable consiston, "by growth of education and encouraged by British rule were claiming equality of citizenship and aspiring to take a larger part in abaping the policy of the Government." Unhappily the principle which has been accepted in providing for the separate and special representation of one particular community puts educational qualifications at a discount, and introduces a new factor of "political importance" which by giving rise to invidious and runjustifiable distinctions, based purely on denominational considerations, will tend to accentuate racial feeling, and largely militate against the good results that the pople of India expected from the noble Scheme of Reforms initiated by Your Excellency. Your Excellency's memorialists beg to point out that the Hindus line on the ground of a supposed political importance as a star particularly upon their community, who form the vast majority of the population of the Empire. As regards the military defence of the findua Empire, Your Excellency's memorialists beg to state that while the Hindus (including Sikhs) contribute 128,000 men to the various branches of the military defence of the findua Empire, Your Excellency's memorialists beg to state that while the Hindus (including Sikhs) contribute 128,000 men to the various branches of the military defence of the findua Mahammadana contribute to a source of a supposed of the second to a class. Your Excellency's memorialists beg to actact that while the Hindus (including Sikhs) contribute 128,000 men to the various branches of the military defence, according to the same of the grints in the second to a class. Your Excellency's memorialists wenture to submit that for the first time in the bistory of British rule in India, considerat

Chiefs and Frinces are races which Your Excellency's memorialists respectantly submit cannot be controverted.
Your Excellency's memorialists beg respectfully to point out that it is not only the general principle laid down for the representation of the two great communities that will place the Hindus at a serious disadvaniage in the matter of respresentation in the reformed Conneils. Under the details, so far as they have been worked out, by the Government of India in consultation with the Local Government, the Hindus of the Punjab feel that their chances of representation on the new Provincial Council are very meagre indeed, and practically none on the Imperial Council. Your Excellency's memorialists are aware that the Scheme, as laid down in Your Excellency's Despatch, dated the 1st October 1908, will be subject to modification in the light of subsequent events which have raised the maximum strength of the Provincial Council from 24 to 30 and have sanctioned a non-official majority. But Your Excellency's memorialists believe they are justified in taking the aforesaid scheme, as a safe guide to the probable intentions of the Provincial Council one shall represent Commerce, one the University, and 3 will be returned by the large cities. The remaining seven are to be nominated members in the proportion of 2 Muhammadans. I Hindu, I Sikh, and 3 representing other interests. Now it may be safely presumed that the member for. Commerce will be a European nominated by the Chamber of Commerce and the Trades Association, and under the present state of affairs it is doutful whether a Hindu will be returned by the large or the Hindus, and the only seat that their larger number, will have an advantage over the Hindus, and the only seat their their larger number, will have an advantage over the Hindus, and the only seat their their larger number, will have an advantage over the Hindus, here too the Muhammadans, with their larger number, will have an advantage over the Hindus, and the only seat their there represen

As regards the Imperial Legislative Council it is feared that the Hindus may fail to secure even a single seat, while all three may go to Muhammadans. The member representing the Provincial Gouncil is almost surely to be a Muhammadan, owing to the Muhammadan majority on the Council, and the same is likely to be the case with the representative of land-holders, who will generally be Muhammadans. In addition to these, a member will be returned by the Muhammadans alone and by an election in which the Hindus shall have no part. Thus it is easy to see that the Hindus will simply be nowhere on the Imperial Council, and theundesirability of this state of things from their point of view need only be mentioned to demonstrate its hardship.

strate its hardship. Even on the principle of safeguarding the interests of minorities, the Hindus of the Punjab are entitled to claim a substantial representation on both the Provincial and the Imperial Councils, constituting as they do a stronger and more important minority than the Muhammadans of the United Provinces of Agra and Oudh. While ample provision has been made for the representation of the Muhammadan minority of the United Provinces on the Provincial as well as the Supreme Councils, no such provision has been made for the Hindus of the Punjab. The invidicuments of this distinction has been keenly felt by the Hindus of this Province, and Your Excellency's menorialists would be failing in their duty if they omitted to give proper expression to the feelings of disappointment which pervade the general body of the Hindu community. They trust that before the scheme takes final shape, the matter will receive the attentive consideration of His Honour the Lieutemant-Governor and Your Excellency in Council, and they hope that in the Rule and Regulations to be framed under the new India Councils Act, due provision will be made for giving the Hindus a representation which will be commensate with their education, number, wealth and importance on the Provincial as well as the Supreme Council.

as well as the Supreme Council. Your Excellency's memorialists are confident that it cannot be the intention of the, Government to place the Hindus of the Panjab at such a glaring disadvantage in comparison with the Mahammadane. They, therefore, forvently hope that in the remodelling of the scheme, so as to bring the Councils to the increased strength sanotioned by the Councils' Act, these differences will be adjusted and the hardships entailed by them on the Hindu community will be removed. If Your Excellency's memorialists are to offer any specific suggestion, they would propose that the number of the Hindus be made equal to that of the Muhammadans in the Provincial Council, and that an opportunity be given to the Hindus to elect their representatives to the Provincial Council by special electorates, a privilege which is proposed to be conceded to the Muhammadan minority of the United Provinces. Further that the Hindus may be allowed equal opportunities in returning members to the Imperial Council and the proposal of allowing the Muhammadans to return a special member to the Imperial Council by a special electorate be eliminated. In conclusion, the memorialists beg to assure Your Excellency that it is not in a

members to the Imperial Council and the proposal of allowing the Muhammadans to return a special member to the Imperial Council by a special electorate be eliminated. In conclusion, the memorialists beg to assure Your Excellency that it is not in a spirit of captiousness or out of spite to another community that they have sought leave to approach Your Excellency with this, representation. Nor are the grievances they have detailed of a merely sentimental character such as might be silently borne by an undemonstrative community like the Hindus of the Funjab. They are solid disadvantages weighing upon the community with the heavy load of practical disabilities. Indeed, even as they were, the Hindus of the Punjab bore them for a long time, without any serious protest, until they began to find that they were losing ground all along the line. And now Lovid Morley's concession of the Muhammadan demands has brought home to them with greater force the truth, felt for some time past, that not merely in the distribution of Government appointments, but even in the grant of political privileges, denominational preferment was going to be a part of Indian policy. Your Excellency's memorialists are constrained to say that ser most keenly felt by the Hindus of this Province. They have affected, and are affecting, them in the pursuit of their livelihood ; they are telling injuriously upon their social status as representatives of an ancient civilization with its accompanying traditions, and finally they stand in the way of their political advancement as an important unit of the Empire. The above are circumstances which might well create serious alarm in the minds of the Hindus confidence in the ultimate sense of justice and fair play of their rules. They are finally covinced that no measures having reference to the staditions of their made, have the fulles outformed that no measures having reference to the administration of the country can form a permanent part of the policy of Government, which are inconsistent with the spi

The disabilities that have been imposed upon the Hindus of the Province are felt to be peculiarly distressing because they would appear to attach to them, not by reason of any radical differences in their temperament and constitution as a race as distinguished from the Muhammadans, but because of their having a system of religion different from that of their Muhammadan fellow-countrymen. And it is this feature of their hard case which has emboldened Your Excellency's memorialists to approach Your Excellency with this humble memorial in which they seek to give expression to the feelings of their co-religionists. Your Excellency's memorialists are confident that as the noble representative of their angust

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Sovereign, Your Excellency will be gracious enough to accord a favourable consideration to their prayer, and that Your Excellency will be pleased so to direct matters as to ensure the Hindus of the Province being placed on a footing of equality with their Muhammadan fellow-countrymen in all matters of administration and thus restore peace of mind and equanimity to a large and infinential class of His Majesty's subjects, who are second to none, in their loyalty to the Government and their devotion to the British Crown. And for this act of generosity Your Excellency's memorialists, in duty bound, will ever pray.

Paragraph 18 of Government of India letter No. 1174, dated 21st October 1909.

**LARGEDRE 13 OF GENERALIST OF INDEX 10 FIRST NO. 1174, dated 21et** October 1909. FIRST. I am directed to refer to the complaints of the memorialists that under the scheme for enlarged Legislative Councils, the principle of special representation for the Muhammadan population has been accepted. That large and important question is no longer open to discussion, for the principle to which the memorialists refer has received the sanction of the Secretary of State. In so far, however, as the representation of the Hindus of the Punjab is concerned I am directed to say that ample provision will be made to safeguard the interests of all important minorities: ÷

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# APPENDIX II.

STATEMENT I .-- PUNJAB PROVINCIAL COUNCIL.

•	Отуготат Минявая.				C	Снамвив от				NON-OFFICIALS.								
	r ag			Man	BRR			CHAMBUB OF COMMBBON, Elected.			Nominated.				1			
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1918	•••	24	9			•••	1				5	1	1	1		•	-2	Second Council.
1916	.01	28	10		•••		1				5	б		1	2	8	3	Third Council.
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STATEMENT II.-IMPBBIAL LEGISLATIVE COUNCIL.

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	roup of Committee	"	87	62	8	*4	208	198	
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(B) Multe	an Group of District Board	-	54	126	. <b></b>		878	487	· .

# V STATEMENT IIL

#### Dated 23rd November 1918.

From - The Hon'ble Khan Bahadur Mian FART-1-HUBBAIN, M.A., Bar-at-Law, Honorary General Secretary Punjab Provincial Muslim League, Labore, . Te

The Chief Secretary to Government, Punjab.

I HAVE the honour to enclose herewith two written statements-one on Transferred Subjects and the other on Franchise-to be laid before the two Committees on behalf of the Punjab Provincial Muslim League.

The Council of the League has decided to send four representatives -t<del>w</del>o to give evidence before each Committee severally. I shall be obliged if you will kindly let me know if this arrangement will be suitable so that I may send the names of the other three.

#### SHUJA-UD-DIN,

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Joint Seoretary, Punjab Provincial Muslim League, Lahore.

#### FRANCHISE ELECTORAL LAW, CONSTITUENCIES.

1. Strength of Council.-The strength of the Punjab Legislative Council inclusive of the President, shall be 125.

2. Proportion of elected and nominated members. -Four-fifths of the members of the Punjab Legislative Council shall be elected and one-fifth nominated. Of the nominated members, not more than one half shall be officials, the nominated non-officials to represent interests not otherwise provided for. The head of the Government shall have the power of nomination.

3. Distribution of elected seats .- The elected seats shall be distributed as follows :-

Muslims 50 per cent.; the remaining communities and interests 50 per cent.

The Muhammadan members shall be elected by exclusively Muslim electorate.

4. Disqualification of voters.-No person shall be qualified to vote at any election for a seat on the Punjab Legislative Council if such person-

(a) is a minor ;

(b) is a female :

(c) has been adjudged by a competent Court to be of unsound mind ;

. (d) is a returning officer in the constituency concerned.

This 3 -5. Ineligible condidates. -- No person shall be eligible for election as a member of the Punjab Legislative 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

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(e) is under 21 years of age, or

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(f) is an uncertificated bankrupt or an undischarged insolvent, or

- (2) holds jagir at the pleasure of the Crown (it being immaterial whether the jagir is held by him in his own name or by another in trust for him), or
- (A) directly or indirectly, himself or through the intervention of a trustee, holds or undertakes any contract or commission, for or on account of the public service, or
- (i) is convicted by a Criminal Court of an offence and sentenced to death, trans-portation or rigorous imprisonment for a term exceeding 6 months of simple imprisonment for a term exceeding 12 months (the sentence not having been subsequently, reversed and remitted) the disqualification to cease if sentence has been served or pardon received.

6. Franchies or qualification for vote. - The following persons, if not otherwise dis qualified, shall be entitled to vote :-

(a) Persons owning agricultural land assessed to or assessable to land revenue of Rs. 25 year ;

(b) Persons occupying agricultural land and paying an annual rent of Rs. 200;

(c) Persons owning household property of the value of Rs. 2,000 ;

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+ (d) Persons occupying household property of the annual rental value of Rs. 120; (e) Persons paying income-tax;

(7) All persons who have passed the Middle School Examination, including the Ver-nacular and holders of University Diplomas or title on the Oriental side, provided they are not students. Provided that a person falling under more than one of the foregoing descriptions shall not be entitled to more than one vote for any description that he chooses.

7. Qualifications for candidates .- Any voter can be a candidate from any constitu-ency in the Province, provided he is not ineligible otherwise.

8. Constitution of electorates.—Rural and urban areas shall be constituted into separate electorates. The distribution of seats between rural and urban constituencies shall be in the proportion of 3 to 2 respectively. It is suggested that the town of Labore be accorded a preferential treatment. Constituencies shall be determined on the basis of single member constituencies.

#### MOHSIN SHAH,

# Joint Secretary, Punjab Provincial Muslim League.

#### TRANSFEREED SUBJECTS.

Talking of Provincial Government the authors of the Reform Scheme lay down the following general formula :--

following general formula :--"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 complets 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 disoharge by the latter of its own responsibilities." And in accordance with this formula they propose a devolution of powers from the Government of India to the Provincial Governments with regard to several important functions. App endix II of the Scheme gives a fairly long list, which professes to be morely illustrative in character, of subjects, which it is suggested should in the future be under the sole charge of the Provincial Government. It is realised that if provincial autonomy is to mean anything real the province must not be dependent on the Government of India for the means of provincial development and consequently the Scheme proposes a complete separation of the revenues as well as the budgets of the Central and Local Governments. Certain subjects of taraction have been reserved for the provinces and greater freedom has been given to them with regard to raising loans. While these measures will give Provincial Governments liberty of financial action, it is also proposed to secure them against any unnecessary interference by the Government of India in the sphere of legislative and administrative business and subject to certain reservations the sole legislative power with regard to provincial matters has been made to rest with the provincial Muslim League

All this is highly satisfactory, so far as it goes, but the Provincial Registrure. All this is highly satisfactory, so far as it goes, but the Panjab Provincial Muslim League considers it its duty to point out that this devolution of powers in favour of the Provincial Gov-ernment can be acceptable only if it comes simultaneously wich the grant of full responsibility to the people; for otherwise the proposed devolution will have the effect of making the Provincial Government far more autocratic than it is at present. Unless the Provincial Legislature is vested with real and effective power of control over the actions of the Executive, it is appre-hended that the very extensive powers which the Scheme, as it stands, proposes to confer on the Provincial Governments will deprive the people of their present right of obtaining relief from the Government of India against the measures of the Local Government.

An apprehension is entertained in certain quarters that the Punjab may possibly be treated differently from the other major provinces as it is sometimes alleged that it is a backward province. Such an allegation carries with it its own refutation. No statistics are necessary to prove the undeniable fact that, within the last few years, the Punjab has made very rapid progress in education. Political advancement has followed in the wake of educational extension and the people have begun to realise the importance of political rights and liberties. It is therefore altogether impossible to allege educational backwerdness as a reason for differential treatment.

From the point of view of population and wealth too, the Punjab is in no way behind any other province. With its 20 million inhabitants it ranks with Bombay, while the fact that it subscribed millions of money to the Indian War Loans and secured the third place on both occasions clearly demonstrates not only the capacity of its citizens for making unparalleled sacrifices in the cause of the Empire, but also their fervent loyalty and noble patriotism.

Then again this province is politically of far greater importance to the Eupire than any other province of India. Ever since its annexation to the dominions of the Crown, it has played a very important part in almost every war in which the Government has been encoord. And to crown all may be mentioned the magnificant services which the Punjab

has rendered in the world-war which has just come to an end. One-half of the total strength of the Indian Expeditionary Force was drawn from this province. So were more than 64 per cent. of the recruits who enlisted in the Indian Army since the commencement of the war, not to apeak of the various Labour Corps which were sent to Mesopotamia and Flanders. This is a record the like of which no province can show and of which any province may well be proud.

a record the like of which no province can show and of which any province may well be proud. These facts conclusively establish the claim of the Punjab to an equal treatment with the other major provinces and the League strongly arges the necessity of maintaining a uniformity in the matter. By reason of its size and population, its position as the sword arm of India its political importance, the remarkably rapid progress of its people in education in recent years, their public spirit and patricitism and above all the enormous sacrifices of blood and money in the Great War in which its sturdy sons have been fighting shoulder to shoulder with their English and Colonial beethren-in-arms, from whom they must have imbibed democratic ideas — by reason of all this the Punjab is deserving of special consideration, and if any invidious distinctions are made in respect of this province, they are sure to arouse a keen sense of disappointment and resentment among the people who have naturally formed great erpectations. It is therefore submitted that in determining the question as to what services are to be appropriated to the provinces, the Punjab should receive exactly the same treatment as the other major provinces of the country. The authors of the Reform Scheme cheeves that fully responsible Gammanda in the services are to the appropriated to the provinces the service in the service is a start of the Reform Scheme cheeves that fully responsible Gammanda in the services are to be appropriated to the provinces, the Punjab should receive exactly the same treatment are serviced as the other major provinces of the country.

The authors of the Reform Scheme observe that fully responsible Government cannot be given immediately, but realise nevertheless that some measure of responsibility must be given at once. Accordingly they propose that certain functions of the Provincial Government should be placed in charge of Ministers to be selected from amongst the elected members of the Provincial Legislative Councils. And it is the business of this Committee to consider which of the provincial subjects should be so transferred and what limitations should be placed on the Ministers' complete control of them. Now, it goes without saying that the success of the whole Scheme will depend, almost entirely, upon the spirit in which the task of the division of functions is undertaken.

With regard to the limitations on the powers of Ministers it may at once be pointed out that they should be held responsible to the Provincial Legislature alone, the Governor should have no direct control over them and must act on their advice so long as they have the confidence and the support of the Legislative Council. It is only thus that the fransfer of subjects to the charge of Ministers can have any real value.

of subjects to the charge of Ministers can have any real value. There is another question also which is deserving of very serious consideration in this connection, and that is the question of the distribution of provincial revenues between the Executive Council and the Ministers. It is proposed that after deducting the contributionof the Government of India, the proposed allotments for the reserved subjects will be given preference and only the remainder will be available for the Ministers. In case this residue is insufficient to meet the requirements of the Minister it will be open to him to suggest ertra taration in order to raise necessary funds. This precedure obviously places the Minister in a position of great disadvantage. On him will fall the odium that usually attaches to all increased taxation and he will be held responsible for the maladministration that will necessarily result from inadequacy of financial resources. It is suggested that the estimated previncial revenues should be distributed between reserved and transferred subjects on the basis of the average of the three years immediately preceding the way and that in eases of deficit the required amount should be raised by trees taxation, the proceeds of which should be allotted solely to the department which initiated it. Appendix II of the report also, gives an illustrative list of transferred, subjects.

(1) The appointments, conditions of service and control of all provincial services in the transferred departments, should definitely vest in the Minister in charge of these departments.

(2) The scheme has treated the maintenance of law and order as essentially a reserved subject. If this is to be so, a separation ought to take place between Juditial and Executive functions. This is a reform which the country has been demanding with one voice for more than a quarter of a century and the League is confident that in view of the unanimity of public opinion on this point, it will not be withheld any longer—

(c) The administration of prisons is essentially a matter of social reform and not one which can be said to be primarily concerned with the maintenance of law and order. It can be placed under popular control without detriment to the efficiency of administration and ought therefore to be a transferred subject.

(ii) The same remarks apply to the oriminal tribes. Various philanthropic institutions have been devoting their energies to the task of reforming criminals, and much more could be achieved if the department were placed in charge of a Minister. It would of course be subject to any rules that the Government of India may make for the purpose of co-ordinating the work in different provinces.

(iii) Dramatic performances and cinematographs also do not, strictly speaking, come within the category of subjects primarily concerned with the maintenance of law and order and the League is of the opinion that they ought to be placed under popular control.

(3) Education is the one subject in which Indians have shown themselves to be keenly netrested. It is therefore not a little surprising to find that a complete devolution of powers use not been suggested even in this department. It is proposed to place Primary, Secondary ind Technical Education only in charge of a Minister. This limitation of his powers is absorbed, indefensible. No argument is necessary to show that the entire field of education hould be transferred to popular control. Indeed the Viceroy and the Secretary of State themeelves point out that the main defect of the existing system is the want of co-ordination beween the primary and higher education and the League fails to see how this co-ordination is to be obtained if the two branches of education are placed in charge of different heads of epartment. It is therefore submitted that education should as a whole be placed in charge of Minister.

Minister. (4) With regard to Local Self-Government, the League considers it its duty to enter a lost emphatic protest against the suggested reservation of power to the Executive Conneil of spending defaulting bodies. Such a reservation is open to objection on several grounds. In e first place, it implies a negation of the very first formula laid down by the atthors of the obme, that " there should be as far as possible complete popular control in local bodies , and he largest possible independence for them of outside control. Now local bodies cannot be id to be under popular control and independent of outside control if the Executive Conneil r to have the power of suspending them at will. In fact, the suggested reservation reduces he proposed reform to a mere nullity. Secondly, it would mean that the Executive Conneil ould ait in judgment on the Ministers who under the scheme will be responsible for working ut the details of Local Self-Government. It would, so to speak, reduce the Minister to a posion of subordination to the Council—a situation entirely at variance with the original interion of the Scheme. It is therefore submitted that the grant of Local Self-Government should ot be qualified by any reservation such as the one proposed. . (5) Industrial matters ouch t also to be placed in charge of a Minister. The develor-

(5) Industrial matters ought also to be placed in charge of a Minister. The developnent of arts and local industries is a subject in which not only are the people very eenly interested but of which they have special local knowledge, and it is quite reasonable to rpect that these arts and industries will flourish under Indian control.

(6) Banking concerns should be treated as a transferred subject, as they have a direct elation to the industrial and commercial development of the country.

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From Bawa SALAWAT BAR, Pleader, President, District Congress Committee, Jullundur City, To-The Offg. Additional Secretary to Government, Punjab.

I HAVE the honour to forward, on behalf of the Jullundur District Con-gress Committee, the accompanying statements containing their views on ques-tions of Franchise and Transferred Subjects for the consideration of the Reforms Committees. The Congress Committee further has the honour to intimate that the following gentlemen are prepared to give evidence before the Reforms Committees. **Reforms Committees :** 

- (1) The Hon'ble Rai Bahadur Bhagat Ram,
- (2) Rai Sahib Lala Badri Das, M.A., LL.B., Pleader,
- (3) Lala Karm Chand, B.A., LEB., Pleader, and
  - (4) Sardar Bhagat Singh, B.A., LL.B., Pleader.

# SALAMAT RAL

President.

#### STATEMENT A (FRANCHISE).

THE Jullandar District Congress Committee recommends that every male person not disabled by minority, insanity, incovency and <u>oriminality</u> should have the right to vote provided that he fulfils any one of the following conditions :--

(a) Every matriculate of a University, or a person holding a Punjab University Diploma of the Oriental Faculty, not in statu pupillari.

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- b) Every jagirdar, or a land revenue payer of a sum of not less than Rs. 50 per annum.
- (e) Every income-tax payer. (d) Every person who owns house property of the value of not less than Rs 5,000.
- (e) Every person holding a title or certificate of honour conferred by Government published in the Honors List.
- (1) Every Indian Commissioned Officer, whether in service or retired.
- (g) Every member of a District Board or Municipality.

The Congress Committee further recommends that every female not disabled by minority, insanity, insolvency and criminality should have the right to vote if she fulfils either of the conditions (a) and (c) above. Why STATMENT B (TRANSFERRED SUBJECTS). i

THE Jullundur District Congress Committee recommends that the following subjects be transferred in charge of Ministers :---

(1) All subjects mentioned in Illustrative List II in the Appendix II of the Report on Constitutional Reforms of His Excellency the Viceroy and the Secretary of State.

- (2) Higher Education.
- (S) Business Concerns.
- (4) Land Acquisition.
- (5) Prisons.
- (6) Police.

(7) Administration of Civil and Criminal Justice, . . --

SALAMAT RAI, Fresident

CS-20-25-11-18-SGPP Labore, .

#### Dated Qadian, 23rd November 1918. from-M. B. MARKUD ARMAD, Head of the Ahmadiyya community,

To-The Chief Secretary to Government, Punjab.

-I MOST respectfully beg to request that the following gentlemen be kindly permitted to represent the Ahmadiyya community before the Franchise and the Transferred-Subjects Committees :--

1. Khan Muhammad Ali Khan, Rais of Maler Kotla.

2. Chaudhri Fateh Muhammad Sayal, M A., Jaura, District Labore.

3. Mirza Bashir Ahmad, M.A., Qadian.

A substance of the evidence to be given by them before the two Committees is attached herewith.

#### M. B. MAHMUD AHMAD,

#### Head of the Ahmadiyys community.

### SUBSTANCE OF THE EVIDENCE TO BE GIVEN BEFORE THE FRANCHISE COMMITTEE.

# BY THE REPRESENTATIVES OF THE AHMADIYYA COMMUNITY.

# Indian Legislative Assembly.

UNDER the present circumstances we deem it necessary that in the Indian Legislative Assembly the non-elected members should be in a majority. This would do away with the apairon need of a Council of State.

The Muhammadans and the Sikhs should be represented on the Indian Legislative Assembly according to their numerical strength, their political importance being also taken into consideration, and should be elected through separate election. The following classes of men should have the power to vote for election to the Indian Legislative Assembly :--

- 1. Matriculates (Oriental and Anglo-Vernacular).
- 2. Members of the Legislative Counsils.
- 5. Members of District Boards.

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4. Municipal Commissioners.

sented.

- 5. Every income-tax payer who pays not less than Rs. 52 per annum.
- . 6. Every one who pays land revenue not less than Rs. 800 per annum.
- 7. Every one who holds a title or honour conferred by Government,

In nomination care should be taken to see that minor communities are duly repre-

Punjab Provincial Legislative Council.

No --

#### Composition.

In the Punjab Provincial Legislative Council not more than half the members should be elected. The composition of the elected element should be in proportion to the numerical strength of the three great communities inhabiting the province vis., the Muhammadans, the Hindus and the Sikhs. The minor communities should be represented through nomination. The Ahmadiyya community should have separate representation.

#### Franchise.

In principle, we admit that common election is the best method of election, but the existing state of society in the Puojab demands communal election.

- The electorates for rural and urban population should be separate and the number of seats for each group should be proportionate to their respective numerical strength.

The Franchise should be made as wide as possible. Under the present circumstances we recommend that the following classes of men should have the right to vote for election to the Legislative Council -

- 1. Every jagirdar holding a jagir of not less than Rs. 50 per annum and every 1 one who pays land revenue of not less than Rs. 50 per annum.
- 2. Every income-tax payer.
- S. Every person who pays a land rent of not less than Rs. 800.
- 4. Every person who owns house property worth not less than Rs. 25,000 .-.

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# × 5. Every non-student Primary passed person (whether Anglo-Vernacular or Vernacular).

6. Every retired Indian soldier who has served in the recent war.

7. Every Lambardar, Sofaidposh and Zaildar.

8. Every member of the Municipal Boards, District Boards, Notified Area Committees and village panchaits.

#### SUBSTANCE OF THE EVIDENCE TO BE GIVEN BEFORE THE TRANS-FERRED SUBJECTS COMMITTEE,

By the BBPBBSENTATIVES OF THE AHMADIVYA COMMUNITY.

Separation of Indian from Provincial functions.

As to the Provincial functions as distinct from Indian we have only to say that the division made in Appendix II list, attached to the Report on Indian Constitutional Reforms, seems to be generally suited to the province of the Punjab.

#### Transferred Subjects.

In our opinion, the following subjects may safely be entrusted to the Ministers :--

(i) Education-Primary, Secondary and Technical.

(ii) Sanitation,

(iii) Forests.

(iv) Industries and Commerce.

(v) Excise.

(vi) Public Works.

(vii) Agriculture.

(viii) Local Self-Government, rural and urban,

(iz) Charitable Endowments.

(c) Fisheries and connected industries and river conservancy.

(zi) Registration of births, deaths and marriages, Coroners, village courts-Civil and Criminal-statistics for provincial purposes.

(216) Miscellaneous subjects as mentioned in Appendix II, Illustrative list No. 2.

Of the subjects proposed to be entrusted to the Ministers in the above mentioned list the following subjects should in na case be transferred to the Ministers, for they afford much room for the display of inter-communal prejudices :---

(a) Taxation for provincial purposes.

(b) Franchise, electoral law, constituencies.

### M. B. MAHMUD AHMAD,

Head of Ahmadiygs Community.

· · · · ·

Dated 23rd November 1918.

4 Sikh

From-Sardar KHIBAR SIZGH, B.A., LL.B., HONORRY Secretary Purjab Zomindars' Control Association, Labore, To-The Off. Additional Secretary to Government, Purjab.

I. I beg to submit hereunder the views of the Punjab Zemindars' Central Association, Lahore, on the subject of the Franchise Scheme with a request to place them before the Franchise Committee.

II. I also desire, as the representative of the above Association, to personally lay before the aforesaid Committee the aspect of the Indian Constitutional Reforms so far as they affect the agricultural classes and the rural population. It is needless to mention that the Association was given the honour to wait in a deputation upon the Rt. Hon'ble Mr. E. S. Montagu, His Majesty's Secretary of State for India and His Excellency the Viceroy of India when they received deputations for such purposes from several public Associations in November last at Delhi.

III. I beg leave to particularly impress upon the eranchise committee he following points for favour of consideration :---

(1) That in the matter of Franchise the electorates for rural and urban population in the Punjab should be separate.

(2) That the number of seats allotted to each electorate should be in proportion to their population.

(3) That only persons coming within the definition of "Statutory Agriculturists" should be competent to become candidates for seats allotted to the rural areas.

(a) Every Secretary of a Co-operative Society.

(b) Every Treasurer of the above Society.

(c) Every Assessor or Juror will have the right to vote for election of a candidate for a seat in Punjab Legislative Council.

IV. The main reason for making the above suggestions is that the interests of the agricultural classes are directly opposed to those of the trading people. There is no community of interest between them and one class is entirely separated from the other. The former live in the rural areas while the latter mostly reside among the urban population.

For instance, the Punjab Land Alienation Act is a beneficial piece of legislation which is very useful for the agricultural classes. It has averted the political danger of land going out of the hands of agriculturists into those of non-agriculturists The rural people desire that this Act should be maintained and they consider it as their Magna Charta. On the contrary the trading classes are vehemently opposed to the abovementioned Act of the Legislature and are determined to get it repealed. Now I leave it to the Franchise Committee to consider that if there be a majority of such people in the Punjab Legislative Council whether they will not achieve their object for which they have been clamouring since 1900.

#### KHARAK SINGH,

Honorary Secretary, Punjab Zemindars' Central Association, Lahore.

#### No. 7575, dated Amritar, 24th November 1918, From-The Honorary Scoretary, Chief Khales Diwan, Amritase, To-The Additional Scoretary to Government, Punjau.

On behalf of the Chief Khalsa Diwan I have the honour to submit the collowing proposals for the consideration of the Franchise and Subjects Committees in connection with the Reform Scheme. Should it, be considered necessary to explain any of the points further by a verbal statement, the committee of the Diwan has nominated Sardar Sewaram Singh, B.A., LL.B., Pleader, Chief Court, Lahore, to represent the Diwan before the Committees.

#### First.—As regards Franchips/

2. Franchise. In their address to the Right Honourable the Secretary of State for India and His Excellency the Viceroy, it has already been sugsested by the Sikh community that Franchise may be granted to all persons (meaning of course all males above the age of 21) falling under any of the following categories:

- (a) All members of the Municipal Committees and District Boards and other local bodies.
- (b) All landholders who pay revenue of not less than Rs. 100 per annum.

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- (c) All persons assessed to income-tax.
- (d) All graduates of Indian or other recognized Universities of not less than three years standing.
- (e) All members of the Bar of not less than three years standing.
- (f) All registered members of the independent medical profession.
- (g) All retired Indian Commissioned Officers of the Indian Army.

It was also suggested that election should be held in separate communal compartments, and it was earnestly urged that separate communal representation be allowed to the Sikh community. The last request has been held by the authors of the Reforms Report as fully made out and has been granted; and as to the extent to which it is to be allowed the matter was left for decision, upon the Report of the Franchise Committee.

In the memorandum submitted to the Chief Secretary to Government, Punjab, as embodying the views of the Sikh community with the letter of the Honorary Secretary, Chief Khalsa Diwan, dated the 25th September 1918, the extent to which the Sikhs ask for their representation in the Provincial as well as Imperial Councils and the Council of State have been fully set out and need not be repeated here. For the reasons stated there, the Sikhs should have onethird of the total number, of non-official seats held by Indians in the Punjab Council, and 7 out of 67 <u>non-official seats</u> in the Assembly of India and 4 out of <u>non-official seats</u> in the Council of State reserved for them. The Committee of the Diwan adheres to the views expressed in the aforesaid memorandum by the Sikh community adopted in a general conference of the specially appointed representatives of the community. In addition to the qualifications for electoral roll, as suggested above, the committee of the Diwan beg to urgo that a property qualification be also added to the list. All persons owning house property of the value of at least Rs. 10,000 (ten thousand) should have a right cf vote.

3. With the above reservation, the Sikhs had suggested in their address to the Joint authors of the Report that Provincial Councils may consist

		2	.'	•
of 75 to 10 it is sugge	00 members. Taking 75 as sted that the division ma	the basis of be made as	f calcula follows	tions for the Punjab,
- By	election-	•		۲.
00 1	Sikhs			15 2 23 100
Florer ab Selectorates)	Non-Sikh Indians		•••	15 23 mul
Vereinstall	University		•••	1
(+ m - taly)	Chamber of Commerce		•••	1
in Instrum ?/ (	Big landlords and Chiefs	•••	•••	3 (Hindu 1, Mu-
			•	hammadan 1 and Sikh 1.)
200 <b>0000</b>		-		50
By	nomination -		- <u>-</u>	- 1 - 1
	Officials not more than			16
•	Non-officials	··· ·	•••	9*
		· · · · ·	-	25
* These m	aust include two or three members from th	e domicited Angl	o-Indian and	Indian Christian communities.

 These must include two or three members from the domiciled Anglo-Indian and Indian Christian communities. Census figures available to not show the number of domiciled Anglo-Indiane separately, but it is believed that the number is not considerable in this Province. We cannot therefore offer a more definite opinion under this head.

4. As the Reforms Report does not propose to institute separate communal representation for Muhammadans in this Province on account of their forming a majority of the population, a principle which seems perfectly just, we have in the above distribution suggested joint electorates for Hindus and Muhammadans. As yet the figures with regard to the number of persons entitled to franchise according to the qualifications suggested above in each district of the Province are not available. But according to the population figures the distribution may perhaps be roughly made as follows :---

20

Divisions.	-		Sikhs.	Non-Sikhs.
Ráwalpindi			<b>3</b> ·	5
Lahore			4,	7
Jullandur	•••		4	7
Ambála	•••	· ***	2.	6
Multán			- 2	5

As regards the further desirability of dividing the seats among the rural and urban areas, it is suggested that no such division will be necessary among the Sikhs as their urban population is small. Should, however, such division be necessary we would make the following suggestion :--

•					*Bri	KH8.	Non-Sikes.		
	· · ·	Division	-		Rural.	Urban.	Rural.	Urban,	
				-	2				
Ráwalpindi Lahore	996	•••			3	1	9 /4	- L - B	
ullundus	•••				8	1	5	- 2	
mbála	•••				1	- 1	. 4	1	
l altán	***	•••	- <b></b> 1		1	- 1	4	2	

5. In the Legislative Assembly of India it is proposed under the report to allow 67 seats out of 100 to be filled up by election, and the distribution, among provinces suggested in paragraph 274 takes no account of the Sikh community, though in paragraph 3 communal representation of the community conceded for the reasons stated in the aforesaid memorandum submitted by the community, it is respectfully urged that 7 seats be reserved for the community out of the said 67, and the distribution among provinces be made upon the basis that the total to be distributed are 60 which may be as follows :-

Bombay			414	10
Bengal		344		10
Madras		***	•2•	10
United Provinces			· • • •	9
Bihar and Orissa	•••		•••	6.
Punjab (non-Sikhs)				5 +7=12 1
Central Provinces			ī.,	4
Burma	••• •			3
Assam	4	***		2
Delhi		•••	- 	í
	-	Total		60

Punjab—				
Rural			3	3
Urban	••#	•••	1	
Chiefs' Association	448 		1	. 7.
Graduates and learned Sikhs outside Punjab	protession	· · · ·	1	an sing 🚺
DIVID OURIGE T MILION	- 1 J <b>. 199</b> - E. 19	***	eee - 1	N .

Total

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6. As regards the Council of State we beg to state that the total number of members fixed should be raised to 54. Out of these 23 should be elected and 31 including 4 non-officials be nominated. The distribution suggested in paragraph 277 of the report should be altered as follows :-

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tive Councils of Bombay, Madras, Bengal, United Provinces, Bihar and Punjab (2 each).	. (
(b) To be elected by the Provincial Legisla- tive Councils of Assam, Central Pro- vinces and Burma (1 each).	(Our
(c) To be elected by the special electorates :	· · · ·
Muhammadana 2 Sikhs 2 - Learned classes 2	
Chamber of Commerce :	
European Indian 1 Total 23	

, B

(a).	alternately Hind	u and Mu	hammadan.)	***	1	
 <b>(</b> <i>b</i> <b>)</b>	Special electorates		•••	***	2	
<b>(</b> c)	Nominated	N	•••	•••	1	
				-		

# Second.-As regards the subjects.

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7. Illustrative list II in the Reforms Report should be modified as follows in its application to the Punjab :----

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1. Agreed.

2. Agreed.

S. Agreed,

4. Add " and University."

5. Agreed.

6. Agreed.

7. Agreed.

8. Omit for the present at least "till all forests are transferred to popular - control simultaneously." Agency of administration being the same and the subject being intimately connected with agrarian problems.

9. Agreed.

10. Omit "minor irrigation" for much the same reason as under head 8.

11. Agreed.

12. Agreed.

13. Administration of the entire head 19 of list 1 should be transferred. Legislation regarding the same being already Imperial and for the sake of uniformity its remaining in the hands of the Government of India.

14. Agreed.

15. Agreed as in the report.

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To the above list should be added one more item as follows :-

. 16. Appointment conditions of services and control of subordinate services employed in transferred departments.

ARJAN SHAH SINGH,

for Honorary Secretary, Chief Khalsa Diwan.

### Dated Lahore, 23rd November 1918.

Mian Haq Nawan, B.A., LL.B. (Cantab.), Barrister at-Law, General Socretary, Punjab Provinsial Muslim Amociation,

To-The Offg. Additional Secretary to Government, Punjab.

I HAVE the honour to enclose herewith two statements embodying the opinion of the Council of the Punjab Provincial Muslim Association with reference to "Franchise " and "Subjects" to be "transferred" and to request you to forward the same to the Reforms Committees appointed to consider the same.

I have also to state that the Council have nominated me as their representative to give evidence before the two Committees, should they desire an oral examination in connection with these statements.

# M. HAQ NAWAZ,

General Secretary.

# THE PUNJAB PROVINCIAL MUSLIM ASSOCIATION.

STATEMENT FOR THE FEANCHISE COMMITTEE.

1. The Council of the Punjab Provincial Muslim Association respectfully but em-phatically urges that the Muslim community in this province should be granted the right of selecting one representative on the Council of State through their own separate communal electorates.

2. The Council similarly urges that the community should be represented on the Indian Legislative Assembly by <u>4 members</u>, one to be elected by the Mohammadan members of the Provincial Legislative Council and the remaining 3 by separate Mohammadan electorates directly.

3. Regarding the Provincial Legislature, the Council is strongly of opinion that the electorates to be constituted should, in the main, be devised on separate communal basis. This, in the considered opinion of the Council, is, under the existing political conditions, the only method of avoiding inter-communal friction, of promoting the harmonious evolution of an Indian nationality and of securing adequate and real representation to the various communities having a material stake in provincial affairs.

4. In view of the fact that the Indian Legislative Assembly is to consist of 100 members and bearing in mind the relative political importance and the population of the Punjab as well as the interests to be represented, the Council is of opinion that the total strength of the Provincial Legislative Council should be 60, exclusive of the President, to be increased proportionately should an increase in the strength of the Indian Legislative Assembly be ultimately decided upon.

ultimately decided upon. 5. On a full consideration of all the circumstances having important bearing on the case the Council is of opinion that the Provincial Legislature should have a two-third elected majority. The majority thus suggested is not only "substantial" but will constitute a sufficiently large development as compared with the existing state of things. From an elected minority, as is the case at present, to a 66 per cent, elected majority as suggested by the Council is a distinct step in advance towards the evolution of self-governing institutions which is calculated to satisfy all legitimste aspirations. Of the remaining 20 seats on the Provincial Legislative Council to be filled up by nomina-tion; the Council is of opinion that 11 should be officials and 9 non-officials.

6. In view of the fact that the Muslim community in this province constitute 55 per cent. of its total population and bearing in mind their political importance as well as their devoted services to the Empire ever since the annexation of the Punjab to British India and more particularly during the World War under circumstances unparalleled in history, the Council strongly urges that at least 55 per cent. of the seats to be set apart for communal representation should be allotted to the Muhammadans of this province, to be filled up through their own separate electorates.

7. Keeping in view what has been said above, the Council arge that the constitution of the Provincial Legislative Council for the Punjab should be as follows :----

(a) Forty elected members as below :--

(a) Fo	orty elected members as	belo <del>w</del> :—	<u>1</u> 21	
	Punjab University	•••		1
	Chamber of Commerce		 20. 19. j.	1 ´
-	Indian Commerce		 ,	.1 `

..... Muhammadans .... 20 ... Hindus including Sikhs 17 ... \*\*\* .... (b) Twenty nominated members as below Officials ... ... Non-official Europeans .... 11 .... ... 148 117 .... ••• 2 Indian Christian Other non-officials ĩ 6 ••• ... ••• ... •••

8. The following persons, of the age of 21 years or above, should, in the opinion of the Council, have the right to vote in their respective electorates, one person having only one pote in each of the electorates in which he may be a duly qualified voter :---

(a) All income-tax payers.

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(b) Persons paying at least Rs. 50 per annum as land revenue or to whom such revenue has been remitted or assigned whether by way of *Muaft* or Jagir.
(c) All graduates of Indian or British Universities and Barristers-at-Law.
(d) All persons drawing a pension of Rs. 50 per mensem from Government.
(e) All title-holders and members of Indian Orders and holders of the Kaisar-i-Hind

medal.

All persons owning immoveable property of the value of Rs. 10,000 or above. All persons paying Rs. 50 per mensem as house rent for the houses occupied by them. (f) (6)

9. Any registered voter may stand for election provided he is sufficiently literate to follow the proceedings in Council.

10. The Council approves of the institution of Grand Committees as mentioned in paragraph 252 of the Report and argee that provision should be made by rules for Muhamma-dan representation on the Grand Committee by laying down that the proportion of Muhamma-dan members on the Committee shall be the same as is their proportion in the Provincial Logichting Computer Legislative Council.

LAHOBE :	<b>`_</b>	M. HAQ NAWAZ,	
-	L .		

Dated 23rd November 1918. J General Scoretary, Punjab Provincial Muslim Lesociation.

# THE PUNJAB PROVINCIAL MUSLIM ASSOCIATION.

STATEMENT FOR THE SUBJECT COMMITTEE.

1. The Council of the Punjab Provinsial Muslim Association is of opinion that a "sufficiently large number of "Subjects" should be "transferred" in the Punjab to provide work for two Ministers, one of whom should always be a Mohammadan. Should it, however, be decided to have only one Minister, he should alter nately be a Mohammadan.

2. In view of the relative educational progress and political importance of the various Indian Provinces, the Council is of opinion that the status and emoluments of the Governor, the Executive Councillors and the Ministers, the constitution of the Executive Council and the number of Ministers and "Transferred Subjects." in the Punjab should at least be the same as in the United Provinces of Agra and Oudh and in the Province of Bihar and United States. Orissa.

3. The Council is, further, of opinion that as regards status and emoluments there should be no difference whatever between the Ministers and Members of the Executive Council.

4. Regarding the Illustrative List II, appended to the report on Indian Constitutional Reforms, the Council is of opinion that-

(a) "Taration for provincial purposes" (No. 1) should be a joint concern of the Provincial Government as a whole.
(b) Nos. 2 to 9 should be transferred.
(c) Of No. 10 "minor irrigation" should, for the present, be treated as a "re-served subject", the remaining subjects mentioned therein being transferred.
(d) Nos. 10 to 14 should be transferred.

5. The Conneil agrees that "Franchise, electoral law and constituencies", (No. 15) should, for the present, remain as "reserved subject", to be transferred, if so advised, after the Commission, mentioned in paragraph 261, has reported on the working of the reformed Conneils during the first 10 years of the new era.

M. HAQ NAWAZ, LAHOBE :

Dated 23rd November 1918. General Secretary, Punjab Provincial Muslim Association.

#### No. 581, dated Labore, 28rd November 1918.

# From-Mian HAQ NAWAS, B.A., LL.B., (Cantab.), Barrister-at-Law, Joint Secretary, All-India Muslim Association.

-The Offg. Additional Secretary to Government, Punjab. To

I HAVE the honour to enclose herewith two statements embodying the views of the Council of the All-India Muslim Association regarding "Franchise" and "Subjects" to be transferred, and to request you to forward the same to the two committees appointed to consider the same.

I have also to state that I am authorised to appear as the representative of the Council before the two committees, should they desire to examine me orally in connection with the two statements.

### M. HAQ NAWAZ,

Joint Secretary, All-India Muslim Association.

# THE ALL-INDIA MUSLIM ASSOCIATION.

### STATEMENT FOR THE FRANCHISE COMMITTEE.

Statuents for the Francester Communes. 1. The Council of the All-India Muslim Association is strongly of opinion that electorates in India should, in the main, be devised on communal basis. Under the existing political conditions in this country, mixed or purely territorial electorates furnish periodically retard the evolution of an Indian nationality. The success of purely territorial electorates in homogeneous communities in the West furnishes no historical basis for their introduction in a country like India. Association that mixed electorates are, in reality, mixed only in name and the actual contest between the rival candidates pivots itself on communal or religious considerations, with the result that the electons are productive of grave inter-almost invariably do, in over-representation of majorities they are, in consequence, productive of widespread dissatisfaction among the minorities. Due representation of their own interest in the various constitutional bodies is naturally a matter of deep concern to the communities by their own elected representatives. Indian Muslimanse, of all schools, of political though the unanimous in their demand for representation of Muslim interests through their own on all constitutional bodies, whether Indian or Provincial, a claim which has been recognised by their own elected representatives. Indian or Provincial, a claim which has been recognised to exist, the various lodies on the Secretaries of State.

2. In view of the existing constitution of the Imperial Legislative Gonnoil, of the numerical strength and political and historical importance of the Muslim community and of the part played by them in the history of the British Indian Empire, the Indian Mussimans are, the Council strongly urges, entitled to at least 35 per cent. of the total Indian representation in the Imperial Legislature and, in framing the scheme noted below for the consideration of the Franchise Committee, the Council has borne this important consideration in mind.

3. (a) The Council of State.-The Council agrees that the total strength of the Council of State should be 50 members, exclusive of the President, of whom 21 members should be elected and, at least 4 should be nominated non-officials.

(6) Of the 21 elected members of the Council of State, 7 should be Muhammadans, and of the 4 nominated non-officials, 2 should be Muhammadans.

(c) Or hight functions of the Optical of Council of State proposed by His Excellency the Vicercy and the Right Hou'ble the Secretary of State in paragraph 277 of their Report is, in the opinion of the Council, highly unsatisfactory and is calculated to result in serious injury to Muslim interests. The illustrions authors estimate that as a result of the method suggested by the "the composition of the Council of State should countries at least 6 Muhammadans." (a) The system of the council, of State should countries at least 6 Muhammadans. The illustrions authors estimate that as a result of the method suggested by the "the composition of the Council of State should countries at least 6 Muhammadans." A glance at the list of members of the present Imperial Legislative Council elected by the Provincial Legislative Councils demonstrates conclusively the hopelesaness of this calculation. The proposed scheme gives only 2 seats to Indian Muslim are of the organization of an All-India Muslim electorite in view of the vast extent of the Indian entities and of the varying conditions of the yarious Indian Provinces, the Muslim community in each province 15, the Council respectfully but emphatically urges, entitled to direct representation on the Council of State. For these reasons and bearing in mind the extent of Muhammadan representation on the Provinces of Agra and Oudh, (4) Punjab, (5) Bombay, (4) (Madras), and (7) North-West Frontier Provinces and Balachistan should be granted the right of electing one representation of these provinces on the Council of State, be two reserves for nomination by the Governor-General in Council being intended to make up the deficiency in Muslim representation of minor provinces.

(d) The following persons, of the age of 21 years and above, should have the right to vote in the election of Muslim representatives on the Council of State from the various Indian provinces :---

(i) Members of the Provincial Legislative Councils ;

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(ii) Holders of any title, conferred or recognised by the Government; members of the Order of the Star of India, of the Order of the Indian Empire, the Orde of the British Empire; holders of the Kaisar-i-Hind Medal;

(iii) Ordinary or Honorary Fellows of the Provincial Universities ;

(ie) Land-owners paying land revenue amounting to not less than Rs. 750 per annum ;

(v) Persons paying their own income-tax on an income of not less than Rs. 6,000 per annum ;

(\*\*) Persons who are in receipt of pensions for services as Gazetted or Commissioned Officers of Government;

(esi) Graduates of an Indian or British University or Barrister-at-Law of not less 15 years standing.

NOTE-Every voter, fulfilling the above qualifications, should have only one vote in each provincial election.

4. In view of the nature of qualifications suggested above, the Conncil is of opinion that no separate qualifications need be laid down for candidates for election to the Council of State, except that (s) he should be a voter in the electorate of the province for which he is a candidate and (ii) should be sufficiently literate to follow the proceedings of the Council.

5. The Indian Legislative Assembly.—The Council is in agreement with the illustrious anthors of the scheme that the Assembly should consist of 100 members, of whom two-thirds should be returned by election and that of the remaining one-third, to be nominated by the Governor-General, not less than a third again should be non-officials selected with the object of representing minority or special interests (paragraph 273). The Council is grateful to His Excellency and the Secretary of State for accepting the principle of separate representation for the Muslim community on the Assembly and strongly urges the extension of that principle to all Indian provinces.

6. The Council respectfully urges that 22 of the elective seats on the Assembly should be reserved for representation of the Indian Mussimans and 4 out of the non-officials to be nominated by the Governor-General should be Muhammadans. Of the 22 elected Muhammadan members of the Assembly, the Punjab and Bengal should each return 4 members, Bombay and United Provinces of Agra and Oudh 3 each, Madras and the Province of Bibar and Orassa 2 each and the Central Provinces, Assam, Balachistan and the North-West Frontier Province should each return one representative by election.

7. The Council is of opinion that the Muhammadan members of the Provincial Legislative Councils in Bengal, Bombay, Madras, Bihar and Orissa, United Provinces of Agra and Oudh, the Punjah, Central Provinces and Berar and Assam should constitute electorates in their presidencies and provinces respectively: Each of these electorates should return one representative to the Indian Legislative Assembly. The remaining 14 Muhammadan members of the Assembly, *i.e.*, 8 each from the Punjab and Bengal, 2 each from Bombay and United Provinces of Agra and Oudh and one each from Madras, Bihar and Orises, Central Provinces, Assam, Bilochistan and North-West Frontier Provinces should be returned by direct Muslim electorates.

8. The following persons, of the age of 21 years or above, should, in the opinion of the Council, have the right of vote in the Muslim electorates proposed in the preceding paragraph :--

(a) All title-holders as mentioned in paragraph 3 (d) (ii) ; or

(b) Ordinary or Honorary Fellows of the Provincial Universities ; or

(c) Land-owners paying land-revenue amounting to Rs. 500 per annum ; or

(d) Persons paying their own income-tax on an income of not less than Rs. 4,000 per annum ; or

(e) Persons who are in receipt of pensions for service as Gazetted or Commissioned Officers of Government ; or

(7) Graduates of an Indian or British University or Barristers-at-Law of not less than 12 years standing.

9. The remarks made in paragraph 4 regarding candidates for the Council of State apply mutatis mutantis to candidates for election to the Indian Legislative Assembly.

LAMORE :	M. HAQ NAWAZ,
Dated 23rd November 1918.	Joint-Beoretary, All-India Mulsim Association,

# . 3 THE ALL-INDIA MUSLIM ASSOCIATION.

# STATEMENT FOR THE SUBJECTS COMMITTER.

1. The Council of the All-India Muslim Association is of opinion that a sufficiently large number of "Subjects "should be "transferred" to provide work for two Ministers, one of whom should always be a Muhammadan. Should it, however, be decided to have only one Minister, he should alternately be a Muhammadan.

2. The Council is of opinion that as regards status and emoluments, there should be no difference whatever between the Ministers and Members of the Executive Council.

3. Regarding the Illustrative List IF, appended to the Report on Indian Constitutional Reform, the Council is of opinion that-

(a) "Taration for provincial purposes " [No. 1] should be a joint concern of the Provincial Government as a whole.

(b) Nos. 2 to 9 should be transferred.

(c) Of No. 10, " minor irrigation " should, for the present be treated as a " re-served subject," the remaining subjects mentioned being transferred.

(d) Nos. 10 to 14 should be transferred.

4. The Council agrees that "Franchise," electoral law and constituencies (No. 15) should, for the present, remain as "reserved subjects," to be transferred, if so advised, after the Councils during the first 10 years or the new era. ·\_ -LAHORE

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LAHORE : Pated 23rd November 1918.

-,

> - M. HAQ NAWAZ, Joint Secretary, All-India Muslim Association.

# LAHORE:

# Lated 16th November 1918.

SIR,

The Committee of the Punjab Provincial Branch of the Anglo-Indian Empire League representing the Domiciled Community in Lahore beg leave to request the Local Government to lay the following statement before the Franchise Committee and would be grateful if one or more of its members were allowed to appear before the Franchise Committee when it comes to Irahore.

allowed to appear before the Franchise Committee when it comes to Izahore. We would in the first place ask for consideration of the position of the Domiciled Community. Here in Izahore—and the same holds good to a great extent throughout the Punjab – the vast majority of the Community have been working under the Government on Railways, Telegraphs and other Government services. The Community has, therefore, had very little opportunity in the past of engaging in political activities. To take an illustration from the British soldier. If the soldier was suddenly told that he was to engage in political activities he might feel that he had not been trained to that sort of thing—that he could do things but could not argue about them—that the lawyer had been trained to argue and earns his livelihood by the eleverness of his arguments, but that if he was to argue he would be tried by Courtmartia'. This difficulty applies with still greater force to the Domiciled Community for—unlike the soldier who is only in the Army for a limited number of years and then returns to civil life—the large majority of the Community in the Empire, as this Government service than any similar Community in the Empire, as this Government service that have probably been more stringent than in any other part of the Empire, the Domiciled Community is likely to be under some disadvantage to start with. If, however, the qualification for the vote is good citizenship we feel that the Community can fairly lay claim to that qualification. Railway Administration would have been difficult to carry on during the last 50 years if there have been difficult to carry on during the last 50 years if there had been no Domiciled Community at hand to help, whilst in times of difficulty and of trouble their loyal support could always be counted on.

Coming now to the subject of representation we would argue in favour of communal representation at any rate at the present stage of India's development. We feel that the best method for the Councils of India to take a large view of the needs of India as a whole would be for them to be as widely representative as possible of the different Communities. In England Parliament did not think of England as a whole and gave but little thought to an important section of the Community, the working classes, until the working classes secured their own representatives in Parliament. The working classes in England owing to their large numbers were able to do this without communal representation but the smaller communities in India would require communal representation and we feel that this argument applies to the Domiciled Community. The desire expressed in the Reforms Report is that a right system of representation will train men to care for India as a whole. As the Domiciled Community stands in a very s ecial position we would venture to express our views on this matter. The Domiciled Community naturally cares for England more than for India and no doing away with communal representation will make the Community care for India. The best method to get the Community to care for India is for England to care for the Community. It has however unfortunately been the case that in the discussions that have taken place in Parliament and in the public Press in England the Domiciled Community has been almost completely lost to sight. The bond of Empire is strong enough to make England care for the man who has come to India for a term of years, but when a man settles down in India, England very soon forgets his very existence. We feel however that if the importance of the issues that are at stake were more fully realised there would be a speedy change in this respect. It has been stated that there are at the present time not more than a million Indians who are interested in the constitutional changes that are coming over this country. A community then of 300,000 people who are either wholly or half of English blood, whose ancestors took their part in those great constitutional changes which have made England what it is to-day, could be a powerful factor for good in the constitutional development of India.

India. In conclusion we would urge, with all the force we can, that the Community be given not the mere chance of a nomination on the Provincial Council but definite representation. At one time the Community had a representative by nomination on the Imperial Council, but during the last few years, when these great constitutional changes have been under discussion in the Imperial Council, the Community has had no representative on the Council. We feel that this has been a loss not only to the Community but we venture to think that it has also been a loss to India. With a close personal sympathetic touch between the administration and the Community on Imperial and Provincial Councils alike we feel that the Community would play no small part for good in the constitutional development of this country.

We would urge then that the Community be allowed communal representation on the Punjab Council.

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OSWALD YOUNGHUSBAND, President, Puniab Provincial Branch, Anglo-Indian Empire League.

# Dated Labore, 23rd November 1918. From-The Hon'ble Sir Malik UMAB HAYAT, Tiwana, C.I.E.,

To-The Officiating Additional Secretary to Government, Punjab.

I HAVE the honour to enclose herewith, on behalf of the Punjab Muslim Association, a few suggestions for the consideration of the Franchise and Subjects Committees.

These were formulated at a meeting of the Select Committee of the Association held on the 22nd November 1918, in presence of the Hon'ble Nawab Sir Behram Khan, the Hon'ble Malik Muhammad Amin Khan, Khan Bahadur, the Hon'ble Sayyid Mehdi Shah, Khan Bahadur, Nawab Fateh Ali Khan, C.I.S., the Hon'ble Mirza Ikram-Ullah Khan, several others and myself. The committee has also selected me to appear as a witness in case the Fran-chise and the Subject Committees should desire to examine me.

#### UMAR HAYAT, TIWANA

# I-TRANSFERRED SUBJECTS.

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THE Association assumes that the Government will be gracionaly pleased to transfer subjects of the nature mentioned in Illustrative List II appended to the Report of the Right Hon'ble Mr. Montagu and His Excellency Lord Chelmsford. The Association desires, however, particularly to ask for the transfer of the assessment of land revenue and income-tax, the rest remaining with the Government as before.

tax, the rest remaining with the Government as before. Hitherto the burden of taxation has fallen heavier on land-owners than apon payers of income-tax. Now that a beginning is going to be made in the direction of introducing the pr.nciple of responsibility in the sphere of Government, it is absolutely essential that at the very outset the inequities existing between the dwellers of villages and the inhabitants of the towns be removed. This can only be done if the assessment of land revenue and income-tax is transferred to the control of Ministers. The adequate representation of rural areas which is going to be a salient feature of the new Legislative Councils, that will be set up, will make itself felt in the deliberations of the future Council, and it will be a great dis-appointment to the representatives of the rural classes if they find that, as a matter of fact, they are powerless to remedy or get redressed the inequity which they feel every moment of their life, which subjects them to heavier taxation as compared to the residents of towns. The assessment of land revenue and income-tax must therefore be transferred subject: The Reforms will have little value to us if they elip our wings materially in this respect and do not give us the power of getting State burdens equitably adjusted between the rural and urban sections of the population.

#### II.-FRANCHISE ELECTUBATES AND OBGANIZATION.

On matters connected with Franchise Electorates, &c., the Association begs to submit its opinion as below :--

1. The Association is strongly of the opinion that the Franchise should be as low as possible so as to admit of real representation of the various sections and factors making up the population. While the owners of land will undoubtedly be represented, it is also essential that the tenantry of the soil should be adequately and effectively represented. It is their labour which largely fills the coffers of the State and any denial of the Legislative Franchise to them on the false assumption that their income does not come up to the level of the minimum income which contributes incometax, will be a great injustice and hardship. The tenantry should be placed on a par with those who will have the Franchise on the ground of occupation in urban areas, and should enjoy the Franchise on basis of an annual rent of Rs. 100. Rs. 100.

2. Urban and rural areas should be constituted into special electorates, the elective seats being distributed between them in a certain fixed proportion. Population will be, roughly speaking, a good basis for the distribution of seats, but the Association is prepared to qualify the rigidity of the application of this rule and suggests that some special consideration should further be shown to towns. In other words, besides the seats to which they may be entitled on the basis of the population figures, some extra seats to be determined judicionsly might also be allotted to them. Towns are the centres of political activity and the Association admits this, but not as to include the scales against the rural areas. areas. .

8. The Association is of the opinion that one-fourth of the strength of the Council should be nominated. This large power of nomination is asked, because the Associa-tion feels that there will be many representatives of ancient families, characterised by the uniform and unbroken tradition of stannch loyalty to the Government, who will not be prepared or willing to throw themselves in the welter of election, and whose

representation in the future Councils will be needed as much in the interests of the welfare of the country as in the stability of Government. They will be the anchor which will prevent the ship of the Councils from being strayed by the gasts of democratic passion and violent innovation that might at times blow, and as their stakes in the peaceful and gradual progress of the country are immeasurably great, their claim to e<sup>m</sup>ective representation will be denied. It has been stated above that—as a result of custom and tradition and in the peculiar circumstances of the country to-day, they cannot reconcile themselves to standing in open classes whom western education is bringing up to the emrface. The only avenue of admission into the Councils which they can have is the power of nomi-nation reserved to the head of the Government, and the Association therefore is of the opinion that this power should be large enough to admit of *their* (the representatives of the sociation families) effective representation.

4. That provision should be made, if practicable, for limiting the number of lawyers not belonging to agriculturist castes or tribes.

5. That the Vice-President of at least the first Council under the Reforms Scheme should be a <u>European</u> in order to help whenever there arise dissensions between various classes and various religions, and to guide and control the new and inexperienced elements in the enlarged Councils.

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#### Dated Labore, 22nd November 1916. -L. GUISHAN RAI, B.A., LL.B., Professor, Sanatana Dharma College, Lahove, To-The Additional Secretary to Government, Punjab.

In pursuance to the directions given in the Government notification, IN pursuance to the directions given in the Government Holmeston, published in the Panjabee, I beg to submit my written Statement on Franchise is the Punjab. I am a Professor of History in the Sanatana Dharma College, Lahore. I am a member of the Council of the Punjab Hindu Sabha College, Lahore. I am a member of the Council of the Punjab Hindu Sabha from the last 6 years, Assistant Secretary of the Sanatana Dharma Collego Society, Assistant Secretary of the forthcoming Punjab Educational Confer-ence, Secretary of the Lahore District Congress Committee, and Secretary of the Mohalla Jelotian Sahayak Sabha (a ratepayers' association in Lahore). I am also an enrolled 1st Grade Pleader of the Punjab Chief Court, and was practising as a Pleader only till last year, when I gave up the profession for the period of 3 years, to start with, in order to serve Sanatana Dharma College on a bare subsistence allowance. I desire to be examined as a witness before the Franchise Committee, when it comes to Lahore on the 4th of December 1918. 1918.

#### GULSHAN RAI,

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# Professor, Sanalana Dharma College, Lahore.

# Statement on Franchise in the Punjab by L. Gulshan Rai, B.A., LL.B.

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Statement on Franchise in the Funjab by L Guishan Kai, B.A., LL.D. URDER a system of responsible government which is going to be set up in Indian Frovinces, at least, so far as transferred subjects are concerned, the centre of power in the government must shift from a bureaucracy to the electorates. These electorates then are to be our future masters under the new scheme of constitutional reforms. What is to be the nature and attributes of this new master, is a very important problem, requiring careful solu-tion, and I beg to submit the following few remarks with respect to the nature and consti-tution of the electorate, that is possible for us under the present circumstance to construct. I do not claim to have studied to any great extent conditions in other provinces, and therefore I will confine myself to the Punjab alone. My remarks are intended to apply to this province, and I cannot say with any definiteness whether or not they can be applied to other movinces as well. provinces as well.

Ie	ritorial	l <b>y.</b> -	By economic as	nd mora	l interests.	_
Rural		90 per cent.	Agriculture		55 per cent.	
Urban	معغو	10 "	Commerce	148	12 "	•
			Industries		22 "	
			Professions	-	5,,	
			Miscellancous		) 6 "	1
		100 per cent.			100 per cent.	
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There are two methods of constructing electorates. Either it can be done on the basis of population distribution into rural and urban areas, or on the basis of distribution of population into economic and moral interests. I would not advocate the adoption of the 1st method. In the Punjab 90 per cent, of the population live in rural areas and the remaining 10 per cent. in urban areas. If separate electorates were constructed for rural and urban areas and the number of seats are allotted in these areas in proportion to the population residing in such areas, adequate representation of all economic and moral interests can never be provided for. In rural areas 69 per cent. of the people are agriculturists and only 26 per cent, are engaged in commerce and industries. It is therefore evident that in rural constituencies commercial and

representation in the future Councils will be needed as much in the interests of the welfare of the country as in the stability of Government. They will be the anchor which will prevent the ship of the Councils from being strayed by the gusts of democratic passion and violent innovation that might at times blow, and as their stakes in the peaceful and gradual progress of the country are immeasurably great, their claim to effective representation will be denied. It has been stated above that—as a result of custom and tradition and in the peculiar circumstances of the country to-day, they cannot reconcile themselves to standing in open classes whom western education is bringing up to the surface. The only avenue of admission into the Councils which they can have is the power of nomination reserved to the head of the Government, and the Association therefore is of the opinion that this power should be large enough to admit of *their* (the representatives of the socient families) effective representation.

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#### - 1912. n, Shui Se 3 L. GELERAY RAL, R.A., LL.R., Professor, Sanatana Die - Cuille شنا ہے To-The Additional Secretary to Get marit, Panjah.

In pursuance to the directions given in the Government polification, published in the Panjabee, I beg to submit my written Statement on Franchise in the Panjabee, I am a Professor of History in the Sanatana Dharma College, Labore. I am a member of the Council of the Panjab Hindu Sabha from the last 6 years, Assistant Secretary of the Sanatana Dharma College Society, Assistant Secretary of the forthcoming Punjab Educational Confer-ence, Secretary of the Labore District Congress Committee, and Secretary of the Mohlle Labore Schemelt Satha (a setumoral accessition in Tabura) ence, Secretary of the Labore District Congress Committee, and Secretary of the Mohalla Jelotian Sahayak Sabha (a ratepayers' association in Labore). I am also an enrolled 1st Grade Pleader of the Panjab Chief Court, and was practising as a Pleader only till last year, when I gave up the profession for the period of 3 years, to start with, in order to serve Sanatana Dharma College on a bare subsistence allowance. I desire to be examined as a witness before the Franchise Committee, when it comes to Labore on the 4th of December 1918.

#### GULSHAN RAI,

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#### Statement on Franchise in the Punjab by L. Gulaban Rai, B.A., IL.B.

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Statement on Franchise in the Funjab by L. Gulaban Rai, B.A., LL.B. UNDER a system of responsible government which is going to be set up in Indian Provinces, at least, so far as transferred subjects are concerned, the centre of power in the government must shift from a bareaucacy to the electorates. These electorates then are to be our future masters under the new scheme of constitutional reforms. What is to be the nature and attributes of this new master, is a very important problem, requiring careful sola-tion, and I beg to submit the following few remarks with respect to the nature and consti-tation of the electorate, that is possible for us under the present circumstance to construct. I do not claim to have studied to any great extent conditions in other provinces, and therefore I will confine myself to the Punjab alone. My remarks are intended to apply to this provinces as well. myinces as well.

provinces as well. Before I proceed to describe my Scheme of Franchise in the Panjab, I would first like to formulate certain theoretical principles, which we should always keep in mild while con-structing electorates. On theoretical grounde every economic and moral interest requires adequate representation in the council. Beligion, having been completely dissociated from the State in India, is not in the domain of administrative functions, and consequently separate representation on the basis of religious distinctions alone should not, strictly speaking, be allowed a place in our constitutional law. This question, however, is of absorbing interest to our Muhammadan and Sikh brethren in the Punjab, and therefore it is not practical polities to avoid it. Any scheme that may be constructed must therefore provide for adequasie communal representation. But I would propose to defer this question for a moment, and again come to deal with it in a later portion of my statement. Coming to separate representation of different interests, spart from religious distinctions we find there are two territorial interests and four economic ones. Each of them is distributed thus ---

Ierritorially			By oconomic and moral interests.				
Rural		90 per cent.	Agricultare		55 g	per cent.	
Urban		10 "	Commerce		12	*	•
	-	-	Industries		22	<i>h</i>	
•	-	· ·	Professions		5		
		•	Miscellancous		1 6	#	•
		100 per cent.	•	`	100 ]	er cent.	

There are two methods of constructing electorates. Either it can be done on the basis of population distribution into rural and urban areas, or on the basis of distribution of population into economic and moral interests. I would not advocate the adoption of the lat method. In the Punjab 90 per cent, of the population live in rural areas and the remaining 10 per cent, in urban areas. If separate electorates were constructed for rural and urban areas and the number of seats are allotted in these areas in proportion to the population method areas, adequate representation of all economic and moral interests can areas the provided for. In rural areas 69 per cent, of the people are agricultarists and only 26 per cent, are engaged in commerce and industries. It is therefore evident that in rural constituencies commercial and

industrial interests can have no chance of representation. The natural leaders of persons engaged in commercial and industrial pursuits live in towns. But since towns under this scheme would possess only 10 per cent. of the representation, the representation of commercial and industrial interests would be very inadequate. Moreover, even this 10 per cent. of the seats given to towns will not be wholly available to them, for some seats in urban constituencies will necessarily be filled by non-economic interests. Under these circumstances the construction of electorates on the basis of population distribution into rural and urban areas would prove very injurious to the commercial and industrial interests of the province. I would therefore strongly urge that representation in council be fixed on the basis of distribution of population into economic and moral interests. A glance at the figures given above will show that it would be equitable to have half the seats consisting of agriculturists, 40 per cent. for moral interests of the people as a whole. Having fixed the nature of the council composition the next problem in to look after the

that it would be equitable to have hair the sears consisting of agriculturists, who per cent, for commerce and industry, and 10 per cent, for liberal professions, who are to look after the moral interests of the people as a whole. Having fixed the nature of the owneil composition, the next problem is to determine the way in which this scheme is to be carried into effect. The higher moral interests can be well represented if a separate electorate, consisting of all the graduates and diploma-holders, in medical, law, oriental, arts and ecience faculties of more than 10 years standing is constructed, and 10 per cent, of the scatt-we given to them. The Punjab University from its incorporation in 1882 up to the year 1908 counted among its graduates and diploma-holders some 3,500 persons. The object divisions into which the professions are divided are : public administration, religion, law, medicine, public instruction, and other literary and artistic pursuits. Percons engaged in these professions are supposed to look after the social, moral, physical and inteljectual well-being of the people. These aspects of national well-being are looked at from different standpoints. It is here that the different civilizations and oultures of the world differ. Each system applies different methods to solve questions affecting the higher and nobler interests of maskind, and curionsly enough each system is very often irreconcilable with the other. Eastern and western sociologists, or Hindu and Muhammadan plans for the structure of society differ poles apart. In India alt the great civilizations of the world meet, and they influence very considerably our daily lives. But still in culture and civilization we are predominantly, Hindu. If under a responsible system of government, India is not to suffer any catastrophic change in her social legislation, we must be very careful in fixing the type of University representatives we will want. 'India cannot, at the present stage, without unhinging its ertrie social fabric, afford to unde

- The electorates should not contain a large number of ignorant people unable to exercise independently their powers of vote and should not be such as to be easily led away by designing persons or by party organizations which are likely to spring into existence, once responsible government is set on
  - foot.

(2) The electorate should not contain a majority of rich and monied classes, who are peculiarly tempted to exploit the masses.

(3) Every interest and community should be adequately represented in the electorates.

(4. Every electorate should confain a large number of persons not identified with any particular economic interest, and should be sufficiently intelligent to exercise in an independent manner their powers of vote.

- (5) Every electorate chould contain a large number of persons who are politically awakened, and who can set an example for, and guide, without nudue influence, their less-gifted countrymen, and thus train them in the art of selfgovernment.
- (6) The qualifications of voters should be sufficiently defined, so as to avoid fraud or misropresentation.

Now since every interest and community is to be adequately represented in the electorate, we have to find how the urban population is distributed according to interests. From the genus figures of 1911 we know that it is distributed thus :--

Industries		ы)		•••	83 per	cent.	
Commerce	•••		•••		89	,,	
Professions			1-4	•••	17	10	
Menials	- ( 		•••	· · · · · ·	12	» ~	
Agriculture	•		•••		8	"	
	•	*	`		100	,,	

100 "
It is, therefore, evident the ohief interests to be represented in towns are industries, commerce, and professions. I have already provided for, through the University, the representation of another 63 per cent. of trhan population and thus 80 per cent. of the population in towns is ideposed of. The agricultural interests, I think, would be adequately represented by constructing separate electorates for rinral areas, and by giving franchise to people living in such areas. The figures given above show that the urban population, roughly preasing contains commercial and industrial interests, I think, would be adequately represented by constructing separate electorates for rinral areas, and by giving franchise to people living in such areas. The figures given above show that the urban population, roughly preasing contains commercial and industrial interests, pratically in equal proportions. So the construction of our urban electorate, should be so formood franchises were adoped. But still literacy becomes more universal, I am afreid, we cannot afford to adopt universal manhood franchise. It is not so entirely, even in England. We must then, under the circumstances, fir, some qualifiations—literary, or income; or both—for the voters. I would propose that the franchise should be conferred on all income-tax payers in the arban areas. This would be for the University matriculation results, I should think, that the Punjah has up to 1916 produced come 60,000 income-tax payers plus 50,000 matriculates and holders of proficiency certificates, and and remarking language, we should get some 4,000 ado due no more. Now I subs mit that 20,000 income-tax payers plus 50,000 matriculates and onders. An overwhalming majority of income-tax payers plus 50,000 matriculates and onders. An overwhalming majority of income-tax payers and estorate. Majority of the matriculates, I areas and the represented the selectorate, to asked the to material atterest. The should all think, that the Punjaho due matriculates, I 4,000 and

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1.	Matriculates, etc.				50,000
2.	Income-tax payers			••••	20,000
8.	Industrial classes	•••	•••	.,,	70,000
	*			Total	140,000

Thus ont of 20 lakh urban population I propose the grant of franchise to 140,000 people i.e., exactly 7 per cent. of the total urban population, which comes to, I believe, 30 per cent. of the adult male population in such areas. America started in her responsible government with a franchise enjoyed by 4 per cent. of her total population. Under the existin Indian constitution, 1 out of 4,739 persons possesses a franchise in urban areas. M proposals result in the grant of franchise to 1 out of 14 persons. I, therefore, exten the franchise by more than 338 times. But beyond this, I hold, it would at present t dangerous to move. I would advocate the extension of franchise by stages, just as the scor of responsible government in India is to be widened in stages. In other countries also it only by gradual stages, after some experience in self-government has been gained, that "franchise on as broad a basis as possible "base been attempted. Even England, the moth of representative institutions, and inventor of responsible system of government, was as lat as 1832 governed by a close oligarchy. Even the reforms of 1832 meant mainly a redi-tribution of seats, rather than any great extension of franchise. It was only in 1867 th serious efforts were made to extend widely the franchise. The real democracy did not ge-entry into the franchise till 1884 and 1885. India is a country more conservative the England, and I should think sudden and entire democratization of India electorates fraught with great dangers to the peace and tranquility of the country. The foregoing n marks therefore sesult in fixing the following voters' qualifications :--(1) All income-tax payers.

- (1) All income-tax payers.
- (2) All matriculates or persons having passed equivalent examinations.
- (3) All literates engaged in industrial pursuits.
- (4) Persons engaged in industrial pursuits, and paying certain minimum hous rent to be fixed after proper adjustments.
- (5) Honse-owners engaged in industrial pursuits and having a certain minimum income qualification to be fixed after proper adjustments.
  (6) All the above 5 classes of people, must be males above the age of 21.

(6) All the above 5 classes of people must be males above the age of 21. Having determined the nature and constitution of the urban electorates, our next problem is to construct suitable constituencies for these voters. Taking tentatively the strength of the Punjab Council to be 100 the problem is to divide the 40 seats among different towns and cities. I would not advocate the construction of single-seate territorial constituencies. As each such constituency is to return one member, it is evident the more numerous interest or community in the locality will be over-represented and minorities will always go unrepresented. Under a system of single seate constituency, therefore, all interests, classes or communities, cannot secure adequat representation. The second plan is to make district an electoral unit, by combining al towns in a district into one electoral compartment. I fear this would be a very unscientific method, and would bring about serious inequalities in representation. For example, I would representation, the case of the two neighbouring districts, Labore and Montgomery. If ever district under the new scheme is to possess equal representation, the inequality in representation is illustrated most prominently. The urban population of Labore District is 277,332. In the district of Montgomery it is only 24,278. Evidently then district in such a way

es to provide equal population for every electoral division, cannot also be a lasting solution of our problem. In the first place elaborate calculations and alternative groupings will have to be made and considered before electoral boundaries are fixed. But even if this could be easily done, there still remain graver objections against this method. The population of different towns do not grow in equal proportion, for many and diverse cauces contribute towards the decay and growth of towns. Territorial constituencies, based originally on equal populations, will always after some time bring about inequalities in representation, requiring constant redistribution of seats. It happened so in England also, and the story of pocket boroughs is more or less due to the original construction of constituencies on purely territorial considerations. I would propose to avoid this mistake in the very initial stages of our political training, and would not advocate the constitution of equal-population-territorial constituencies. The foregoing remarks then lead us to the following conclusions :---

(a) Single-seated constituencies should not be adopted.

(b) Districts cannot form the basis of our electoral unit.

(c) Equal-population-territorial constituencies cannot be a lasting solution of the problem.

problem. Under these circumstances, I would advocate the establishment of purely population units. Since under my scheme 40 seats are available for 20 lakhs urban population, 50,000 becomes the unit of representation. I would therefore, first separate off all those, towns and cities that have a population of 50,000 or more, and turn them into independent constituencies. Including Ludhiana, there are 9 such towns and cities in the Punjab, and their aggregate population is about 9 lakhs. This gives them 18 seats. I would divide the 18 seats among these towns in proportion to their population. The rest of the 22 seats I would distribute among the minor towns, grouped according to divisions again in proportion to the urban population in each such division. Under this scheme Ambala Division gets. 8 seats, Jullundur 6 seats, Lahore 13, Rawalpindi 6, and Multan 5. This makes up 58. The remaining 2 seats I would give to Indian and European Chambers of Commerce. It is evident in this scheme I adopt Commissionership as the electoral division. By adopting this scheme we can introduce the system of proportional representation of all interests, elasses and communities. Again by fixing a population unit, the increased and increased representation of towns can be adjuated automatically in exact accordance with their varying importance. The difficulties connected with inequalities in representation can never arise under such a system, for it provides for an automatic relistribution of seats without any fresh legislative legislation.

legislation. The remaining 50, per cent. of seats in the Legislative Council I reserve for agri-cultural interests. Numerically this interest absorbs practically half the population, hence I propose the grant of half the seats to them. I am aware that in some quarters demands are made on behalf of agriculturists for 90 per cent. of the seats. This claim is based on the ground that rural population amounts to 90 per cent. of the seats. This claim is based on the ground that rural population is not entirely agricultural. We have still in villages, due to the existence of cottage industries, considerable amount of influstrial and commercial popula-tion in rural areas. They form 26 per cent. of the total rural population. But on the other hand, the agriculturists form the majority everywhere, their average proportion being 68 per cent. in such areas. The interests of these 2 classes always clash, and they are never on good terms with each other. For example, in the recent Jhang riots these people were the first to suffor at the hands of the agriculturists. To think that the majority consisting of agriculturits will represent the interest of commercial and industrial classes, contemptuously terms d by them as *therar and kamins*, is a mistaks. To think that they will be able to secure some seats for themselves in the rural constituencies is also a mistake, Under these circumstances, in my, opinion rural constituencies should be given seats only in proportion to the strength of agri-cultural population in the total provincial population. The task of constructing rural constituencies is not so complex as was the case in

cultural population in the total provincial population. The task of constructing rural constituencies is not so complex as was the case in urban areas. There we had to balance against each other the different conflicting and jarring interests of commerce, industries and professions. In rural areas we have no such difficul-ties. The total number of male agricultural workers in the Punjab is about 83 lakhs. I cannot say how many of them are above the age of 21. But I think we can fix their figure at 30 lakhs. Most of them are passant and proprietors, so here in this province there is no sharp division between landlords and tenants. There is no such class as talukdars or zamin-dars in the Punjab. I would therefore not advise the constitution of a separate electorate for big Zamindars. By doing so, we shall shut whatever small humber there may be in this class into a water-tight compariment, rendering them unfit to have any sympathy with the general mass of peasant voters. The big zamindars by their influence, outtare and position are the fittest persons to lead the poor, ignorant and illiterate agriculturists. Left to themselves the enfranchised agriculturists are capable of any mischief. If two do not make the agriculturists accept big landlords as their political leaders they will accept somebody else. That choice may be a worse one. I would not therefore shut up the big landlords into a separate electorate. I would put big landlords, email landlords, and ordinary tenants all into one electorate. After fixing the nature of the electorate we are then to approach another

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(1) All literate landlords and tenants.

(2) All illiterate landlords and tenants who pay in land-revenue or rent Rs. 250 or more per annum.

for more per annum. Having determined the constitution and nature of rural electorates, our next task is to construct proper constituencies for them. Taking rural population to be 18 million and seats for the agricultural interest 50 in number we arrive at 360,000 as the unit of represen-ration. Here again I would constitute Commissionerships to be electoral units and distribute the seats among the divisions in proportion to their population. Under this scheme Ambala will get 10 seats, Jullundar 9, Lahoro 11, Hawapindi 10, and Maltan 10. In this electorate sleo I would abolish single-seated constituencies and districts as electoral units. My object in doing so is to provide for an adequate representation of Hindu minority in western Punjab districts, and of Muhammadan minority in south-eastern Punjab, and of Sikh minority generally. By grouping districts into divisions we will allow the minorities to combine together and thus enable them to return their own representatives.

By grouping districts into divisions we will allow the minorities to combine together and thus enable them to return their own representatives. It now remains for me to say how far I provide for communal representation, so much insisted upon by Muhammadans and Skhs. 'At the outset I wish to point out that in order to provide communal representation 1 do not propose to construct special separate communal electorates. Special electorates would shut up the different communities into water-tight compartments, with no opportunity for co-operation among them. I would view special electorates as a great national calamity. The Government is pledged to give to Muhammadans a certain fixed amount of communal representation, but I do not think they are called upon to set up sp cial electorates also. If the Government wants to guarantee to the minorities representation in proportion to their population only, then I submit it is not necessary to construct special electorates. I would therefore like to keep the voters belonging to different communities in a joint electorate. The Muhammadans are in a mijority in the Puujab so they need not fear a joint electorate. Even at the present moment there is no special electo-rate for the Muhammadans in the Punjab. In the first council election the Muhammadans is 56 per cent. Joint electorate, however, requires to be looked at from the point of view of Hindus who form 33 per cent. of the oppulation and Sikhs who form 11 per cent. But the question of adequate representation of minorities is not a problem peculiar to India alone. If we have to deal, at present, with minorities based on religious distinctions, other countries have to deal with minorities based to religious distinctions. In western countries also the problem of the adequate representation of minomities has arisen and been solved. Again in the history of every constitutional country we find that the people started on the road to responsible government, there is no 'reason why Indians should not be able to do the same. The tion. For this as well as other reasons detailed above, I have tried to abolish single-seated constituencies as far as possible. One thing, I confess, the scheme of proportional representa-tion cannot provide. For instance, excessive representation of certain communities claimed in certain quarters, due to the so-called political importance alleged by them, is certainly impossi-ble under PROFORTIONAL REPRESENTATION as it is understood to be. But I imagine this could also be done by introducing certain modifications in the rules governing transfer of transferable votes. By requiring the transfer of transferable votes only in favour of candidates belonging to a minority we may bring about desired results. At any rate, I think the difficulties should not be insurmountable. I would prefer, by far, proportional representation to special electorates. This system has been tried in other countries with excellent results, and, I presume, it would have been adopted in England also, but for the selfish attitude displayed by certain party organisation in that country.

It may be asked what guarantees I provide for the adequate ropresentation of different communities in the Legislative Council. Though I have based the distribution of my electorates on the basis of economic and moral interests, it will be seen that throughout my statement I have taken pains to provide adequate communal representation in the electorate itself. In the case of urban constituencies, for instance, I lowered the income and educational qualifications for industrial classes. Now industries in the Panjab are almost wholly monopolised by Muham-madaus and commerce and trade by Hindus. I have provided equal number of seats for every community, yet I comprese the electorate. In the communities in exact accordances with their projortion in the general population. Having reproduced the provincial proportion between different communities in the electorate, I leave it perfectly, free to do whatever it pleases. I do not like the idea of restricting the voters' freedom. I am, however, not sure how for this agitation reflects the real feelings of the projection. So far as I can see, this feeling is confined only to those who want to come under the prominent notice of the Govern-ment. Increality the economic, moral and political interests of the different religious com-munities are not in my opinion different religions of the different religious con-munities are not in my opinion different religions of the different religious con-tion has now come prominently into public notice, it should not be igpored, and requires looking into. The best way to find this out is to repeat. So the cytoine. If electorate eostituted is this way chose to run elections on communal basis, I dare say the system of record to have access on the sphere of the administration of public affairs, and would is to group themeselves on economic distinctions other than religions. The system of electorate, the reportions of different religions of the the other hand, the resent agitation religing is invessed the people are. On the is system of e advisable to construct them.

There are now left only a few more points to be dealt with. I have assumed throughout my statement that the strength of the elected members in the Punjab should be 100. This means on an average one representative for every £00,000 of population. I think this is not asking too much. The United Kingdom has for 45 millions of population about 700 mem-bers in the House of Commons, which means one representative for every 64,000 people. In the colonies the representation is even greater. Again we are equal in population to Bombay, and I think the size of our Conneil should not be smaller. The nominated official and non-officials should, in my opiniou, be in addition to the 100 elected members. I would propose 12 officials and 13 nominated non-officials in the Punjab Council. This would bring into the council the Heads of all important Departments, and also provide for the rep-resentation of other interests. The total strength of the Punjab Council would then be-come 125, out of which § thes would be elected. Then as recards couplifications of andidates. I would when not have any harond

Then as regards qualifications of candidates. I would rather not lay any; beyond legal incapacities and defect of character. I would not lay any property, educational, or resi-dential qualification in case of candidates. I would give perfect freedom of choice to the voters. As regards residential qualification, I would only lay down that the candidate should ordinarily reside in the province and have his place of business in the Runjab. I would not require the candidate to be necessarily resident of the constituency whose election he seeks.

require the candidate to be necessarily resident of the constituency whose election he seeks. As regards representation of Punjab in the proposed Indian Legislative Assembly, I would submit that each Commissionership should form a constituency, each returning one member. This disposes of 5 seats. Out of the remaining, I would assign one to Commerce and one to University. I imagine that out of the 5 Divisional seats, 2 will go to the, Hindus and 2 to the Muhammadans and one to the Sikhs. Out of the nominated non-official seats that may fall to the share of Punjab, I would like one seat to be reserved for the Sikhs. As regards franchise for the Indian Legislative Assembly, I would raise the land revenue or rent-paying qualification to Rs. 500 and the income-tax paying qualification to Rs. 75. I would also give franchise to all graduates of Universities of the British Empire residing ordinarily in the Funiab. Punjab.

LAHORE : Dated 22nd November 1918.

GULSHAN RAI, Professor, Sanatana Dharma College, Lahore,

#### ted Lahore, the \$2nd November 1918.

#### The Hon'ble Rao Bahadur Chaudhri Lar, CHAND, B.A., LL.B., Member, Legislative Council, Punjab! Fre

ary to Government, Punjab. The Additional Se HEREWITH I am submitting a few points on which I wish to submit my views before the Franchise Committee when at Lahora. I further request the favour of your kindly putting my speeches in the last meeting of the Council before the Committee to show the line of argument I take. The speeches will be available in time I hope from the office of the Legislative Council.

I attach a statement showing my status and position also.

#### LAL CHAND.

Member, Legislative Council, Punjab, Rohtak.

#### Brief statement of views.

1. Rural and urban classes should have separate electorates.

2. The number of seats for each group should be in proportion to population and taxes. Fortunately the ratio in both cases is 1 to 9. I could ask for mora for rural classes on the score of their services during the present war and so the present demand is very modest. The view has been accepted by the Provincial Legislative Council on its last meeting and I would respectfully refer to my speeches in that connection.

3. Safeguards should be provided that urban candidates should not contest rural seats. I would therefore debar all non-agricultarists permanently residing in towns to be debarred from standing for seats belonging to rural classes.

4. Franchise should be as wide as possible in order that people may take real interest provided the constituencies are manageable.

# LAL CHAND.

Member, Legislative Council, Punjab, Rohtak.

Statement showing status of the Hon'ble Rao Bahadur Lal Okand.

- 1. Member, Legislative Council, Punjab (District Board's group).

4 2. Member, Provincial Recruiting Board.

J 8. President, All-India Jat Maha Sabha.

4. Vice-President, Central Zamindars' Association, Punjab,

4 5. Honorary Secretary, Jat Association, Rohtak.

6. Honorary Assistant Recruiting Officer.

7. Honorary Secretary, District Central Bank, Rohtak,

8. Vive-President, War Loan Committee, Rohtak.

9. Vice-President, Publicity Committee, Rohtak.

10. Vice-President, Relief Committee, Rohtak.

11. Member, District Board, Rohtak,

12. Municipal Commissioner, Rohtak.

13. Pleader, 1st Grade.

Distinctions won: 1. Reo Bahadur.

- 2. Jagir (Rs. 750 per annum).

- 3. 5 Reotangles (grant).

4. Mentioned in despatch by Government of India for war services.

LAL CHAND,

Member, Legislative Council, Punjab, Rohtak,

1922 CS-25-34-11-12-SGPP Labore;

#### Hon'ble Chaudhri Lal Chand's Speeches.

SIR,—The resolution which stands in my name and which I am going to move is, I am sincerely convinced, one which will be endorsed by every one who has the welfare of the rural community at heart. It is also one, I am equally sincerely persuaded, which embodies the real wishes and sentiments of those millions of Panjabees who are so frequently apt to be ignored when the actual distribution of political rights and privileges among the various sections of the Indian community is effected or is under consideration.

Ever since the report on Indian Constitutional Reforms was published, I had a strong desire to move some such resolution in the Council. But I must confess that I had considerable hesitation in making up my mind actually to do so. It has become a fashion to decry anything and everything which may in the least savour of what we call separatism or sectarianism as distinguished from Nationalism in Indian politics. It is extremely difficult to go against prevailing fashion particularly when thiat fashion is ostensibly based on the dictates of such sacred notions as those implied by real and genuine Nationalism. But real and genuine nationalism in this country, though struggling to be free, has not yet succeeded in disentangling itself from those baser elements of sectarianism and narrow-mindness which must necessarily beset its growth in a country like India. Pure unqualified nationalism, so ardently preached both in press and from the platform, has yet to be evolved in our country and though I yield to none in my homage to the ideal of Nationalism I cannot shut my eyes to the stern realities of life. The noble sentiments of Nationalism to which we give frequent utterance in our speeches and writings are oftener respected in their brach than in their observance in our every day life. All the fine phrases and nationalistic maxims which adorn our speeches melt into thin air when opportunity arises for translating them into practice. Class interests and secretarianism get the better of those precious principles of Nationalism to which we have rendered lip service all our life when the time for applying the erucial test arrives. This is particularly the case when an actual distribution of political rights is concerned.

It was this divorce between our professed principles and our actual practice which originally presented the idea of moving such a resolution to my mind. Another impulse strengthened my original inclination. The representatives of the educated and politically advanced classes have both put themselvyse forward as the true guardians of the interests of the rural classes. I thought that a resolution like the one which I am moving at present would put to a practical test the claims of both in this connection. Strong as these two reasons were for inclining me to place my present motive before this Council, I was still undecided when a third circumstance arose which determined me to more this resolution. This third circumstance was the appearance in the *Tribune* and the *Panjabee* of a series of articles by a correspondent advocating a fifty per cent, representation for the urban classes. As a 'representative of the rural classes I was naturally alarmed at this preposterous claim, put forward on behalf of the urban classes, and decided to move the present resolution and run the gauntlet of the Indian section of the press which is mostly' manned by persons drawn from the urban classes.

Strictly speaking, the claim of the rural classes for separate and proportional representation is not at all a heretical proposal even from the nationalistic point of view. The representation of various interests through those best qualified to safeguard and speak for those interests is an accepted principle. In our Councils the separate representation of commerce and landed interests will serve to show that the claim embodied in my resolution is not at all unreasonable. The rural classes have a definite set of important interests, some of which class with the interests of the urban classes and for most of which the urban classes will ordinarily feel no concern. So, personally speaking, I can detect no tendency in the direction of what we call separatism in my resolution, but those who do should remember that the responsibility for setting the ball in motion lies not with me but with somebody else. The resolution which I have the honour to move resolves itself into two parts. The first part seeks to create separate electorates for the rural and urban populations. The second part puts forward a claim that the number of seats allotted to each group shall be proportional to its population. I will deal with each part separately.

Let us take up the question of separate representation first. Now the question of the creation of separate electorates is by no means a novel one, and so far as, at least, as my resolution asks for the creation of separate rural electorates it cannot be said to advocate any violent change. Nor can it be branded as reactionary. Even now the District Boards which may be regarded as representing rural interests, and the Municipal Boards which may be regarded as representing urban interests, form separate electorates. Furthermore the weakness of the present Indian body politic is said to consist in the fact that Indian patriotism is more communal than territorial, and anything which tends to substitute a territorial for a communal basis of representation ought to be (?) welcomed by everybody who desires to see the growth of healthy Nationalism in this country. Viewed in this light my resolution is not only not reactionary but definitely progressive. Be that as it may, I feel it essential at the present moment to press the claims of the rural population. The rural classes have suffered much and have suffered long, and now that our countrymen are about to get a greater measure of control over their own affairs, I think it is vital for the welfare of the rural classes that they should have separate and independent representation.

As I have already hinted the interests of the rural and urban classes are by no means identical. In fact in a number of cases there may be a sharp conflict between the interests of the two classes. I will quote a few instances to convince the Hon'ble Members of this Council. Agricultural classes form a very large proportion of the rural classes. On the other hand urban classes are mostly composed of persons who follow commerce, industry, money-lending, etc., as their professions. Can it be denird that there is a violent conflict of interests between the two classes in respect of the upholding of the Land Alienation Act? Again nearly the whole of our martial races are comprised in the rural population. Can it be asserted that an increase in the pay of the Indian Army which involves additional military expenditure will be welcomed among the urban classes? If the past is any guide to the future the answer is a decided one. It may be contended that the Congress passed a resolution last year advocating an increase in the pay of Indian soldiers and that the Delhi Conference urged a similar increase last April. But those who know what happened in the subject Committee of the Congress in this connection and how casually 'the subject as noticed in the Indian press when the promised increase did not come in the shape and to the extent which was desired by the fighting classes will hesitate to join issue with me on the point. Co-operative movement is another question on which the rural and urban, classes may find themselves in disagreement. When the question of apportioning funds between rural education end urban education, rural sanitation and urban sanitation, and between agriculture and industry arises a conflict of interests is sure to arise between the rural classes on the one hand and the urban classes on the other. I could easily multiply instances of this kind, but having given a clear indication of what I mean I would leave the rest to your imagination. Taking the mildest view of things, I am sure you will ag

I now come to the second part of my resolution. This part embodies a request that the representation of the rural classes will be in proportion to their population. Three possible objections may be raised by my non-official colleagues against the granting of this request, namely that (a) the rural classes are educationally backward, (b) they have had no political training in the art of self-government, (c) they have not contributed their quota to the political

agitation which has resulted in the promise of the present constitutional reforms.

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With regard to the first objection I beg\_to submit that Indian politicians have never conceded that educational backwardness is in itself a sufficient justification for withholding political rights. I fully endorse this view and though education is an advantage in many ways I refuse to grant that mereability to read and write places a man above his fellows or that such ability is the test of his fitness for the grant or exercise of political franchisé. In any case I am perfectly within my rights in employing for the benefit of the rural classes an argument which has so continually been employed by Orthodox Congress leaders in arging the cause of India as a whole. What is true in the case of Indians as a whole should be true in the case of a humble section of the Indians, namely the rural classes.

With regard to the second objection I can, with perfect justice, employ the same argument, but I have still more weighty arguments for meeting this objection. Though there are no municipalities in villages I can confidently say that rural-life provides a much more favourable atmosphere for the growth and development of those civic virtues which are essential for the success of self-governing institutions than urban life. There are frequent calls upon individuals in villages to shoulder collective responsibility. Village communities, though much weakened under the altered conditions of life, are not yet extinct. Village *pinchayats*, though shorn of their former power and sanctity, are yet living forces, particularly in tracts which are educationally backward. These *panchaysts* are constantly called upon to deal with matters of common conser to the village. The administration of the common land, the raising of funds for common purposes of the village, the construction of village walls and wells, the digging of tanks and water-courses, the questions of the adjustment of mutual relations between the proprietary, body, and the nonproprietors, the settlement of social disputes and many other things of a similar nature call forth all the qualities required for the working of self-governing institutions. The village *panchayats* do all these things unguided by the Deputy Commissioner and uncontrolled by the Commissioner, and thus provide a better training ground than municipal boards.

The third objection, though seemingly valid, is equally devoid of any real force. The Panjabi peasant is sufficiently shrewd and possesses a good deal of sturdy, common sense. He may be ignorant, but he is not a fool, and may be rafely trusted to exercise the franchise in a proper manner. He may be less astute but he is no more prone to being led away by unworthy temptations than a fown-dweller. In fact he is less likely to fall, a victim to corrupt practices than his more calculating brother in the town. Moreover such risks are the invariable features of the first lessons in self-government everywhere and should not be allowed to stand in the way of justice. Taking into consideration all the pros and cons of the question, T feel sure, the risks will be fewer than we imagine and must be taken if we do not want to take advantage of the voicelessness (?) or non-vocalness (?) of the rural classes.

The fourth objection is one, I believe, which no one in this Council will urge. It is true that the rural classes have not so far participated in any agitation for political concessions. The official members of this Council will, I should believe, be thankful for this omission on the part of the rural classes. To those of non-official members to the discredit of the rural population I will say that the fault is theirs and not of their less politically-minded brethren. I am sure they will understand why. However, admitting, for the sake of argument, that it is to place the abstention of the rural classes from political agitation to the debit side of their account, I may yet urge in their favour their splendid services and their magnificent sacrifices in the present war which have given such point and added such weight to India's demand for political reform and gone so far in inducing the Imperial Government to accede to that demand.

Having dealt with the possible objections that may be raised to placing the rural classes on the same footing with the urban classes in the matter of enfranchisement I pass on to a justification of the claim which I have put forward on behalf of the former. To me the demand for proportional representation being granted to the rural classes seems so simple and axiomatic that I am half reluctant to labour the point. However I will try to put briefly the positive side of the question before this Council. I trust that every one in this Council Chamber has heard the democratic maxim that every man should count for one man and for neither less nor more. Here I am tempted to quote the greater suthor John Stuart Mill and crave the indulgence of the Hon'ble Members for the same.

(The speaker here read out a passage from John Stuart Mill in support of his contention).

We in India all lay much store by democracy in our speeches and writing that I have no doubt my Indian friends in this Council have by this time learnt to respect democracy in practice also. It would be scandalous if our practice gives the cold shoulder to what we swear by and hold so dear in theory. Judging from the public declarations and speeches of responsible British statesmen democracy has, during the last four years that the war has lasted, gathered such fresh strength, and new virtues round itself in the eyes of the British nation that I have no doubt my resolution will appeal strongly to the official members also.

We are also all familiar with the famous maxim, "No taxation without representation." For the purposes of my resolution the Council has to accept only a slight verbal alteration in this maxim, namely, "All representation to be proportional to taxation." It is an admitted fact that the rural classes contribute far more to the public exchequer than the urban classes. It will also be readily granted that while a very large population contribute something to the finances of the State, the bulk of the urban population contribute nothing. This aspect of the question should also receive careful consideration before the Hon'ble Members make up their minds on the merits of my resolution.

I will also remind the Hon'ble Members of the famous and oft-quoted saying of a renowned British statesman, that the real nation in every country dwells in cottages. So the lowly-rural population whose lot it is to pass its days in humble huts and cottages of the countryside is politically of greater importance than the dwellers of massions in towns. If we are just and fairminded we cannot but admit that the peasantry, though poor and living in outof-the way places far away from the haunts of civilisation and from the stress of political agitation, is the back-bone of the Indian nation. The aristocracy of wealth and intellect will thus do well to deal fairly by the rural population.

I will draw the attention of this Council to one more aspect of the question before I close. As I have already stated, the martial races of India all fall under the category of rural classes; and I will earnestly appeal to all the Hon'ble Members to weigh carefully the sacrifices which these races have made in the defence of the Empire before they vote on my resolution. Pray remember the large part which the fighting classes of India have played in winning the freedom and maintaining the liberty of the world. Look at the relative rôle which the rural and urban classes of India had played in this war. When the world was threatened with a deluge of barbarism and despotism the rural classes went out gleefully to swell the ranks of the army which was defending the liberties of the world. When *Kullur* with its new cult of might was seeking to throttle civilisation the rural classes sent the flower of their manhood to vindicate the cause of justice and freedom. When democracy was locked in a death-grip with autoeracy and autocracy seemed to be crushing the very life out of democracy, the rural classes poured out their richest blood to sustain that life and the faith of the world in the vigour of that life. What did the urban classes do ? The response to the Indian Defence Force and the Punjab University Company furnishes the answer to the query. If I may be allowed to repeat that answer in words, those classes hesitated, shrank, flinched, and finally failed. They were weighed in the blance and found wanting. The rural classes on the other band, stood the test splendidly. When the call for the supreme sacrifice was made they responded to it worthily. They flocked to

honour of India in a most praiseworthy manner. They vindicated the worth of India valour by their daring deeds and heroic sacrifices in the frozen fields of Flanders and on the burning sands of Mesopotamia-alike. And I may assure you that valuable as political agitation may be for securing political rights it is the prompt and unstinted response to the call of Britain made by the rural classes from which Indian demands for reform have derived and gathered their momentum; it is the willing and urgrudging sacrifices made by the rural classes upon which the justice of India's claim for equal partnership in the Empire rests. Do not forget that the battle of India's freedom has been fought not so much on the platform nor in the press, nor, again, in the bar libraries of India, as on the bloodred fields of Europe and Western -Asia. It is not so much the glib tongue of the Indian orator or the facile penof the Indian journalist; nor even your unanimous resolutions passed at political meetings as the gleaning bayonets of the Indian soldier which has secured the reforms in which I claim for the rural classes a share which will be proportional to their population. I could have claimed a share commensurate with their sacrifices in the present war, their stake in the country, and their political importance to the nation and to the State which would have been far in excess of what I claim now. But I have preferred not to draw any distinction between man and man on these grounds. If even in-its present form my resolution proves unacceptable to any man it will only mean that a villager is not to count as equal to a townsman. I, for one, cannot understand why. The villager has discharged his civic duties to the satisfaction of everybody and is, in justice, entitled to claim a fair share out of the everybody and is, in justice, entitled to claim a fair share out of the everybody and is, in justice, entitled to claim a fair share out of the

With these words I resume my seat in the earnest hope that the resolution which I have moved will be accepted by this Council. (Applause.)

SIR, - The resolution which I have just risen to move is the natural corollary to the one which I moved a couple of hours before. In moving my resolution on separate and proportional representation of the rural classes I said a good deal which is also relevant to the present resolution. I will not waste the time of this Council by going over the same ground again.

I said just now that this resolution is the natural corollary to the other resolution which I had the honour to move shortly before. In order to make separate representation of the rural classes effective it is vital that the rural classes should be represented in this Council by men who have intimate knowledge of their wishes and sentiments, who understand their needs best, and whose natural sympathies will be with them. If substantial benefit is to accrue to the rural classes from their separate representation that representation should be allowed through their own accredited agents.

The fairness with which my last resolution has been dealt with by my Hon'ble colleagues assures me that my present resolution will receive the same considerate and sympathetic treatment. I feel deeply obliged to the members of this Council for their attitude towards my previous resolution and that attitude fills me with hope and optimism in respect of my present resolution. Before I proceed to speak in detail on the resolution I may be allowed to say that the statutory agricultural classes form such an overwhelming proportion of the rural population that agricultural classes may safely be regarded as almost synonymous with rural classes and I will use the expression rural classes as synonymous with statutory agricultural classes and for the same reason I will use the expression " urban classes" as synonymous with non-agricultural classes. That will make both for simplicity and brevity. This will look more appropriate as my resolution is designed to exclude those members of nonagricultural classes also who while residing in towns pay land revenue in rural areas.

I explained in my speech on the last resolution how the interests of the rural and urban classes were not always identical. I also pointed out how frequently there might arise a sharp conflict between these interests. Even where there is no conflict between the interests of the two classes, but those interests are merely not identical, rural interests may suffer for the simple reason that representatives drawn from the urban classes do not appreciate the full significance

or the real nature of rural interests. Without imputing any motives or lack of good will and sympathy one may be allowed to say that a townsman may fail to safeguard the interests of rural classes in this Council for mere lack of insight into those interests. Under the new scheme it is proposed to hand over very important functions to the elected representatives of the people and it is vitally important that the rural classes should have men from among themselves to look after their interests in this Council. When such important departments as Education and Sanitation, which closely concern the moral, intellectual and physical well-being of the community, are to be administered by men chosen from among the elected members of this Council and when an increasing power of influencing the administration of all the other departments is to be given to this Council it is of the utmost importance that rural classes should be represented by men born and brought up in their midst. Furthermore, when powers of taxation are to be granted to the representatives of the people the supreme importance of my resolution becomes apparent. Only those persons can be the best and safest representatives of the rural classes whose pockets will be equally affected with theirs by any measure or Legislative enactment passed be this Council.

The only objection that can be raised to my resolution is that the rural classes are so backward in education that their ranks may not be able to supply men possessed of the same mental equipment as we can get from among urban classes and that the general efficiency of the administration may consequently suffer. To this objection my reply is that though rural classes are not educationally so advanced as urban classes but a sufficient number of highly cducated men is to be found in the ranks of rural classes and it cannot be urged with reasonableness that that number will not provide a sufficiently wide choice to the rural electorate. I am quite prepared to admit that the field of choice will not be so wide as that in the case of the urban electorate and will be somewhat narrower than in the case of the urban electorate and will be somewhat narrower than in the case in which a member of an urban class is allowed to stand for a rural seat, but it will, by no means, be so narrow as to justify rural seats being contested by men of an urban class. If the rural classes have actually produced men of reacognised ability and superior intellectual calibre in the past such as the late Hon'ble Khan Bahadur Mian Muhammad Shah Din--there is no reason to suppose that in future times of expanding education there will be any dearth of really capable men in the ranks of rural classes. Moreover, I may be pardoned for saying that administrative talent and the capacity to understand and grasp firmly matters of high political import may, and frequently do exist apart from high literary attainments. We all know that-Maharaja Ranjit Singh, Emperor Akbar, Sivaji, Hyder and Tipu were never put through any regular course of literary education. In fact some of them were illiterate. Yet no one can deny that they understood the affairs of State better than our best and most distinguished graduates.

However, let me admit that there is a risk of a certain amount of inefficiency creeping into the administration owing to the acceptance of the arrangement which I propose. Will that be a sufficient excuse for the rural classes being placed under the control of urban classes? We as Indians have urged times out of number, and rightly too, that the risk of inefficiency in the administration cannot justly be allowed to stand in the way of the administration being entrusted to the people themselves. We have passionately appealed to the democratic principle that "good government is no substitute for government by the people." Are we going back on that principle when its application to the case of rural classes is to be decided ? I hope not. I am sure my Hon'ble colleagues in this Council will not belie my faith in their consistency, and they will be found quite prepared to practise what they preach.

I will discuss two points more before I close. It may be urged that if a sufficient number of votes is given to the rural classes there is no reason to suppose that men from the rural classes will not be returned in adequate numbers even if members from urban classes are allowed to stand for rural seats. I am afraid there is every reason to apprehend that men belonging to the rural classes will have no chance of being returned under such an rrangement. Our past experience fully justifies this apprehension. The

reasons for supposing that rural candidates will not succeed in a contest against members of urban classes are obvious. The urban classes are better organised for the purposes of election campaigns. Their wealth gives them another advantage. Their influence derived from diverse sources which can be readily imagined also places them in a position of advantage.

imagined also places them in a position of advantage. I have only one more point to discuss and clear. It may be said that my proposal is harsh to those who possess votes in rural areas but do not belong to an agricultural class. I admit that there is some harshness there. But no scheme, however skilfully devised, can secure absolute justice to every individual. We must do our best to secure greatest good to the greatest number. My proposal is directed to that end, and if there is a negligible minority who suffers under the arrangement proposed by me the defect must be accepted as an inevitable evil in the interests of the overwhelming majority. If you once allow a rural seat to be contested by a candidate who, though technically a member of the rural population, is urban in his sympathies and interests, all the evils sought to be remedied by a provision of separate and proportional representation of the rural classes through their own fellows come into play. I may also say that this harshness may be equalised by imposing a corresponding disability on members of agricultural classes possessing votes in urban areas. I have tried to be as fair as I can and I hope my resolution will be an

I have tried to be as fair as I can and I hope my resolution will be approached by the members of non-agricultural classes in this Council in a spirit of generous catholicity and liberal sympathy towards the backward classes whose interests the resolution is designed to secure.

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- C8-25-28-11-18-SGPP Labore.

#### Dated Ludhiana, 33rd November 1918.

#### The Hon'ble Sardar Bahadur GAJJAN SINGH, Member, Legislative Council, Punjab, To-The Offg. Additional Searctary to Government, Punjab.

I HAVE the honour to request that I may be allowed to present myself before the Franchise Committee visiting Lahore in the beginning of December. I attach herewith a Memorandum of my views and a statement showing my (status and position. -

### GAJJAN SINGH. -

Member, Legislative Council, Punjab.

#### STATEMENT SHOWING STATUS.

STATEMENT SHOWING STATUS. 1. Member, Legislative Connoil, Punjab. 2. Member of the Provincial Recruiting Board. 3. Honorary Secretary, Double Company Committee, Ludhiana, Punjab. 4. Honorary Secretary, District Recruiting Committee, Ludhiana. 5. Honorary Secretary, District Publicity Committee, Ludhiana. 6. Honorary Secretary, War Loan Committee, Ludhiana. 7. Honorary Secretary, War Loan Committee, Ludhiana. 8. Honorary Secretary, Sikh District Committee, Ludhiana. 9. Vice-President, District Central Bank. 10. Pleader, Let grade (35 years standing). 11. Jagirdar and Lambardar. 12. Senior Vice-President of Ludhiana Municipality. 13. Vice-President of the Khalsa College Council; Amritsar 14. Notary Public, Ludhiana.

13. 14. Notary Public, Ludhiana. 1

## DISTINCTIONS WON.

1. Sardar Bahadur.

Jacki Disadur.
 Jagir (Rs. 1,000).
 Sword of Honour. Mentioned in Government of India despatch for conspicuous War Service. Sanads and watches for War Work.

GAJJAN SINGH,

### Member, Legislative Council, Punjab.

### A BRIEF SUMMARY OF MY VIEWS.

1. As communal representation has been allowed to the Sikhs, I am strongly of opinion that Sikhs should be returned by separate electorates of their own. Under no cir-cumstances should they have mixed or joint electorate as this will defeat the very object of the communal representation.

2. The Sikhs ought to get one-third of the number of seats allotted to non-officials. Their military and political importance as detailed in the opinions submitted by the Chief Khalsa Diwan of Amritsar is a sufficient justification of this demand.

5. Communal representation should be allowed in the State Council like the Legis-

Lative Assembly. 4. There should be separate electorate for rural urban areas and the rural seats in the Council (both Provincial and Imperial) should be fixed in proportion to taxes and population.

5. Franchise should be given to the following :---

6. -

GAJJAN SINGH,

Member, Legislative Council, Punjab.

#### · Dated Labore, 23rd November 1918.

## From-Mr. DUPS CHARD, Barrister at Law, Munbined Commissioner, Labore, To-The Offg. Additional Secretary to Government, Punjab.

I AM enclosing herewith two written statements for the Franchise and Subject Committees.

Kindly acknowledge the receipt of the same and oblige. \*

DUNI CHAND,

Barrister-at-Law and Municipal Commissioner, Labore.

### Franchise Committee,

On matters connected with the Franchise question my spinion is as follows :---

(1) The strength of the proposed Provincial Council, inclusive of the President, to be 125, four-fifths of which shall be elected.

(2) The elected members shall be divided, as follows, between the various communities and special interests --

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mmerce, both E	uropean and	Indian	~ ***	, <u>1</u> , ,	
	of the University to to to t				

(3) As to the mode of election, though personally I am in favour of a joint register of Hindus and Muhammadans voters, but as majority of the Muhammadans are for separate election, I therefore would let there be separate registers for all the above-mentioned com-munities and interests for the Provincial Council for election.

(4) For the purposes of election the Province shall be divided into election districts corresponding to the existing revenue districts subject to the conditions that in certain cases districts may be combined for the purposes of election. A population unit for a district shall, be determined by dividing the entire population over the number of elected seats and this unit shall determine how many members are to be allotted to any district. Important cities like Lahore and Amritsar should have one member extra each. The Franchise shall be as follows: follows :---**ء** آ

- (a) All persons paying incom-tax.
- (i) All persons owning property the value of which is Rs. 1,000 or more or possessing immovable property the rental value of which is Rs. 86 per annum.
- (c) All persons resident in the electoral area six months before the date of election who have passed the Matriculation Examination or hold an Oriental Diploma, but are not students.

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(d) All persons raying land revenue of Rs. 20 or more per snhum.

Nors .- One person should have one vote and not more in any one of the various electorates fro ose one for the purpose of vote. must cho



The following persons will be disqualified from voting at the election :----

- (a) Minors.
- (b) Persons adjudged by competent court to be of unsound mind.
- Disqualifications for candidates for membership of the Provincial Council.
- The following persons should not be eligible to stand as candidates for membership of the Provincial Council :--

(a) Those who are not British subjects.

(b) Government officials.

Norm .- In the case of Minister, who should be an elected men re-election on Respirance of his office. ber, it will be incom nt on him to seak w (c) Persons convicted of treason or felony and sentenced to any punishment exceed-ing 12 months' hard labour.

(d) Persons holding pensions at the pleasure of the Crown either for themselves or for others in whom they were interested, civil service pensioners being excluded.

(f) Persons holding hereditary titles or jagirs.

(g) Persons who directly or indirectly themselves or through intervention of a stranger or strangers hold or undertake any contract or commission for or on account of the public service.

S (h) Honorary Magistrate.

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#### \_ DUNI CHAND,

Barrister-al-Law and Municipal Commissioner, Labore.

### Reserved and Transferred Subjects.

My opinion on the subject of reserved and transferred subjects is as follows :--All subjects except Police, Law and Order should be transferred to ministerial charge at once. It is, however, essential that judicial and executive functions be completely separated during the time, Police, Law and Order are withheld from the control of Ministers. be remit Jinisten ?

DUNI CHAND, 🦟

Barrister-at-Law and Municipal Commissioner, Lahore.

CS-25-25-118--SGPP Labore,

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ore, 23rd November 1918.

-Chaudhri Záynutita KEAN, B.A. (Punjab), L.I., B. (London), Bar. at-Law, Member, Punjab Publicity Committee, President, Anjuman, Ahmadiyyah, Lahore, From-To-The Chief Secretary to Government, Panjab:

I most respectfully request the favour of your kindly permitting me to give evidence before the Franchise and the Transferred Subjects Committees. I beg to attach herewith a substance of the evidence which I propose to

give before the said Committees. •

## ZAFRULLA KHAN,

- -

Member, Punjab Publicity Committee, President, Anjuman Ahmdiyyah, Lahore. ~ ,

#### SUBSTANCE OF THE EVIDENCE TO BE GIVEN BEFORE THE FRANCHISE COMMITTEE.

BY CHAUDERI ZAPARULLAH KHAN, B.A., BAB.-AT-LAW, EDITOR, INDIAN CASES, LAHORE. Indian Legislative Assembly.

UNDER the present circumstances I deem it necessary that in the Indian Legislative Assembly the non-elected members should be is a majority. This would do away with the need of a Council of State.

1. Matriculates (Oriental and Anglo-Vernacular).

- 2. Members of Legislative Councils
  - S. Members of District Boards.
    - 4. Municipal Commissioners.

· · ·

- 5. Every income-tax payer who pays not less than Rs. 52 per annum.
  - 6. Every one who pays land revenue not less than Rs. 800 per annum.
- 7. Every one who holds a title or honour conferred by Government.

In nomination care should be taken to see that minor communities are duly represented.

### Punjab Provincial Legislative Council.

. Composition.

In the Punjab Provincial Legislative Council not more than half the members should be elected. The composition of the elected element should be in proportion to the numerical strength of the three great communities inhabiting the province, viz., the Muhammadans-she Hindus and the Sikhs. The minor communities should be represented through nomination. The Ahmadiyya community should have separate representation.

### Franchise.

In principle, I admit that common election is the best method of election, but the existing state of society in the Panjab demands communal election.

The electorates for rural and urban population should be separate and the number of seats for each group should be proportionate to their respective numerical strength.

The Franchise should be made as wide as possible. Under the present circumstances I recommend that the following classes of men should have the right to vote for election to the Legislative Council :--

1. Every jagirdar holding a jagir of not less than Rs. 50 per annum and every one who pays land revenue of not less than Rs. 50 per annum.

2. Every income-tax payer.

3. Every person who pays a land rent of not less than Rs. 300.

4. Every person who owns house property worth not less than Rs. 25,000.

5. Every non-student primary passed person (whether anglo-vernacular or vernacular).

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6. Every retired Indian soldier who has served in the recent war.

7. Every lambardar, sofaidposh and zaildar.

8. Every member of the Municipal Boards, District Boards, Notified Area Com-mittees and village panchayats. 1.

#### SUBSTANCE OF THE EVIDENCE TO BE GIVEN BEFORE THE TRANSFERRED SUBJECTS COMMITTEE. -10

### BY CHAUDHEI ZAFRULLAH KHAN, B.A., BAR.-AT-LAW, LAHORS.

Separation of Indian from Provincial Functions.

As to the Provincial functions as distinct from Indian, I have only to say that the ivision made in Appendix II list, attached to the Report on Indian Constitutional Reforms, eems to be generally suited to the Province of the Punjab.

### Transferred Subjects.

In my opinion, the following subjects may safely be entrusted to the Ministers :-(i) Education :--- Primary, Secondary and Technical. i

(ii) Sanitation. ç e

(iii) Forests.

(iv) Industries and Commerce.

(v) Excise.

(vi) Public Works.

(vii) Agriculture.

(viii) Local Self-Government, rural and urban.

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(ix) Charitable endowments.

(x) Fisheries and connected industries and river conservancy.

(\$\$) Registration of births, deaths and marriages, Coroners, village courts-Civil and Criminal-statistics for provincial purposes.

(zii) Miscellaneous subjects as mentioned in Appendix II, Illustrative list No. 2.

Of the subjects proposed to be entrusted to the Ministers in the above mentioned list te following subjects should in no case be transferred to the Ministers, for they afford much om for the display of inter-communal projudices :--

(a) Taxation for provincial purposes.

(b) Franchise, electoral law, constituencies.

### ZAFRULLA KHAN,

Member, Punjab Publicity Committee, President, Anjuman, Ahmdiyyah, Lahose.

CS-25-25-11-18-SGPP Labore.

Copy of the Written statements submitted by the undersigned to the Punjab Government on 23rd November 1918 to be placed before the Functions and Franchise Committees.

# ----

## 1. Transferred Subjects.

In my opinion the following subjects should be transferred:-(1) All the subjects mentioned in Illustrative List II appended to the report of Tr. the Right Hon'ble Mr. Montague and Lord Chelmsford. No powers should be reserved to the Executive Council of suspending defaulting local bodies. Miniters should have full control in the sphere of local Government as any reservation of authority to the Executive Council would be calculated to prejudice their position and responsibility.

(2) In addition, the following subjects should also be transferred:-

- (a) Criminal tribes,
- (b) Land Revenue Administration,
- (c) Major Irrigation,
- (d) Education, Colleges and Universities,
- (c) Management of Private Trusts,
- (f) Business concerns,

(g) Industrial matters.

3. All the services in regard to transferred subjects shall be under the control of Ministers. Members of the Indian Cigvil Service when performing those services or occupying offices in relation thereto shall to the extent of thos services and for the purposes of those offices be subject to the authority of and under the complete control of ministers.

Note (1). Law, Police and Justice may for the present be treated as reserved subjects, but there shall immediately be a complete separation of judicial and Executive functions, so that Executive Officers may not possess and exercise judicial powers.

2. In settling an devolution of powers in favour of local Governments, cars should be taken to devolve such powers only as will in the process of granting responsibility be actually exercised by ministers. Powers and functions in regard to which there is not going tote <u>Pari Passu</u> transfer of authority to ministers should continue to be exercised by the Government of India.

(3) Elementary rights of subjects, like Freedom of Speech and Writing, Freedom of Meeting and Persan, shall be statutgrily safeguarded.

(4) The principle of transferred and reserved subjects shall also be carried in the Government of India.

II. Franchise Law Constituencies, etc.

(1) <u>Strength of Council:</u> The strength of the Punjab Legislative Council inclusive of the President, shall be 125.

(2) Proportion of elected and nominated members:- Fourfifths of the members of the Punjab Legislative Council shall be elected, and the remaining one-fifth nominated. Of the nominated members, not more than one-half shall be officials, the nominated non-officials to represent interests not otherwise provided for. The head of the Government shall have the power of nomination.

(3) <u>Distribution of elected seats</u>. The elected seats shall be distributed as follows:-

Muslims50.Hindus49.University (as a special 1.<br/>interest)

No other special interest shall be recognized. The Sikk have been included amongst the Hindus, as it is not conducive to national interests to segregate these two communities, posassessing the same social customs and practically the same religion. Further there has been no real demand on the part of the Sikh community for separation. But should Government decide to give the Sikhs separate representation, I would then suggest the following distribution of seats between these two communities:-

Hindus .. .. .. .. 34.

The Muhammadan members shall be elected by exclusively Muslim electorates, and in case, Sikhs are given separate representation, their numbers also shall be returned by exclusively Sikh electorates. Votes of communities enjoying separate representation through separate electorates shall not take pest in other general elections, elections of special interests like the University being an exception to this rule.

(4) <u>Disqualific ations of Voters:</u> No person shall be qualified to vote at any election for a seat on the Punjab Legislative Council, of such person:-

- (a) is a minor, or
- (b) has been adjudged by a competent court to be of unsound mind, o r
- (c) is a police official, or
- (d) is a Returning Officer in the constituency in which the election over which he presides as Returning
  - · Officer takes place.

5. <u>Incligible Candidates:</u> No person shall be eligible for election as a member of the Punjab Legislative Council af if such person:-

- (a) is not a British subject, or
- (b) is an official, or (ministers after appointment to seek re-election), #
- (c) has been adjudged by a competent court to be of unsound mind, o r
- (d) is under twenty-one years of age, o r
- (e) is an uncertificated bankprupt or an undischarged insolvent, e r
- (f) holds jagir at the pleasure of Government, it being immaterial whether the jagir is held by him in his own name or by another in trust for him o r
- (g) directly or indirectly, himself or through the intervention for a trustes, holds or undertakes any contrac or commission, for or an account of the public service, o r
- (h) is convicted by a criminal court of an offence and sentenced to death, transportation or rigorous im-

prisonment for a term exceeding six months or for simple imprisonment for a term exceeding twelve months (the sentence not having been subsequently reversed or remitted). The disqualification to cease if sentence has been served or pardon granted.
6. Franchise or qualifications for vote:- The fellowing is not attempted in the sentence is shall be entitled to the sentence in the sentence is a sentence in the sentence is a sentence.

persons, if not otherwise disgualified, shall be entitled to vote:-

- (a) persons owning agricultural land assessed or assessable to land revenue of Rs20 a year;
- (b) persons occupying agricultural land and paying an annual rental of Res100.
- (c) persons swning household property of the value of Hal000.
- (d) persons occupying household property of the annual rental value of Ral20.
- (e) persons paying income tax.
- (f) persons who have passed the Middle School Examination, including the Vernacular, provided they are not atudants.
- (g) Holders of University diplomas or titles on the Oriental side, provided they are not students.

Provided that a person falling under more than one of the foregoing descriptions shall not be entitled to more than one vote for any description that he chooses.

(7) <u>Qualifications for candidates:</u> Any person who is a voter in the province can stand from any constituency provided he is not otherwise ineligible.

(8) <u>Constitutions of electorates:</u> Rural and urban areas shall be constituted into electorates separately on the basis of single member constituency. A fixed number of seats shall be alloted to rural and urban areas; regard shall be paid to existing district divisions, districts or portions thereof being combined in cases of necessity. The appointment of seats between rural and urban areas shall not be exclusively on the basis of population Urban areas have always always and everywhere been given special importance and treament, as the seat of intellect and the focii of social and political currents. I would also suggest the direct and special representation of the towns of Lahore and Amritsar by alloting them a certain fixed number of seats to be filled by the members of the several communities in the proportion and by the method stated in rule 3 above.

The Indian Legislative Assembly.

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(1) Its strength inclusive of the President shall be 150.

(2) Four-fifths shall be elected 1/5th to be nominated, not more than half of the nominated members to be officials.

(3) The Punjab shall be alloted 12 elective members half of whom shall be Muslims and the rest non-Muslims. The election to these seats shall be direct and in the manner mention -ed in rule 3 above, i.e. separate electorates for Muslims.

(4) The disqualifications for votes and cardidates shall be the same as those mentioned in paras 4 & 5 above.

(5) The qualifications or franchise for voters shall be a little higher than those for promincial voters. I will suggest the following:-

- (a) Land revenue paying qualification to be raised to Rs75 a year.
- (b) Rant paying qualification to be raised to Rel000 a year.
- (c) House owning qualification to be raised to owning property of the value of hs3000.
- (d) House occupation qualification to be raised to occupation of house of the annual rental value of Hs500
- (e) Income tax paying qualification to be raised to payment of income tax of Rs50.
- (f) Literary qualification to be raised to the possessio of University degree.

6. Every voters to be entitled to stand for election from any constituency, provided he is not disqualified otherwise.

(7) Electorates to be constituted on the basis of singl member constituency.

### Council of State.

(1) The Punjab shall have three elected representatives

(2) The three elected mambers shall be elected by the non-officials members of the Punjab Legislative Council, and one of them at least shall always be a Muslim.

m. Barkat Ali M. A., LL. B.,

late Editor, the Observer, Member All India Congress Committee, Member Jerger, Member Council of All India Muslim, University Association, Member Erecutive Committee of the Provincial Congress Committee, Member Erecutive Committee, Indian Association, Member Council of the Punjab Muslim League, Nember Provincial Conference Committee and <u>elected representative</u> of the Let four Associations to give evidence before the Reform Committees.

### Statement of Mr. Duni Chand to be laid before the Franchise Committee on behalf of the Hindu community of Ambala.

#### I.-FRANCHISE.

In dealing with a problem so complex and momentous in its issues as the Communal representation. drawbacks of communal representation, and the community which I have the honour to represent regards it as a very serious hindrance to the development of the optic represent regards it as a very serious hindrance to the development of the optic represent regards it as a very serious hindrance to the development of the optic represent regards it as a very serious hindrance to the development of the optic represent regards it as a very serious hindrance to the development of the optic represent regards it as a very serious hindrance to the development of the optic represent regards it as a very serious hindrance to the development of the optic represent regards it as a very serious hindrance to the development of the optic represent regards it as a very serious hindrance to the development of the optic represent regards it as a very serious hindrance to the development of the optic represent regards it as a very serious hindrance to the development of the optic represent regards it as a very serious hindrance to the development of the optic represent regards it as a very serious hindrance to the development of the optic represent regards it as a very serious hindrance to the development of the optic represent repre

nonour to represent regards it as a very serious hindrance to the development of the self-governing principle. But considering that, in the existing circum-stances, communal representation is the only safeguard of the rights of the Hindus, who form a minority in this province, particularly in view of the insistent demands of certain other communities for separate electorates, this community feels constrained to ask for an extension of the same system to Hindus as well.

If, however, this extension be denied to the Hindus, the community If not extended, favoured classes to be excluded at general elections. The Hindus, other communities enjoying the privilege be debarred from exercising the additional right of voting or standing at general elections.

While admitting the desirability of making the franchise "as broad as Principle governing franchise. Princi governing franchise. Principle governing franch

Bearing the above principles in mind, therefore, the community begs to suggest the undermentioned qualifications Qualification of voters. which a voter should possess :---

Every male person (excepting students) who has attained the age of majority and is not insane, insolvent or deaf and dumb and has not been convicted of an offence implying moral turpitude, and

(1) possesses-

(a) house property worth at least R2,000, or

(b) land measuring at least 7 acres, or

(c) occupying rights in land measuring at least 10 ucres, or

(d) an income of R500 a year; or

(2) pays house rent to the amount of R100 a year at least, or

(3) holds-

(i) a certificate of having passed the Matriculation or School-leaving Examination of any recognised University in or outside India ; or

(ii) a diploma in any Oriental language

is eligible as a voter. 2 ~

#### II.-LOCAL SELF-GOVERNMENT.

#### Municipalities.

In this connection, too, the community desires that the already existing Communal representation to be maintained. system of separate communal representa-tion be maintained in the case of Hindus of Ambala, who have obviously a greater stake in the town, and whose contribu-tions towards the war in the shape of men and money in addition to the payment of the usual municipal and other taxes outbalance those of any other community.

The question of the qualifications of voters at municipal elections of this Qualification of voters. to discuss it here

As regards official control of municipal affairs, the Hindu community of Ambala fully endorses the principle laid down by the authors of the scheme in what is designated as the "first formula," namely, that "there should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control"; and trusts that the same will be carried out to the fullest extent.

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DUNI CHAND, Pleader.

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SGPI Delli-873 HD-3-12-18-5).

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#### THE FRANCHISE.

Capacity of a people-basis of responsi-bility.

While any scheme for Reform is welcomed as a step in the right direc-tion, and the generous and unselfish spirit in which the Reform Scheme is conceived is gener-

ally acknowledged, it is necessary to record the view that responsible Government is not the solution of all problems nor the remedy of all political diseases; the general character and situation of a people or peoples must determine what sort of government is fitted for them. That point nothing else can or ought to determine.

The fundamental principle of British constitution, the great discovery The limitations of the Franchise-the of modern times, that which enables Government to combine extent, a broad Franchise, with liberty of action, consists altogether in the perfect delegation, by a community, of their rights and their interests, to those who are able to deliberate and act for them, unhampered by a sense of obligation. It is obvious that the authors of this scheme had this in mind when they came to the conclusion, in paragraph 81 of the Report, that councils "must have real people to call them to account ...," and that the limitations of the Franchise should be made as broad as possible (paragraph 226). The limits set in Chapter 6 are very narrow. It is admitted that the rural classes, 226 out of the 244 millions in British India, have no interest, and do not care to take part, in politics. If the Franchise was extend-ed to these people it would result in a situation such as Mill has described— " Representative institutions are of little value and may be a mere instrument of tyranny and intriene when the generality of electors are not sufficiently of tyranny and intrigue when the generality of electors are not sufficiently interested to give their vote...." If, however, the Franchise-was not ex-tended to them it could not be claimed that the limits of the Franchise had been made as broad as the authors evidently intended, and it would amount to a denial of government on a popular basis. The limits of the Franchise should be determined with a formation differences and even should be determined with reference to practical difficulties (paragraph 226).

Paragraph 155 says "We offer them representation and we expect them The case of the Dominiled community—to make good use of it." The reference here is their interests not secured by nomination. to the Anglo-Indian community. Over 65 per cent of members of the Domiciled community are in Government service and are thus prohibited from taking that active part in politics which they desire, and which is very necessary. It is not clear how they are expected to play their part in the political life of the country. In paragraph 232 it is stated that, except in the case of Muhammadans and Sikhs, it is not proposed to maintain separate electorates for other minorities, which of course leaves if understood that the Domiciled community is to be represented by nomination. If the community is the paragraph of the community is to be represented by nomination. If the community is to be given only representation by nomination their interests must be seriously affected, as they have hitherto been under the same and there will be no scope to make gord use of such representation. Nomi-nation does not give effectiveness to representation because it is a delegation, which makes a representative the mere organ of government and the majority nor does it provide for the need of politikal education, or for the development of a sense of responsibility, and above all, it does not foster independence and communal growth. The social and political position of the community must be stengthened if representation is to be of any value to them; nomination-does not secure this. Nomination sufficed, to a very limited extent, before, because the community relied, a great deal, on the support of sympa hetic British officials in Council; but a new state of affairs, in which no such element will representative, and real spokesman in the enlarged Councils. Can nomination satisfy the test "Responsibility is the savour of self-government ... they must have real work and they must have real people to call them to account for the doing of it?" Could the community call a nominated representative indican community to win for themselves a secure position in the economy of India, and it is proposed to give Government effective power to discharge th obligation to see that the interests of the community are not prejudicially affected. system, and there will be no scope to make good use of such representation. Nomi-

Communal electoratos : co-operation necessary ? representation effective when systematic : no national basis of represent tative government possible.

The only argument of any cogency for not giving communal represen-nual electorics: co-operation tation to minorities is that it may hinder the y representation effective when development of nationhood. The people of India do not form a nation but a congeries of nations each one distinct from the other in its aims

objects, - ideas and religion, hence there can be no national basis of Representa objects, ideas and religion, hence there can be no national basis of Representa tive government; it may be possible to make present conflicting sentiment; and aims of the peoples a common aim for the good of the country, yet, in other ways, they will always remain distinct, and have peouliar needs and in terests; therefore each section of the Indian people must be given its owr electorate. Communal electorates can work together, for the common good and yet be mutually tolerant; that is, as far as development may reason-ably be expected to proceed. It is clear that every community is bound to the common interest of all, but each community must be in a position to elect it representative, to avoid racial ill-feeling, and all elected members can togethe devise means for the common good. A denial of communal representation to minorities is fantamount to a denial of equal citizenship; any other representation to negressing the substance but denies the power attaching to communal representation gives the substance but denies the power attaching to communal representation. According to the soundest views of representative legislation ther sought to be a general coincidence between the conduct of the delegate and the sentiments of his community, and if real benefit is to be secured, there must b  $\varphi$  regular and systematic communication with the Councils on all matters.

a regular and systematic communication with the Councils on all matters. The idea of self-government is not an indigenous growth, and the tribe Eridence of India's unstances for self-government being the case, India is evidently not ready fo democratic institutions. To ignore the general demand for communal repre sentation, in the circumstances, would mean that class would be embittered against class, and a calm atmosphere in Indian politics would be a thin unknown. Does the principle enunciated in paragraph 228, " the history of self government among the nations who developed it is decisively against th State's atranging its members in any way which encourages them to think c themselves primarily as citizens of any smaller unit than itself," hold good i India ? The communal system has held Indian society together through th centuries, and to make unnecessary changes in this system now, and all of sudden, would be to court disaster, and a break-down. If in the West th communal system has proved itself to go hand in hand with democratio institu tions, then India must not be ready for such institutions since the same systen is not generally extended here. is not generally extended here.

The importance of the Domicited com-manify: their military so tribution : grat need for commands representation : a sti-mulus t advancement: fature needs to be provided for now : vital interests as status lapse to former conditions under nominaprovidea lapse to fo tion syster

The authors of the report do not deny comunal representation to th Sikhs because they are (a) a distinct (b) important state of the second state of th and se is indeed poor recognition of the value, and se vices, of other minorities to India. The Dom

provided for now : vital interests at state: lapse to former conditions under nomina-tion system. other Indian communities—their ifferests are "less completely identified with the common life of India "—and it is not possible to imagine that, at any tim they will fuse their identity with the Indian " majority " communities. Rel gion, language, thought, standards of living, and morality, all these are factors be considered in the situation : these are the essentially British characteristic with which the community is endowed as a common birthright, which make impossible for the community to be anything else but " distinct " from tl other communities of India. The other communities may possibly solve t. problem of distinctions among themselves, but the Domiciled community converting the East and West," their position, like that of the buffers in a State trai or as a connecting link between the civilisation of the East and Wes ordinate work of administration has been borne by the community, makin them dependent, true enough, on Government, but also Government turn, if rightly acknowledged, has been, and is, under an obligation to then therefore the position of the community is no mean one, and in the da

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ahead it will be to the British elements in the Government that Parliament ahead it will be to the British elements in the Government that Parliament will look for support—whatever form it may take—certainly not to the Indians. The Domiciled community is, as far as distinctiveness and import-ance goes, the equal of the Sikh community. Another point to be borne in mind is that the community is also distinct, to a certain extent, from the European community, inasmuch as any wealth accumulated, in India, by members of the community circulates first and last in this country and is not removed, as is the case with the mercantile community. The Domiciled com-munity can also claim to have supplied not only a gallant and valuable element to the Indian Army, but also to the British and Colonial Forces, and by a Force of their own in Mesopotamia, but a comparatively larger one than gay other community in India, and that too under far more trying and less other community in India, and that too under far more trying and less congenial circumstances. A consideration of all these facts will show that to congenial circumstances. A consideration of all these facts will show that to grant communal representation to the Sikhs and to withold it from the Domi-ciled community would not be compatible with the reasons given for thus extending the communal system. Moreover, the Sikhs are already represented in the large landholders' constituencies, whereas the Domiciled community is pirtually ungepresented everywhere. The communal system has worked adpirtually unrepresented everywhere. The communal system has worked ad-mirably in municipalities and District Boards, why should it prove unsuitable now ? The suggestion that the needs of some minorities may be met by reserving a number of seats in plural constituencies, with a general electoral roll, would not prove satisfactory in the case of Anglo-Indians, for the reasons given before, that Anglo-Indian needs are distinct, and there is too much of the virtual, and too little of the real, in representation of this kind. By giving the virtual, and too little of the real, in representation of this kind. By giving the community communal electorates they would have an opportunity of having a member a Minister. In the enlarged Councils suggested it should not prove impossible to find the community one seat, to be filled by election. As proposals are drafted now so they will semain for years to come, and it is unlikely that the community will get just recognition from Indian officials at a "Amply borne out by Mr. Sarti's hose its attitude towards Angio-Indians as shown in the Imporial Leginstive Council a wered Mr. Sastri by making sympathe tic reference to the just meeds of the com-munity.

affirmed to-day and denied to-morrow; it is something definite, and will enable the members of the community to take a real interest in the welfare of their community in particular, and in India in general. It is necessary to extend

As an alternative to representation by nomination perhaps it would be possible to have communal representation on the Imperial Council and in the "major" Provincial Council and nomination for the "minor" Provincial Council.

somet new system of representation to the com-munity, other than that which they have been used to, namely, nomination, to stimulate an active interest. It is earnestly requested that sympa-thetic consideration be given to this statement,

which is meant to supplement any other statements submitted by the community's representative organisation and by other members of the community.

A. M. MATTHEWS. (Forman College),

Member, Provincial Council, Anglo-Indian Empire League,

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1964 C3-25-23-11-18--SGPP Labore.

Member, all-India Congress Committee, t.e. II. Franchise. "lastarel Lew Constituencies.

The lunjub Legislative Council.

(1) <u>Strength of Council:</u> The strength of the Punjab Legislative Council, inclusive of the President, shall be 125.

(2) Proportion of elected and nominated members:- Fourfifths of the members of the Junjab Logislative Council shall be elected, and the remaining one-fifth nominated. Of the nominated members, not more than one-fift half shall be officials, the nominated non-officials to represe interests not otherwise provided for. The heads of the Government shall have the power if of nomination.

(3) Distribution of elected seats:- The elected ments shall be distributed as follows:-

Lualins

Madus

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- University(as a special interest) 1

No other special interest shall be recognised. The Sikhs have been included amongst the Hindus, as it is not conducive to national interests of secregate these two communities, possessing the same social customs and practically the same religion. Further, there has been no real desard, on the part of the Sikh Community for separation. But should Government decide to give the Sikhs separate representation, I would then surgest the folioving di tribution of seats between these two communities:-

Ľ	ndna		

Sikha

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The Schausadan members shall be sleated by exclusive by Suslim electorates, and in case, Tisht are given Beparate representation, their members also shall be



returned by exclusively likh electorates. Voters of communities enjoing memorate representation through separate electorates shall not take part in other general elections, elections of special interests like the University based exception to this rule.

(4) <u>Disconlifications of Voters</u>. No person shall be qualified to vote at any election for a seat on the Junjab is islative Council if such person

(a) is a minor, or

.(b) has been adjudged by a competent court to be . of unsound mind, or

(e) is a police official, or

(d) is a Boturning Officer in the constituency in which the elation over which he provides as Returning Officer takes place.

(5) Inclinible Condidators - No person shall be sligible for election as a member of the Funj & Legislative Council if such person

(a) is not a Dritish subject, or

(b) is an official or (Einistor after appointment to seek reelection), or

(c) has been adjudged by a competent Court to be of unround, mind, or

(d) is under twanty-me years' of age, or

(c) is an uncertificated bankrupt or an undischarged insolvent, or

(f) holds intrificat the pleasure of the for orment, i being instantial whether the just is hold by his in his own name or by mother in trust for his, or (g) directly or indirectly, hisself or through the intervention of a trustee, holds or undertaken my contract or counts ion, for or on account of the

### public service, or

(h) is convicted by a criminal court of an offence and sentenced to death, transfortation or rm rigorous imprisonment for a term exceeding six months or for simple 1 prisonment for a term exceeding twelve months, (the sentence not having been subsequen reversed or remitted), the disgualification to cease i sentence has been served or pardon granted.

(6) <u>Pranchise or qualifications for vote:</u> The followinh persons, if not otherwise disqualified, shall be entitled to vote:-

(a) persons coming agricultural land assessed or assessable to land revenue of Rs.29- a year,
(b) persons cocupying agricultural land and paying an annual rental of Rs.100,

(c) persons caming household property of the value of Es.1,000/-

(d) persons occupying household property of the annual - rental value of 38,120/-

(e) persons paying income tax

(f) persons who have possed the Elddle school examination, including the Vernacular, provided they are not students,

(3) holders of University diplomas or titles on the Oriental side, provided they are not students.

Provided that a person falling under more than one of the foregoing descriptions shall not be entitled to more than one vote for any description that he choose:

7) inclifications for Condidator- Any person who is a r votor in the province can stand from any constituency provided he is not otherwise incligible.

(9) Constitution of electorates .- Rural and Urban areas

shall be constituted into electorates senarately on the basis of single member constituency. A fixed number of seats shall be allotted to rural and urban areas. In constituting electorates for rural and urt areas, regard shall be paid to existing district divisions, districts or portions thereof being combi in cases of necessity. The appointment of seats between rural and urban areas shall not be exclusive on the basis of population. Urban areas have always and everywhere been given special importance and treatment, as the seats of intellect and the focii of social and political currents. I would also sugge the direct and special representation of the towns of Lahore and Auritour by alloting them a certain fixed number of seats to be filled by the members of the several communities in the propuertax proportion and by the methods stated in rule 3 above.

### The Indian Locislative Assembly.

(1) Its strength inclusive of the President shall be 150.

(2) Four fifths shall be elected, 1/5th to be nominated, not more than half of the nominated members to be officials.

(3) The Funjab shall be allotted 12 elective members, half of whom shall be Muslims and the rest non-Muslims. The elections to these seats shall be direct and in the manner mentioned in rule 3 above, i.c., via\_ separate electorates for Muslims.

(4) The disgualifications for voters and candidates shall be the same as those mentioned in paras. 4 and 5 above.

(5) The qualifications or franchise for voters shall

I will suggest the following-

to the or tone;

(a) Land revonue paying qualification to be raised to Re.75/- a year

(b) Rent paying multification to be raised to Bs.1,0 a year.

(c) House-owning qualification to be raised to ownin property of the value of Rs.3,000.

(d) House-occupation qualification to be raised, to occupation of house of the annual rental value of .Es. 500/-.

(e) Income tax paying qualification to be reised to pryment of income tax of Res.50/-.

(f) Literacy qualification to be raised to the possession of 'hiversity degree.

(6) Every voter to be entitled to stand for election from any constituency, provided he is not disgualified otherwise

(7) Electorates to be constituted on the basis of sing member constituency.

### Council of State.

1. The Funjab shall have three elected representatives on the Council of State.

2. The three elected members shall be elected by the non-official members of the Funjab Legislative Council and one of them at least shall always be a Muslim.

### Franchise.

The following statements are in continuation of the evidence already submitted by me on the subject of the Franchise Communal Representation especially for the Domiciled Community. The spirit of nationality can only be created by the existence of uniform representation this is coming to be realised more and more by all minorities. The word "representation" in political society of to-day by means nothing less than an elected member; a nominated person can "present" the case of his Community but not represent it.

Disraeli writing of the Reform Bill of 1832 observed "in the effort to get rid of representation without election it will be well if eventually we do not discover that we have only obtained <u>election without representation</u>". The Sikhs are in a minority in ell British districts in the Funjab and they are given communal representation on (1) historical (2) "important community" (3) military grounds. The case of Domiciled Community is analagous. If any pledges were given Muhammadans for communal representation they have not been fulfilled up to the present time in the Punjab.

In a general electorate a proportional number of sents (abidation for the population in the Funjab, hence 1 seat at least) would have to be guaranteed; but general electorates would not educate the community politically; they would still take no interest in politics. The necessity in justice of adequately representing in the new Councils the extraordinarily various elements of the population of India, inevitably brings up the question of communal representation. The authors of the Report regard this as the most difficult question which arises in connexion with the elected assemblies, and they frankly express their dislike of communal electorates and communal representation. They state fairly the reasons adduced in favour of this race, religion, and caste as Indians are, and unable as they are to consider the intcrests of any but their own section, a system of Communal end class representation is not merely inevitable, but actually the best. It evokes 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; we must hope to develop the finer, which are also at present the weaker, instincts by using the forces that really count. Communcl representation is an inevitable, and even a healthy stage in the development of a non-political people." These seen good arguments: what attempt is made to controvert them? First, by an appeal to history; as follows:-"Responsible government has only developed where there was en effective sense of the common interests, and a bond compounded of community of race, religion, and lenguage, ..... where blood andreligion had ceased to assert a rival claim with the state to a citizen's allegiance." The, essuming the converse of this to be true, namely that responsible government based upon a general electorate will produce these desirable characteristics in peoples of different races, lenguages, and religions, the conclusion is reached that communal electoretes are opposed to the teaching of history. But is not this a fallacious use of history? Does not history teach that in certain conjunctions of human affairs such and such things have happened in the past, and, therefore, that analogous happenings may reasonably be expected again when the circumstances are really similar? Responsible government was evolved in England because the circumstances were favourable; the fittest form of government for the English people was the one that survived. And, of course, when the circumstances were not favourable, as in India, responsible government did not develop and could not develop, and will be, if imposed on India, an exotice.

in this matter is this, that if, as Englishmen, we believe in responsible government as the best government that we know, we are justified in trying to facilitate its establishment when the circumstances are analogous to those in which responsible government has developed elsewhere - but not otherwise. We are not justified in forcing the institutions of responsible government upon millions of people who have not asked for, them and do not want them, in order that they may be eventually educated by them up to the point of understanding them and wanting them.

Secondly, "Communal electorates perpetuate class divisions". Is this necessarily true in the end? May it not be urged with at least equal plausibility that the association, in the exercise of public functions, of those who represent the multifarious interests of the peoples, and communities of India, would tend to make them increasingly liberal-minded, more conscious of what they have in common, less mindful of their differences? As a matter of fact and experience is not this commonly the case when conscientious but reasonable opponents are brought by circumstances to work together? Asperities are softened prejudices ameliorated, and a new tone pervades their relations which spreads by diffusion. Again, it is said that "division by creeds and classes means the creation of political camps organised against each other, and teaches men to think as partisans and not as citizens". A priori this seems possible. But the division by creeds and classes already exists; what now concerns us is representetion by creeds and classes, and representatives of creeds and classes will be mainly engaged in the Councils in work-that will only incidentally have to do with creeds and classes. Their outlook will inevitably become more national, and less merely pertisan.

The third objection is that "the communal system . stereotypes existing relations". This seems a particular case of the last objection. The case is taken of a minority that is given special representation owing to its weak and backward state. But will it be possible for such a minority in the stirring times to come to settle down, as is anticipated, into a feeling of satisfied security? Movement, progress, will be in the air, and weak minorities will be compelled to bestir themselves-or go under. But there are minorities that are not weak and backward. The Domiciled community is one, and in that case, at any rate, the argument used does not apply. The truth is that in trying to introduce responsible government into India we are trying to transplant political institutions to an uncongenial soil. But if we are determined to make the attempt, because of "the faith that is now in us" that the policy embodied in the announcement of 20th August is "the only possible policy for India", and because "we believe profoundly that the time has now come when the sheltered existence which we have given India cannot be prolonged without damage to her national life; that we have richer gift to her people than any we have yet bestowed on them; that nationhood within the Ampire represents something better than anything India has hitherto attained; that the placid, pathetic contentment of the masses is not the soil on which such Indian nationhood will grow, and that in deliberately disturbing it we are working for her highest good;" then, surely, it will be political wisdom to take the line of least resistance. We have to make people who are spathetic and ignorant take an interest in an entirely new order of things, and the most promising way of attempting this is by utilising the interests they already have as the beginning of movement towards interests that are, though cognate in kind, at present unknown to them- interest in sect and community slowly developing into interest in the larger wholes of province and state. But there are other arguments in

favour of communal representation that deserve considerstion. It is not so certain that this form of representstion is characteristic of an immature stage in the develop -ment of political institutions. There are clear tendencies in modern politics towards the establishment of the "group" as a political unit. Indeed, representation in the House of Commons itself, though nominally representation on a territorial basis, tends in practice to become communal. What do the Irish and the Labour representatives represent? We also have combinations of members represent -ing special interests such as the "cotton" interest, the "brewing" interest, and so on. In India for many years to come questions of the greatest difficulty and delicacy are bound to arise as between the different races and creeds. Territorial representation will raise these questions in the market place. Communal representation will raise them in what it is to be hoped will be the celmer and samer atmosphere of the Councils. Again, the communal constituency will necessarily be more homogeneous than the territorial constituency, and the candidate elected will therefore be more representative of the electors. Further, the communal constituency will afford much less opportunity for the "carpet-bagger," and the "Professional agitetor," and will give much less opening for corruption in the conduct of the elections. It is a reasonable conclusion that if a liberal proportion of the elected representatives in the new Councils are representatives of communities and organised interests, the Councils will be more responsible and more competent.

Finally, the authors of the Report themselves, in deciding to continue communal representation in the case of Muhammadans, and in recommending it to be adopted in the case of Jikhs, give the strongest practical proof that

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they do not consider the arguments against communal representation to be of overwhelming validity.

Amont Patte - matchent - member, Provincial formeil, Guga-hidian Sunfrie (cap Lahore . ec. 6/1918 •

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Dated Lallare, 24th November 1918.

From -- The Hon'hle Rai Bhadur Bakhabi Sonay Laz, Vice-President, Punjab Hindu Sabha, Labora, Toi-- The Offg. Additional Secretary to Government, Punjab.

IN pursuance of the Punjab Hindu, Sabha resolution deputing me to give evidence before the Subjects Committee appointed in accordance with the Report on the Constitutional Reforms my statement of evidence is as follows :-----

Report on the Constitutional Reforms my statement of evidence is as follows :---That in my humble opinion so far as the Punjab is concerned all the subjects given in Illustrative List II of the Appendix II to the Report can asfely be at once transferred to the popular control. All of these subjects require much local knowledge, experience and influence, as well as special social service; and are, therefore, more fitted for disposal by the Ministers than by the Executive Councillors. The Punjab people have already shown special aptitude, great power of organization and control and have taken keeninterest in subjects numbers 2, 3, 4, 5, 6, 7, 10, 12, 13 and 14 whenever they have had any opportunity to administer these subjects independently or in co-operation with Government officers. The subjects can be administered better by the popular control than by the executive. Though they have not yet had an opportunity to deal with subjects Nos. 1, 8, 9 and 10 in their un-official capacity but they are not entirely out of touch with these in their non-official capacity while the Indian officers who have had to administer any of these 4 subjects in their official capacity have discharged their duties most efficiently and oreditably both when put in independent charge as well as when they had to deal with subjects in co-operation with European, efficial in superior or inferior capacity. What a Panjabee can do efficiently in his efficial capacity can be expected to do in his non-official capacity. All the subjects given in Illustrative List II which are proposed to be transferred to popular control are of such a nature that the mistakes if any committed in their administration, even though of serious nature, will not be irremediable, and are not expected to disturb public peace or order before the mistakes can be corrected.

Besides all this, the grant of responsible government or substantial steps in this connection can have no real meaning unless and until important subjects of responsibility are entrusted to the people themselves. In my humble opinion there is no danger of any serious mistake occurring in the popular administration of any of these subjects specially when the whole subordinate agency is to continue to be maintained and controlled in its present official scheme of service.

I shall be glad to appear as a witness before the Subjects Committee to support my views above stated and for cross-examination if called upon to do so.

> SOHAN LAL, Vice-President, Punjab Hindú Sabha.

#### Dated 23rd November 1918.

Frem – The Hondele Khan Babadur Mian FARL-I-HURSAIR, M.A., Barat-Law, Honorary General Socretary, Punjab Provincial Muslim League, Labore,

To-The Chief Sceretary to Government, Punjab.

I HAVE the honour to enclose herewith two written statements—one on Transferred Subjects and the other on, Franchise—to be laid before the two Committees on behalf of the Punjab Provincial Muslim League,

The Council of the League has decided to send four representatives-two to give evidence before each Committee severally. I shall be obliged if you will kindly let me know if this arrangement will be suitable so that I may send the names of the other three.

### SHUJA-UD-DIN,

Joint Sebretary, Punjab Provincial Muslim League, Lahore.

### · FRANCHISE ELECTORAL LAW, CONSTITUENCIES.

1. Strengt's of Council.-The strength of the Punjab Legislative Council inclusive of the President, shall be 125.

2. Proportion of el. and and non-fasted members.—Four-fifths of the members of the Punjab Legislative Council shall be "ested and one-fifth nominated. Of the nominated members, not more than one half shall be officials, the nominated non-officials to represent interests not otherwise provided for. The head of the Government shall have the power of nomination.

S. Distribution of elected seats .- The elected seats shall be distributed as follows :--

Muslims 50 per cent.; the remaining communities and interests 50 per cent.

The Muhammadan members shall be elected by exclusively Muslim electorate.

4. Disquelification of voters.-- No person shall be qualified to vote at any election for a seat on the Punjab Legislative Council if such person-

(b) is a female;

(c) has been adjudged by a competent Court to be of unsound mind;

(d) is a returning officer in the constituency concerned.

5. Ineligible eachdidates. - No person shall be eligible for election as a member of the Punjab Legislative 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 21 years of age, or

 $(\mathcal{J}^{1})$  is an uncertificated bankrupt or an undischarged insolvent, or

(g) holds jagir at the pleasure of the Crown (it being immaterial whether the jagir is held by him in his own name or by another in frust for him), or

(A) directly or indirectly, himself or through the intervention of a trustee, holds or undertakes any contract or commission, for or on account of the public service, or

(i) is convicted by a Criminal Court of an offence and sentenced to death, trans portation or rigorous imprisonment for a term exceeding 6 months or simple imprisonment for a term exceeding 12 months (the sentence not having been subsequently reversed and remitted) the disqualification to cease if sentence has been served or pardon received.

6. Franchise or qualification for vote. - The following persons, if not otherwise disgualified, shall be entitled to vote :-

- (2) Persons owning agricultural land assessed to or assessable to land revenue of Rs. 25 year ;
- (b) Persons occupying agricultural land and paying an annual rent of Rs. 200;
   (c) Persons owning household property of the value of Rs. 2,000;

<sup>(</sup>a) is a minor;

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(d) Persons occupying household property of the annual rental value of Rs. 120;

(e) Persons paying income-tax;

(7) All persons who have passed the Middle School Examination, including the Ver-nacular and holders of University Diplomas or title on the Oriental side, provided they are not students. Provided that a person falling under more than one of the foregoing descriptions shall not be entitled to more than one vote for any description that he chooses.

7. Qualifications for candidates.—Any voter can be a candidate from any constitu-ency in the Province, provided he is not ineligible otherwise.

8. Constitution of electorates.—Bural and urban areas shall be constituted into separate electorates. The distribution of seats between rural and urban constituencies shall be in the proportion of \$ to 2 respectively. It is suggested that the town of Lahore be accorded a preferential treatment. Constituencies shall be determined on the basis of single member constituencies. ¢.,

#### MOHSIN SHAH,

Ich ni Secretary, Punjab Provincial Muslim Leagur.

#### TRANSPERRED SUBJECTS.

Talking of Provincial Government the authors of the Reform Scheme lay down the following general formula :--

following general formula :----"The provinces are the domain in which the earlier steps fowards the progressive realisation of responsible Government should be taken. Some measure of responsibility should be given at once, and our aim is to give complet 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." And in accordance with this formula they propose a devolution of powers from the Government of India to the Provincial Governments with regard to several important functions. Appendix II of the Scheme gives a fairly long list, which professes to be morely illustrative in character, of subjects, which it is suggested should in the future be under the sole charge of the Provinceil Government. It is realised that if provincial autonomy is to mean anything real the province must not be dependent on the Government of India for the means of provincial development and consequently the Scheme proposes a complete separation of the revenues as well as the budgets of the Central and Local Governments. Certain subjects of taxation have been reserved for the provinces and greater freedom has been given to them with regard to raising loans. While these measures will give Provincial Governments liberty of financial action, it is also proposed to secure them against any unnecessary interference by the Government of India in the sphere of legislative and administrative business and subject to ertain reservations the sole legislative power with regardito provincial matters has been made to rest with the provincial legislature. All this is highly satisfactory, so far as it goes, but the Panjab Provincial Muslim League

All this is highly satisfactory, so far as it goes, but the Projab Provincial Maslim League considers it its duty to point out that this devolution of powers in favour of the Provincial Gov-ernment can be acceptable only if it comessimultaneously with the grant of full responsibility to the people; for otherwise the proposed devolution will have the effect of making the Provincial Government far more autocratic than it is at present. Unless the Provincial Legislature is vested with real and effective power of control over the actions of the Erecutive, it is appre-hended that the very extensive powers which the Scheme, as it stands, proposes to confer on the Provincial Government of India against the measures of the Local Government.

An apprehension is entertained in certain quarters that the Punjab may possibly be treated differently from the other major provinces as it is sometimes alleged that it is a backward province. Such an allegation carries with it its own refutation. No statistics are necessary to prove the undeniable fact that, within the last few years, the Punjab has made very rapid progress in education. Political advancement has followed in the wake of educational extension and the people have begun to realise the importance of political rights and liberties. It is therefore altogether impossible to allege educational backwardness as a reason for differential treatment.

From the point of view of population and wealth too, the Punjab is in no way behind any other province. With its 20 million inhabitants it ranks with Bombay, while the fact that it subscribed millions of money to the Indian War Loans and secured the third place on both pocasions clearly demonstrates not only the capacity of its citizens for making unparalleled sacrifices in the cause of the Empire, but also their fervent loysity and noble potneting patriotism.

Then again this province is politically of far greater importance to the Finpire than any other province of India. Ever since its annexation to the dominions of the Crown, it has played a very important part in almost every war in which the Governmen has been

has rendered in the world-war which has just some to an end. One-half of the total strength of the Indian Expeditionary Force was drawn from this province. So were more than 64 per cent. of the recruits who enlisted in the Indian Army since the commencement of the war, not to speak of the various Labour Corps which were sent to Mesopotamia and Flanders. This is a record the like of which no province can show and of which any province may well be proud.

a record the like of which no province can show and of which any province may well be proud. These facts conclusively establish the claim of the Punjab to an equal treatment with the other major provinces and the League strongly arges the necessity of maintaining a uni-formity in the matter. By reason of its size and population, its position as the sword arm of India, its political importance, the remarkably rapid progress of its people in education in recent years, their public spirit and patriotism and above all the enormous sacrifices of blood and money in the Great War in which its sturdy eons, have been fighting shoulder to shoulder with their English and Colonial brethren-in-arms, from whom they must have imbibed de-mor atic ideas -by reason of all this the Punjab is deserving of special consideration, and if any invidious distinctions are made in respect of this province, they are sure to arouse a keen sense of disappointment and resentment among the people who have naturally formed great expectations. It is therefore submitted that in determining the question as to what services are to be appropriated to the provinces, the Punjab should receive exactly the same treatment as the other major provinces of the country. The authors of the Reform Scheme observe that fully restonsible Government cannot be

The authors of the Reform Scheme observe that fully responsible Government cannot be The authors of the Reform Scheme observe that fully responsible Government cannot be given immediately, but realise nevertheless that some measure of responsible ty must be given, at once. Accordingly they propose that certain functions of the Provincial Government should be placed in charge of Ministers to be selected from amongst the elected members of the Provincial Liegislative Councils. And it is the business of this Committee to consider which of: the provincial subjects should be so transferred and what limitations should be placed on the Ministers' complete control of them. Now, it goes without saying that the success of the whole Scheme will depend, almost entirely, upon the spirit in which the task of the division of functions is undertaken.

With regard to the limitations on the powers of Ministers it may at once be pointed out that they should be held responsible to the Provincial Legislature alone, the Governor should have no direct control over them and must act on their advice so long as they have the confidence and the support of the Legislative Council. It is only thus that the transfer of subjects to the charge of Ministers can have any real value.

ments.

(2) The scheme has treated the maintenance of law and order as essentially a reserved subject. If this is to be so, a separation ought to take place between Juditial and Executive. functions. This is a reform which the country has been demanding with one voice. for more than a quarter of a ceutury and the League is confident that in view of the unanimity of public opinion on this point, it will not be withheld any longer subject.

(i) The administration of prisons is essentially a matter of social reform and not one which can be said to be primarily concerned with the maintenance of law and order. It can be placed under popular control without detriment to the effi-ciency of administration and ought therefore to be a transferred subject.

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- (ii) The same remarks apply to the criminal tribes. Various philanthropic institutions have been devoting their energies to the task of reforming criminals, and much more could be achieved if the department were placed in charge of a Minister. It would of course be subject to any rules that the Government of India may make for the purpose of co-ordinating the work in different provinces.
- (iii) Dramatic performances and cinematographs also do not, strictly speaking, come within the category of subjects primarily concerned with the maintenance of law and order and the League is of the opinion that they sught to be placed under popular control.

(3) Education is the one subject in which Indians have shown themselves to be keenly interested. It is therefore not a little surprising to find that a complete devolution of powers has not been suggested even in this department. It is proposed to place Primary, Secondary and Technical Education only in charge of a Minister. This limitation of his powers is absolutely indefensible. No argument is necessary to show that the entire field of education should be transferred to popular control. Indeed the Viceroy and the Secretary of State themselves point out that the main defect of the existing system is the want of co-ordination 'between the primary and higher education and the League fails to see how this co-ordination 'is to be obtained if the two branches of education are placed in charge of different heads of department. It is therefore submitted that education should as a whole be placed in charge of a Minister.

a Minister. (4) With regard to Local Self-Government, the League considers it its duty to enter a most emphatic protest against the suggested reservation of power to the Executive (Council of suspending defaulting bodies. Such a reservation is open to objection on several grounds. In the first place, it implies a negation of the very first formula laid down by the anthors of the Scheme, that "there should be as far as possible complete popular control in local bodies and the largest possible independence for them of outside control. Now local bodies eannot be said to be under popular control and independent of outside control if the Executive Council is to have the power of suspending them at will. In fact, the suggested reservation reduces the proposed reform to a mere nullity. Secondly, it would mean that the Executive Council out the details of Local Self-Government. It would, so to speak, reduce the Minister to a position of subordination to the Council—a situation entirely at variance with the original intention of subordination to the Council—a situation entirely at variance with the original intention of the Scheme. It is therefore submitted that the grant of Local Self-Government should not be qualified by any reservation such as the one proposed.

(5) Industrial matters ought also to be placed in charge of a Minister. The development of arts and orafts and local industries is a subject in which not only are the people 'very keenly interested but of which they have special local knowledge, and it is quite reasonable to expect that these arts and industries will flourish under Indian control.

(6) Banking concerns should be treated as a transferred subject, as they have a direct relation to the industrial and commercial development of the country.

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From-Baws SALAMAT BAI, Pleader, President, District Congress Committee Juli under City. To-The Offg. Additional Secretary to Government, Punjab.

I HAVE the honour to forward, on behalf of the Jullundur District Cons gress Committee, the accompanying statements containing their views on ques-tions of Franchise and Transferred Subjects for the consideration, of the Reforms Committees. The Congress Committee further has the honour to intimate that the following gentlemen are prepared to give evidence before the **Reforms Committees :-**

- (1) The Hon'ble Rai Bahadur Bhagat Ram,
- (2) Rai Sahib Lala Badri Das, M.A., -LL.B., Pleader,
- (3) Lala Karm Chand, B.A., LL.B., Pleader, and
- (4) Sardar Bhagat Singh, B.A., LL.B., Pleader.~

### SALAMAT RÁI,

### President.

### STATEMENT A (FRANCHISE).

The Jullandar District Congress Committee recommends that every male person not disabled by minority, insanity; insolvency and criminality should have the right to vote provided that he fulfils any one of the following conditions :--

(a) Every matriculate of a University, or a person holding a Funjab University Diploma of the Oriental Faculty, not in statu pupillari.

- b) Every jagirdar, or a land revenue payer of a sum of not less than Rs. 50 per
- (c) Every income-tax payer.
- (d) Every person who owns house property of the value of not less than Rs 5,000.
- (e) Every person holding a title or certificate of honour conferred by Government published in the Honors List.
- (f) Every Indian Commissioned Officer, whether in service or retired.
- (g) Every member of a District Board or Municipality.

The Congress Committee further recommends that every female not disabled by minority, insolvency and criminality should have the right to vote if she fulfils either of the conditions (a) and (c) above. 5.5

#### STATMENT B (TRANSFERRED SUBJECTS).

THE Jullundur District Congress Committee recommends that the following subjects be transferred in charge of Ministers :-

(1) All subjects mentioned in Illustrative List II in the Appendix II of the Report on Constitutional Reforms of His Excellency the Vicercy and the Secretary of State.

- (2) Higher Education. (3) Business Concerns.
- (4) Land Acquisition,
- (5) Prisons.
- (6) Police.
- (7) Administration of Civil and Criminal Justice,

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SALAMAT RAI, Fresident.

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#### a. Dated Qadian, 23rd November 1918.

From .-. M. B. MAHNUD AHMAD, Head of the Ahmadiyya co To

-The Chief Secretary to Government, Punjab.

1. Khan Muhammad Ali Khan, Bais of Maler Kotla.

2. Chaudhri Fateh Muhammad Sayal, M.A., Jaura, District Lahore.

3. Mirza Bashir Ahmad, M.A., Qadian.

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A substance of the evidence to be given by them before the two Committees is attached herewith.

### M. B. MAHMUD AHMAD,

Head of the Ahmadiyya community.

## SUBSTANCE OF THE EVIDENCE TO BE GIVEN BEFORE THE FRANCHISE COMMITTEE.

### BY THE REPRESENTATIVES OF THE AHMADIVYA COMMUNITY.

### Indian Legislative Assembly.

1 UNDER the present circumstances we deem it necessary that in the Indian Legislative Assembly the non-elected members should be in a majority. This would do away with the need of a Council of State.

The Muhammadans and the Sikhs should be represented on the Indian Legislative Assembly according to their numerical strength, their political importance being also taken into consideration, and should be elected through separate election. The following classes of men should have the power to vote for election to the Indian Legislative Assembly

- 1. Matriculates (Oriental and Anglo-Vernacular).
- 2. Members of the Legislative Councils.
- 3. Members of District Boards.
- 4. Municipal Commissioners.
- 5. Every income-tax payer who pays not less than Rs. 52 per annum.
- 6. Every one who pays land revenue not less than Rs. 300 per annum.
- 7. Every one who holds a title or honour conferred by Government.

In nomination care should be taken to see that miner communities are duly represented. .1,

### Punjab Provincial Legislative Council.

#### Composition.

In the Punjab Provincial Legislative Council not more than half the members should In the ranges rovincial Legislative Council not more than half the members should be elected. The composition of the elected element should be in proportion to the numerical strength of the three great communities inhabiling the province, ofs., the Muhammadans, the Hindus and the Sikhs. The minor communities should be represented through nomination. The Ahmadiyys community should have separate representation.

#### Franchise,

In principle, we admit that common election is the best method of election, but the existing state of society in the Punjab demands communal election.

The electorates for rural and urban population should be separate and the number of seats for each group should be proportionate to their respective numerical strength.

The Franchise should be made as wide as possible. Under the present circumstances recommend that the following classes of men should have the right to vote for election to the Legislative Council :-

- 1. Every jagirdar holding a jagir of not less than Rs. 50 per annum and every one who pays land revenue of not less than Rs. 50 per annum.
- 2. Every income-tax payer.
- 8. Every person who pays a land rent of not less than Rs. 800.
- 4. Every person who owns house property worth not less than Rs. 25,000.

5. Every non-student Primary passed person (whether Anglo-Vernacular or Vernacular).

6. Every retired Indian soldier who has served in the recent war.

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7. Every Lambardar, Sofaidposh and Zaildar.

Every member of the Municipal Boards, District Boards, Notified Area Com-mittees and village panchaits.

SUBSTANCE OF THE EVIDENCE TO BE GIVEN BEFORE THE TRANS-FERRED SUBJECTS COMMITTEE.

BY THE REPRESENTATIVES OF THE AHMADIYYA COMMUNITY.

Separation of Indian from Provincial functions.

As to the Provincial functions as distinct from Indian we have only to say that the division made in Appendix II list, attached to the Report on Indian Constitutional Reforms, geems to be generally suited to the province of the Punjab. Transferred Subjects.

In our opinion, the following subjects may safely be entrusted to the Ministers :--έ.

(i) Education-Primary, Secondary and Technical.

(ii) Sanitation.

(iii) Forests.

. (iv) Industries and Commerce.

(v) Excise.

(vi) Public Works.

(vii) Agriculture.

(viii) Local Self-Government, rural and urban.

(iz) Charitable Endowments.

(x) Fisherics and connected industries and river conservancy.

(xi) Registration of births, deaths and marriages, Coroners, village courts-Civil and Criminal-statistics for provincial purposes.

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(xii) Miscellaneous subjects as mentioned in Appendix II, Illustrative list No. 2.

Of the subjects proposed to be entrasted to the Ministers in the above mentioned list the following subjects should in no case be transferred to the Ministers, for they afford much room for the display of inter-communal prejudices :--

(a) Taxation for provincial purposes.

(b) Franchise, electoral law, constituencies. M. B. MAHMUD AHMAD, Head of Ahmadivas Community.

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#### No. 7575, dated Amritaar, 24th November 1918. From-The Honorary Secretary, Chief Khalsa Diwan, Amritaar To-The Additional Scoretary to Government, Punjab.

On behalf of the Chief Khalsa Diwan I have the honour to submit the following proposals for the consideration of the Franchise and Subjects Committees in connection with the Beform Scheme. Should it be considered necessary to explain any of the points further by a verbal statement, the committee of the Diwan has nominated Sardar Sewaram Singh, B.A., LL.B., -Pleader, Chief Court, Lahore, to represent the Diwan before the Committees.

#### First.—As regards Franchies.

• 2. Franchise — In their address to the Right Honourable the Secretary of State for India and His Excellency the Viceroy, it has already been suggested by the Sikh community that Franchise may be granted to all persons (meaning of course all males above the age of 21) falling under any of the following categories :—

- (2) All members of the Municipal Committees and District Boards and other local bodies.
- (b) All landholders who pay revenue of not less than Rs. 100 per annum.
- (c) All persons assessed to income-tax.
- (d) All graduates of Indian or other recognized Universities of not less than three years standing.

(e) All members of the Bar of not less than three years standing.

(f) All registered members of the independent medical profession.

#### (g) All retired Indian Commissioned Officers of the Indian Army.

It was also suggested that election should be held in separate communal compartments, and it was earnestly urged that separate communal representation be allowed to the Sikh community. The last request has been held by the authors of the Reforms Report as fully made out and has been granted; and as to the extent to which it is to be allowed the matter was left for decision, upon the Report of the Franchise Committee.

In the memorandum submitted to the Chief Sccretary to Government, Pinjab, as embodying the views of the Sikh community with the letter of the Honorary Secretary, Chief Khalsa Diwan, dated the 25th September 1918, the extent to which the Sikhs ask for their representation in the Provincial as well as Imperial Councils and the Council of State have been fully set out and need not be repeated here. For the reasons stated there, the Sikhs should have onethird of the total number of non-official seats held by Indians in the Punjab Council, and 7 out of 67, non-official seats in the Assembly of India and 4 out of non-official seats in the Council of State reserved for them. The Committee of the Diwan adheres to the views expressed in the aforesaid memorandum by the Sikh community adopted in a general conference of the specially appointed representatives of the community. In addition to the qualifications for electoral roll, as suggested above, the committee of the Diwan beg to urge that a property qualification be also added to the list. All persons owning house property of the value of at least Rs. 10,000 (ten thousand) should have a right cf vota.

3. With the above reservation, the Sikhs had suggested in theiraddress to the Joint authors of the Report that Provincial Councils may consist

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of 75 to 100 members. Taking 75 as the basis of calculations for the Punjab, it is suggested that the division may be made as follows :--

By	el	ect	ion	

•••	.) •			15 30 1 1 3	(Hindu 1, Mu-
	1	•••		1 1	(Hinda 1 Ma
	1	•••	-	1 1 3	(Hinda 1 Ma
••	1	•••	-	1 3	/Tindu 1 Ma
•4				3	(Tinda 1 Mar
					hammadan 1 and Sikh 1.)
	· .			50.	
		•	•		
				16	
				9*	
· •		•.	•	25	
		· · · ·			

\* These must include two or three members from the domiciled Angle-Indian and Indian Christian communities. Census figures available do not show the number of domiciled An do Indians separately, but it is believed that the number is not considerable in this Province. We cannot therefore offer a more definite opinion under this head.

4. As the Reforms Report does not propose to institute separate communal representation for Muhammadans in this Province on account of their forming a majority of the population, a principle which seems perfectly, just, we have in the above distribution suggested joint electorates for Hindus and Muhammadans. As yet the figures with regard to the number of persons entitled to franchise according to the qualifications suggested above in each district of the Province are not available. But according to the population figures the distribution may perhaps be roughly made as follows :---

	Divisions.	-		Sikhs.	Non-Sikhs.
	Ráwalpindi 🕚			.3	, 5
	Lahore	•••9	-	. 4	. 7
2 <sup>1</sup>	Jullundur		-	4	7
	Ambála		•••	2	, <b>6</b>
. ~~	Multán	•••	••••	2	5

As regards the further desirability of dividing the seats among the rural and urban areas, it is suggested that no such division will be necessary among the Sikhs as their urban population is small. Should, however, such division be necessary we would make the following suggestion :--

•	~	1		-	81	KHS.	Non-	SIRNS.
	•	Division.			Rural,	Urban.	Rural.	Urban,
Ráwalpindi		5+3		•••	8	1	4	1.
Lahoré					<b>3</b>	1	4	3
<b>Jullundar</b>	•••		***		· 🔋	1	Б	2
Ambála	***	***	***	· ••	1,*	1	•	1
Maltán		. ***	•••		1	1 -	•	3.1

5. In the Legislative Assembly of India it is proposed under the report to allow 67 seats out of 100 to be filled up by election, and the distribution, among provinces suggested in paragraph 274 takes no account of the Sikh community, though in paragraph 3 communal representation of the commu-nity conceded for the reasons stated in the aforesaid memorandum submitted by the community, it is respectfully urged that 7 seats be reserved for the com-munity out of the said 67, and the distribution among provinces be made upon the basis that the total to be distributed are 60 which may be as follows :--

Bombay	***			10
Bengal	•••	5. a., . 	114	10
Madras				10
<b>United Provinces</b>		- 7	••#	9
Bihar and Orissa	The Art.			6
Punjab (non-Sikhs)	••••			5
<b>Central Provinces</b>				4
Burma	•••	•••		3
Assam			,	2
Delhi			- ++4	1
	ر ا م	Fotal	· · · · · · · · · · · · · · · · · · ·	60

It does not appear within our province to suggest electoral franchise and constituencies for other provinces or for any but Sikhs under this head. For the Sikhs we beg to suggest that the revenue and income-tax qualifications should be raised to Bs. 250 and Rs. 100, respectively, and the following con-stituencies formed stituencies formed ;---

Punjab					e.,
Rural	***	114			8
Urban	1	++++ \ \ \ \ \ \			1
Chiefs' Association Graduates and learned			· · · · · ·	1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 -	1 -
Sikhs outside Punjab		···· .			1

Total \_ . 7 ...

8. As regards the Council of State we beg to state that the total number of members fixed should be raised to 54. Out of these 23 should be elected and 31 including 4 non-officials be nominated. The distribution suggested in paragraph 277 of the report should be altered as follows :--

(a) To be elected by the Provincial Legisla-tive Councils of Bombay, Madras, Bengal, United Provinces, Bihar and Punjab (2 each). 12 (b) To be elected by the Provincial Legisla-tive Councils of Assam, Central Pro-vinces and Burma (1 each).

(c) To be elected by the special electorates :

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Muhammadans 2 ... .... Sikhs Sikhs Learned classes 22 ... 8 \* e -..... ... Chamber of Commerce :-European Indian ĺ ..... 1}  $\mathbf{2}$ .... ۰...

Total

23

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Whereas six seats have been guaranteed as a minimum to the Muhammadans, four should be guaranteed for the Sikhs, to be made up as follows :--111 ....

(a) Out of 2 Provincial s alternately Hindu	eats (t and N	ne o fuha	ther to be mmadan.)	•••	- <b>1</b> ,	
(b) Special electorates				494	2	
(o) Nominated	***	•		·	1	-

## Second .- As regards the subjects.

7. Illustrative list II in the Reforms Report should be modified as follows in its application to the Punjab :---

1. Agreed.

2. Agreed.

8. Agreed:

4. Add " and University."

5. Agreed.

6. Agreed.

7. Agreed.

8. Omit for the present at least "till all forests are transferred to popular control simultaneously." Agency of administration being the same and the subject being intimately connected with agrarian problems.

9. Agreed.

10. Omit "minor irrigation" for much the same reason as under head 8.

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-11. Agreed.

12. Agreed.

13. Administration of the entire head 19 of list 1 should be trans-ferred. Legislation regarding the same being already Imperial and for the sake of uniformity its remaining in the hands of the Government of India.

14. Agreed.

15. Agreed as in the report.

To the above list should be added one more item as follows :---

16. Appointment conditions of services and control of subordinate services employed in transferred departments.

ARJAN SHAH SINGH,

for Honorary Secretary, Chief Khalsa Diwan,

# THE DIVISION OF FUNCTIONS.

#### (SUBJECTS COMMITTEE).

Paragraph 212.-To avoid coincident legislation the Government of India will have to inform Local Governments of their intention to legislate on certain matters.

Paragraph 214.—There seems to be `nothing brought forward in sup-port of the statement that there is a belief that " when the administration centres in a single man the pressure of work inevitably results in some matters of importance being disposed of in his name but without personal reference to him." There is no ground for such a belief.

The extension of Council Government is generally approved.

Paragraph 218 .- The proposal to appoint Governors whose status and or should be able to speak the emoluments would not be equal would be the r: should have experience of cause of much dissatisfaction. It would be a Gover Indian ad grave mistake to appoint a Governor from England, as hitherto the head of a province has been in close personal tonch with the administration of that province, and not only is he capable of grappling successfully with all the knotty problems that confront him, but being able to speak the vernacular he is able to grant personal interviews to non-English speaking Indians, which enables him to keep in touch with the non-officials of his Council, securing that mutual interchange of opinion which is of the greatest value to both parties. Moreover, it has always been the custom for Indians to consult, and express their views to, the head of Government, but in the case of a Governor unable to speak the vernacular, and unconversant with Indian sentiments and customs, there would be a gulf fixed between him and the members of his Council.

The scheme imposes heavy responsibilities on the Governor, and it is essential for him to have the advice of two Euro-

The structure of the executive : the pro-posals: their drawbacks, British character. of administration should be wrintsined: alternative proposals and suggestions.

The structure of the executive : the pro-posale their drawbacks. British obsracter, of administration should be unsistened atternative proposale and suggestions. It a more intimate way, but this could be secured by having a third member who could be an Indian Minister. An Indian Minister should prove sufficient at the start for the purpose of keeping Government in touch with Indian opinion. If the Governor is unfamiliar with Indian conditions, then all responsibility would devolve on the one. European official in the Executive Council, and if a difference of opinion arose between the Executive Council and the ministers. the Governor if he were possessed of ultra-Radioal Executive Council, and if a difference of opinion arose between the Executive Council and the ministers, the Governor, if he were possessed of ultra-Radical or Socialistic tendencies, would in all likelihood side with the Indian ministers, without having reasonable grounds for so doing. It would indeed be an embarrassing position for a Governor to decide a question on which the ministers, and one Indian member of the Executive Council, sided against the solitary European member of the Executive Council, sided against the solitary European member of the Executive Council. On the whole it would be best to have three members as at present. The British character of the administration has to be maintained to protect British interests, the "security services," British capital invested in India, and that British community, the domiciled community. The policy of August 20, 1917, evidently, from what is said in paragraph 264, was not meant to convey the idea that Responsi-ble Government would come all at once, but that progress would be gradual and depend on the progress made by Indians themselves, therefore it might be possible to adopt some scheme whereby Government as a whole could be responsible for the administration, and yet secure the association of Indians in every branch of it. in every branch of it.

According to the proposals only elected members can be ministers : this is a wrong principle to adopt for the reason that a nominated member, however capable and experienced he may be otherwise, has no chance Portfolios restricted to elected mem-bers, the domicited community's interests thus prejudicially affected. of becoming a minister. If the proposal is accepted as it stands at present,

and the communal system of representation is not extended to the domiciled community, a member of that community, though generally better qualified than a member of any other Indian community, could never be a minister.

If there is to be but one minister it is not unlikely that he would be Divisions in the Government party feel. ing: avoided by having one Anglo-Indian minister at less. two, of whom one was an Indian and the other an Anglo-Indian,<sup>•</sup> then it is not unlikely that each would pull his own way under the influence of party feeling. Surely ministers will owe a duty to the Legislative Council in addition to the duty they owe their constituents? There is no acknowledgment of this principle in this paragraph.

Paragraph 2207.—It seems inconsistent to refuse additional members the vote when they are to be members of Government and invested with the status and authority attaching to such position.

Paragraph 222.-If the number of transferred subjects is to vary with Progress irregular: Government policy: how is may be thwarted. "It is our intention that the decisions of Government should be loyally defended by the entire Government." I poss this mean in both public and winter any intention of the terminal should be loyally defended by the entire Government." I poss this mean in both public and winter any intention of the terminal should be loyally defended by the entire Government." I poss this mean in both public and winter any intention of the terminal should be loyally defended by the entire Government."

"It is our intention that the decisions of Government should be loyally defended by the entire Government." ‡Does this mean in both public and private capacities ? Is it not reasonable to assume that the Executive Govern-ment may be divided against itself on some occasions? The difficulty has already been criticised. A Governor would in all probability avoid appointing ministers of Extremist tendencies, but with the Legislative Council in a position to refuse supplies for reserved subjects, and paragraph 256 provides no alternative for obtaining refused supplies, it is clearly possible for the Government to be forced, by methods of passive resistance of this kind, into such a position that they would be compelled to appoint the Legislative Council's nominee even though he may be an Extremist. The illustration serves only as an example of what might happen; deadlocks may be brought about in other ways besides. about in other ways besides.

Paragraphs 24S to 256.—If the present scheme is to be adhered to it Suggestions in connection with divisions of functions. Responsibility of ministers and politicans: the position of Govern-ment. Provision necessary for reserved subjects, and the ministers responsible for transferred subjects under similar conditions. But a policy of " centralisa-tion" as suggested before would probably be best in every way, for not only would there be no chance of Government being divided against itself, but irregularity of progress in the provinces would be avoided, and above all the guestion of supplies and the Budget would be satisfactorily settled question of supplies and the Budget would be satisfactorily settled

Government service will still attract the majority of the best qualified Indians, and the result will be that a less capable body of politicians will expect the best educated Europeans and Indians, alike, to carry out their policythe policy of irresponsible free-lances. "If|| the policy is to be not merely one of associating Indians with the bureaucracy, but definitely one of training in Responsible Government, and if the test of capacity to work a representative system cannot safely be made real by making Indian ministers responsible, and dependent for tenure of office on the vote of the non-official members of the

•Anglo-Indiana, unlike any other natives of India, recognise no casts or creed systems which n associating freely with other communities; they would tharefore be in the bort position, in the en I dains to overcome these social and religous barrier, and, moreover, to avoid possible friction it would are one minister an Anglo-Indian in order to maintain equivitrium. An Anglo-Indian minister would anner detrimental to the best interests of India, the land of his domicile, being a statutory native of I could be an imad er detrimental

1. This has been remarked by the European Association with whom, in matters of general policy, the Angla Indian representative bodies are in entire agreement.

Legislative Councils, then the policy should be one of association, whereby the ministers should in effect be, within departmental limits, what Indian Executive Council members are already in regard to the whole work of Government; but this is excluded by the aim of the Report."

Paragraph 252.—The right of appeal to the Government of India against of having a Grand Committees: unas in legislation: advisability Second Chamber.

Grand Committees, unseemary delays the Continuation of the Ground the status of the Second Chamber. In Ignibility of having a on the grounds that it lowers the status of the Second Chamber. In dislocating measures that were very necessary. The task of constituting Grand Committees would be an unpleasant function, and cause much disagreement and ill-feeling, so that to avoid this the Governor may allow certain measures to pass without the intervention of Grand Committee, and it may afterwards be discovered that such measure is really of an objectionable nature. It seems unnecessary to have certified Bills discussed and debated at various steams when it is obviously construct the Bills discussed and debated at various stages when it is obviously necessary to get the Bill through as early as possi-ble. For these reasons it would be best perhaps to have a Second Chamber.

Paragraph 255 .- The drastic changes suggested in the Budget procedure might well be left alone till the new Reforms prove their stability.

Paragraph 260.—It is suggested to refer the question of transferred Modification by Government of India give Extremists frequent opportunity of agitating for more and more subjects te be transferred.

Paragraph 261.-It is suggested that a Periodic Commission should visit India after every ten years. As electorates have yet to be "created, trained and exercised," and in the West it took conturies to evelve the present forms of representative government, it is desirable that 30 years should be fixed as the , period which should elapse before the next Commission visits Iudia.

\*Owing to the fact that in the later stages of development, along these lines, transferred subjects will become more numerous, and less authority will remain in the hands of the Executive Council, reserved subjects will be very few indeed, it is necessary that Government should frame some policy with reference to pro-tection of interests for which past history has fnade them responsible, and also in connection with internal defence, before the proposals are presented to Parlia-ment in the form of a Bill ment in the form of a Bill.

The above evidence is in entire agreement with the views and opinions of leading Anglo-Indians, and has been recorded here after consultation.

#### \*This has also been urged by the European Association. A. M. MATTHEWS,

(Forman College, Lahore), Member, Provincial Council, Anglo-Indian Empire League.

11964-CS-25-28-11-18-SGPP Labore.

#### Dated Labore, 23rd November 1918.

#### The Honble Sir Malik UMAR HAYAT, Tiwana, C.I.E., From To- The Officiating Additional Secretary to Government, Punjab.

I HAVE the honour to enclose herewith, on behalf of the Punjab Muslim Association, a few suggestions for the consideration of the Franchise and Subjects Committees. Subjects Committees.

These were formulated at a meeting of the Select Committee of the Association held on the 22nd November 1918, in presence of the Hon'ble Nawab Sir Behram Khan, the Hon'ble Malik Muhammad Amin Khan, Khan Bahadur, the Hon'ble Sayyid Mehdi, Shah, Khan Bahadur, Nawab Fateh Ali Khan, C.I.E., the Hon'ble Mirza Ikram-Ullah Khan, several others and myself. The committee has also selected me to appear as a witness in case the Fran-chise and the Subject Committees should desire to examine me.

# UMAR HAYAT, TIWANA.

I-TRANSFERRED SUBJECTS. THE Association assumes that the Government will be graciously pleased to transfer subjects of the nature mentioned in Illustrative List II appended to the Report of the Bight Hon'ble Mr. Montagu and His Excellency Lord Chelmeford. The Association desires, however, particularly to ask for the transfer of the assessment of land revenue and income-tar, the rest remaining with the Government as before.

tax, the rest remaining with the Government as before. Hitherto the burden of taxation has fallen heavier on land-owners than upon payers of income-tax. Now that a beginning is going to be made in the direction of introducing the principle of responsibility in the sphere of Government, it is absolutely essential that at the very otiset the inequities existing between the dwellers of villages and the inhabitants of the towns be removed. This can only be done if the assessment of land revenue and income-tax is transferred to the control of Ministers. The adequate representation of rural areas which is going to be a salient feature of the new Legislative Councils, that will be set up, will make itself felt in the deliberations of the future Council, and it will be a great dis-appointment to the representatives of the rural classes if they find that, as a matter of fact, they are powerless to remedy or get redressed the inequity which they feel every moment of their life, which subjects them to heavier taxation as compared to the residents of towns. The assessment of land revenue and income-tax must therefore be transferred subject. The Reforms will have little value to us if they clip our wings materially in this respect and do not give us the power of getting State burdens equitably adjusted between the rural and urban sections of the population. IL,—Franyorisse ElectrueATRS AND ORGANIZATION.

#### II .- FRANCHISE ELECTURATES AND ORGANIZATION.

On matters connected with Franchise Electorates, &c., the Association begs to submit its opinion as below :-

1. The Association is strongly of the opinion that the Franchise should be as low as possible so as to admit of real representation of the various sections and factors making up the population. While the owners of land will undoubtedly be represented, it is also essential that the tenantry of the soil should be adequately and effectively represented. It is their labour which largely fills the coffers of the State and any denial of the Legislative Franchise to them on the false assumption that their income does not come up to the level of the minimum income which contributes income-tax, will be a great injustice and hardship. The tenantry should be placed on a par with those who will have the Franchise on the ground of occupation in urban areas, and should enjoy the Franchise on basis of an annual rent of Rs. 100. occupation Rs. 100.

2. Urban and rural areas should be constituted into special electorates, the elective seats being distributed between them in a certain fixed proportion. Population will be, roughly speaking, a good basis for the distribution of seats, but the Association is prepared to qualify the rigidity of the application of this rule and suggests that some special consideration should further be shown to towns. In other words, besides the seats to which they may be entitled on the basis of the population figures, some extra seats to be determined judiciously might also be allotted to them. Towns are the centres of political activity and the Association admits this, but net as to include the scales against the rural areas. ATCAR.

3. The Association is of the opinion that one-fourth of the strength of the Connell should be nominated. This large power of nomination is asked, because the Associa-tion feels that there will be many representatives of sucient families, characterised by the uniform and unbroken tradition of staunch loyalty to the Government, who will not be prepared or willing to throw themselves in the welter of election, and whose

representation in the future Councils will be needed as much in the interests of the welfare of the country as in the stability of Government. They will be the anchor which will prevent the ship of the Councils from being strayed by the gusts of democratic passion and violent innovation that might at times blow, and as their stakes in the peaceful and gradual progress of the country are immeasurably great, their claim to effective representation will be denied. It has been stated above that as a result of censtom and tradition and in the peculiar circumstances of the country to day, they cannot reconcile themselves to standing in open classes whom western education is bringing up to the surface. The only avenue of admission into the Councils which they can have is the power of nomi-nation reserved to the head of the Government, and the Association therefore is of the opinion that this power should be large enough to admit of *their* (the representatives of the socient families) effective representation.

4. That provision should be made, if practicable, for limiting the number of lawyers' not belonging to agriculturist castes or tribes.

5. That the Vice-President of at least the first Council under the Beforms Scheme should be a European in order to help whenever there arise dissensions between various classes and various religions, and to guide and control the new and inexperienced elements in the enlarged Councils.  $\mathbb{E}_{\{0\}} \to \mathbf{V}_{0}$ 

UMAR HAYAT, Tiwana.

. , 1990 CS-80-30-11-18-SGPP Labore.

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Dated Lakore, 28rd November 1918.

From-Mian HAQ NAWAE, B.A., LL.B. (Cantab.), Barrister-at-Law, General Scoretary, Punjab Provincial Muslim Association, · · ·

Provincial Muslim Association, To-The Offg. Additional Secretary to Government, Punjab.

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I HAVE the honour to enclose herewith two statements embodying the opinion of the Council of the Punjab Provincial Muslim Association with reference to "Franchise" and "Subjects" to be "transferred" and to request you to forward the same to the Reforms Committees appointed to\_consider the same. - 1

I have also to state that the Council have nominated me as their representative to give evidence before the two Committees, should they desire an oral examination in connection with these statements.

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## M. HAQ NAWAZ,

General Secretary.

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#### THE PUNJAB PROVINCIAL MUSLIM ASSOCIATION, STATEMENT FOR THE FRANCHISE COMMITTEE.

1. The Council of the Punjab Provincial Muslim Association respectfully but em-phatically arges that the Muslim community in this province should be granted the right of selecting one representative on the Council of State through their own separate communal electorates.

electorates 2. The Council similarly urges that the community should be represented on the Indian Legislative Assembly by 4 members, one to be elected by the Mohammadan members of the Provincial Legislative Council and the remaining 3 by separate Mohammadan electorates

Brectly. 3. Regarding the Provincial Legislature, the Council is strongly of opinion that the electorates to be constituted should, in the main, be devised on separate communal basis. This, in the considered opinion of the Council, is, under the existing political conditions, the only method of avoiding inter-communal friction, of promoting the harmonious evolution of an Indian nationality and of securing adequate and real representation to the various communities having a material stake in provincial affairs.

4. In view of the fact that the Indian Legislative Assembly is to consist of 100-members and bearing in mind the relative political importance and the population of the Punjab as well as the interests to be represented, the Council is of opinion that the total strength of the Provincial Legislative Council should be 60, exclusive of the President, to be increased proportionately should an increase in the strength of the Indian Legislative Assembly be altimately decided upon.

5. On a full consideration of all the circumstances having important bearing on the. case the Council is of opinion that the Provincial Legislature should have a two-third elected majority. The majority thus suggested is not only "substantial" but will constitute a-sufficiently large development as compared with the existing state of things. From an elected minority, as is the case at present, to a 66 per cent, elected majority as suggested by the Council is a distinct step in advance towards the evolution of self-governing institutions which is calculated to satisty all legitimate aspirations. Of the remaining 20 seats on the Provincial Legislative Council to be filled up by nomina-tion, the Council is of opinion that 11 should be officials and 9 non-officials.

6. In view of the fact that the Muslim community in this province constitute 55 per cent. of its total population and bearing in mind their political importance as well as their devoted services to the Empire ever since the annexation of the Punjab to British India and more particularly during the World War under circumstances unparalleled in history, the Council strongly urges that at least 55 per cent. of the seats to be set spart for communal representation should be allotted to the Muhammadans of this province, to be filled up through their own separate electorates.

7. Keeping in view what has been said above, the Council urge that the constitution of the Provincial Legislative Council for the Punjab should be as follows :--1.2

		ed members as b University		- -		•••
Ċ	hambe	r of Commerce				
, <b>, 1</b>	Indian	Commerce	- 		•	200
1997 - 1997 1997 - 1997 - 1997 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1				(*)		

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	Muhammadans	***			20	
·	Hindus including Sikhs	• • • ·		<b>5</b> 64	17	
<b>(b</b> )	Twenty nominated members as	below -				
		•••	***	***	11	
		444 ·			2	
	Indian Christian		*** .		. 1	
	Other non-officials				-6	

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3. The following persons, of the age of 21 years or above, should, in the opinion of the Council, have the right to vote in their respective electorates, one person having only one vote in each of the electorates in which he may be a duly qualified voter :---

(a) All income-tax payers.

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(d) Persons paying at least Rs. 50 per annum as land revenue or to whom such revenue has been remitted or assigned whether by way of Mush or Jagir.
 (t) All graduates of Indian or British Universities and Barristers-st-Law.
 (d) All persons drawing a pension of Rs. 50 per mensem from Government.
 (e) All title-holders and members of Indian Orders and holders of the Kaisar-i-Hind

- All persons owning immoves ble property of the value of Bs. 10,000 or above. All persons paying Rs. 50 per mensem as house rent for the houses occupied by them. (I) (g)

9. Any registered voter may stand for election provided he is sufficiently literate to Fillow the proceedings in Council.

10. The Council approves of the institution of Grand Committees as mentioned in paragraph 2.32 of the Report and urges that provision should be made by rules for Muhamma-dau representation on the Grand Committee by laying down that the proportion of Muhamma-dau members on the Committee shall be the same as is their proportion in the Provincial Logical council. Legislative Council.

#### 2 ΄ Μ. ΉAQ NAWAZ,

Duted 23rd November 1918. General Secretary, Punjab Provincial Muslim Association

## THE PUNJAB PROVINCIAL MUSLIM ASSOCIATION.

#### STATEMENT FOR THE SUBJECT COMMITTEE.

1. The Council of the sunjab Provincial Muslim Association is of opinion that a sufficiently large number of "Subjects" should be "transferred" in the Punjab to provide work for two Ministers, one of whon should always be a Mohammadan. Shoud it, however, te decided to have only one Minister, he should alter nately be a Mohammadan.

2. In view of the relative educational progress and political importance of the various Indian Provinces, the Council is of opinion that the status and emoluments of the Governor, the Executive Councillors and the Ministers, the constitution of the Executive Council and the number of Ministers and "Transferred Subjects" in the Punjab should at least be the same as in the United Provinces of Agra and Oudh and in the Province of Bihar and Orissa. Oris:a.

3. The Council is, further, of opinion that as regards status and emoluments there should be no difference whatever between the Ministers and Members of the Executive Council.

4. Regarding the Illustrative List II, appended to the report on Indian Constitutional Reforms, the Council is of opinion that --

(a, "Taxation for provincial purposes" (No. 1) should be a joint concern of the Provincial Government as a whole.
(b) Nos. 2 to 9 should be transferred.
(c) Of No. 10 " minor irrigation " should, for the present, be treated as a " reserved subject", the remaining subjects mentioned therein being transferred.
(d) Nos. 10 to 14 should be transferred.

5. The Conneil agrees that "Franchise, electoral law and constituencies" (No. 15), should, for the present, remain as "reserved enbject", to be transferred, if so advised, after the Commission, mentioned in paragraph 261, has reported on the working of the reformed Councils during the first 10 years of the new era.

LAHORE : M. HAQ NAWAZ,

, Dated 23rd November 1918. 5.

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General Secretary, Punjab Provincial Muslim Association.

#### No. 521, dated Labore, 23rd November 1918. From-Mian HAQ NAWAN, B.A., LL.B., (Cautab.), Barrister-at-Law, Joint Secretary, All-India Mus

amont; Punjab. The Offg. Additi ary to Gove

THATE the honour to enclose herewith two statements embodying the views of the Council of the All-India Muslim Association regarding "Franchise" and "Subjects" to be transferred, and to request you to forward the same to the two committees appointed to consider the same.

I have also to state that I am authorised to appear as the representative of the Council before the two committees, should they desire to examine me erally in connection with the two statements.

#### M. HAQ NAWAZ,

#### Joint Secretary, All-India Muslim Association.

## THE ALL-INDIA MUSLIM ASSOCIATION.

#### STATEMENT FOR THE FRANCHISE COMMITTEE.

1. The Council of the All-India Muslim Association is strongly of opinion that electorates in India should, in the main, be devised on communal basis. Under the existing political conditions in this country, mixed or purely territorial electorates furnish periodically retard the evolution of an Indian nationality. The success of purely territorial electorates in homogeneous edmunutizes in the West furnishes no historical basis for their introduction in a country like India. Past experience has shown that mixed electorates are, in reality, mixed only in name and the actual contest between the rival candidates pirots itself on communal or relicions considerations, with the swallt that the electorates are proteined to a communal only in name and the actual contest between the rival candidates pivots itself on communal or religious considerations, with the result that the elections are productive of grave inter-communal friction and being periodical, perpetuate class divisions. Resulting, as such elections almost invariably do, in over-representation of majorities they are, in consequence, productive of widespread dissatisfaction among the minorities. Due representation of their own interest in the various constitutional bodies is naturally a matter of deep concern to the communities having material stake in the country and, so long as the present political conditions continues to exist, the various Indian communities have a clear right to be represented in such bodies by their own elected representatives. Indian Musalmans, of all schools, of political thought the manimons in their demand for representation of Malls in interests through their own communal electorates and the Council emphatically urges their claim to separate representation on all constitutional bodies, whether Indian or Provincial, a claim which has been recognised by a least three Viceroys and two Secretaries of State.

2. In view of the existing constitution of the Imperial Legislative Council, of the numerical strength and political and historical importance of the Muslim community and of the part played by them in the history of the British Indian Empire, the Indian Mussimans are, the Council strongly urges, entitled to at least §S per cent. of the total Indian representation in the Imperial Legislature and, in framing the scheme noted below for the consideration of the Franchise Committee, the Council has borne this important consideration in mind.

8. (a) The Council of State.—The Council agrees that the total strength of the Council of State should be 50 members, exclusive of the President, of whom 21 members should be elected 'and, at least 4 should be nominated non-officials.

(d) Of the 21 elected members of the Council of State, 7 should be Muhammadans, and of the 4 nominated non-officials, 2 should be Muhammadans.

(b) Of the 21 elected memory of the Council of State, a subtract of memory of the second seco

(d) The following persons, of the age of 21 years and above should have the right to vote in the election of Muslim representatives on the Council of State from the various Indian provinces:—

(i) Members of the Provincial Legislative Councils ;

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(ii) Holders of any title, conferred or recognised by the Government; members of the Order of the Star of India, of the Order of the Indian Empire, the Order of the British Empire; holders of the Kaisar-i-Hind Medal;

(iii) Ordinary or Honorary Fellows of the Provincial Universities ;

(iv) Land-owners paying land revenue amounting to not less than Rs. 750 per annum ;

(\*) Persons paying their own income-tax on an income of not less than Rs. 6,000 per annum ;

(vi) Persons who are in receipt of pensions for services as Gazetted or Commissioned Officers of Government ;

(sis) Graduates of an Indian or British University or Barrister-at-Law of not less than 15 years standing.

Norz-E very voter, fulfilling the above qualifications, should have only one vote in each provincial election.

4. In view of the nature of qualifications suggested above, the Conncil is of opinion that no separate qualifications need be laid down for candidates for election to the Council of State, except that (i) he should be a voter in the electorate of the province for which he is a sandidate and (ii) should be sufficiently literate to follow the proceedings of the Council.

5. The Indian Legislative Assembly.—The Council is in agreement with the illustrious authors of the scheme that the Assembly should consist of 100 members, of whom two-thirds should be returned by election and that of the remaining one-third, to be nominated by the Governor-General, not less than a third again should be non-officials selected with the object of representing minority or special interests (paragraph 273). The Council is grateful to His Excellency and the Secretary of State for accepting the principle of separate representation for 's Muslim community on the Assembly and strongly urges the extension of that principle to s I Indian provinces.

6. The Council respectfully nrges that 22 of the elective seats on the Assembly should be reserved for representation of the Indian Mussimans and 4 out of the non-officials to be nominated by the Governor-General should be Muhamma dans. Of the 22 elected Muhammadan members of the Assembly, the Punjab and Bengal should each return 4 members, Bombay and United Provinces of Agra and Oudh 3 each, Madras and the Province of Bihar and Orissa 2 each and the Central Provinces, Assam, Baluchistan and the North-West Frontier Province should each return one representative by election.

7. The Council is of opinion that the Muhammadan members of the Provincial Legislative Councils in Bengal, Bombay, Madras, Bihar and Orissa, United Provinces of Agra and Oudb, the Punjab, Central Provinces and Berar and Assam should constitute electorates in their presidencies and provinces respectively. Each of these electorates should return one. representative to the Indian Legislative Assembly. The remaining 14 Muhammadan members of the Assembly, i.e., 3 each from the Punjab and Bengal, 2 each from Bombay and United Provinces of Agra and Oudh and one each from Madras, Bihar and Orises, Central Provinces, Assam, Bilochistan and North-West Frontier Provinces should be returned by direct Muslim electorates.

8. The following persons, of the age of 21 years or above, should, in the opinion of -the Council, have the right of vote in the Muslim electorates proposed in the preceding paragraph :---

(a) All title-holders as mentioned in paragraph 3 (d) (ii) ; or

(b) Ordinary or Honorary Fellows of the Provincial Universities ; of

(c) Land-owners paying land-revenue amounting to Rs. 500 per annum ; or

(d) Persons paying their dwn income-tax on an income of not less than Rs. 4,000 per annum; or

(e) Persons who are in receipt of pensions for service as Gazetted or Commissioned Officers of Government ; or

(7) Graduates of an Indian or British University or Barristers-at-Law of not less than 12 years standing.

9. The remarks made in paragraph 4 regarding candidates for the Council of State apply mutatis mutandes to candidates for election to the Indian Legislative Assembly.

LAHORD: Dat.d 28rd November 1918. Joint-Secretary, All-India Urleim Association.

## THE ALL-INDIA MUSLIM ASSOCIATION.

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STATEMENT FOR THE SUBJECTS COMMITTEE.

1. The Council of the All-India Muslim Association is of opinion that a sufficiently large number of "Subjects" should be "transferred" to provide work for two Ministers, one of whom should always be a Muhammadan. Should it, however, be decided to have only one Minister, he should alternately be a Muhammadan.

2. The Council is of opinion that as regards status and emoluments, there should be no difference whatever between the Ministers and Members of the Executive Council.

. S. Regarding the Illustrative List II, appended to the Report on Indian Constitutional Reform, the Council is of opinion that-

(a) " Taxation for provincial purposes " (No. 1) should be a joint concern of the Provincial Government as a whole.

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(7) Nos. 2 to 9 should be transferred.

(c) Of No. 10, " minor irrigation " should, for the present be treated as a " re-served subject," the remaining subjects mentioned being transferred. • 1

(d) Nos. 10 to 14 should be transferred,

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4. The Council agrees that "Franchise," electoral law and constituencies (No. 15) should, for the present, remain as "reserved subjects," to be transferred, if so advised, after the Commission, mentioned in paragraph 261, has reported on the working of the Reformed Councils during the first 10 years or the new era. LAHORE : V

Dates 23rd November 1918.

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M. HAQ NAWAZ, Joint Secretary, All-India Muelim Aerociation.

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#### Dated Labore, 23rd November 1918. Mr. DUNI CHAND, Barrister-at-Law, Municipal Comm oner. Labore.

To-The Offg. Additional Secretary to Government, Punjab.

I AM enclosing herewith two written statements for the Franchise, and Subject Committees.

Kindly acknowledge the receipt of the same and oblige.

## DUNI CHÀND,

#### Barrister-at-Law and Municipal Commissioner, Lahore.

#### Franchise Committee.

On matters connected with the Franchise question my opinion is as follows :-(1) The strength of the proposed Provincial Council, inclusive of the President, to be 125, four-fifths of which shall be elected.

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.*					•	NO
(1)	Muhammadans	***				62
	Hindus			•••	444	44
	Sikhs	••• \				14
(4)	Representative of	the University				1
	Chambers of Con					1
(6)	Representatives of	f other commun	ities or speci	al interests		3
		, <b></b> '	· ,	, <b>'</b>	- i - e	
				Total		125

(3) As to the mode of election, though personally I am in favour of a joint register of Hindus and Muhammadans voters, but as majority of the Muhammadans are for separate election, I therefore would let there be separate registers for all the above-mentioned com-munities and interests for the Provincial Council for election.

(4) For the purposes of election the Province shall be divided into election districts corresponding to the existing revenue districts subject to the conditions that in certain cases districts may be combined for the purposes of election. A population unit for a district shall be determined by dividing the entire population over the number of elected seats and this unit shall determine how many members are to be allotted to any district. Important cities like Lahore and Amritsar should have one member extra each. The Franchise shall be as follows :---

- (a) All persons paying incom-tax.
- (b) All persons owning property the value of which is Rs. 1,000 or more or possessing immovable property the rental value of which is Rs. 86 per annum.
- (c) All persons resident in the electoral area six months before the date of election who have passed the Matriculation Examination or hold an Oriental Diploma, but are not students.

(d) All persons paying land revenue of Rs. 20 or more per annum. Nors .-- One person should have one vote and not more in any one of the various electorates from which he must choose one for the purpose of vote. 11 - L

#### Disqualifications of voters.

The following persons will be disqualified from voting at the election :---

(a) Minors.

, (6) Persons adjudged by competent court to be of unsound mind.

Disgualifications for candidates for membership of the Provincial Council.

The following persons should not be eligible to stand as candidates for membership the Provincial Council :---

(a) Those who are not British subjects,

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(b). Government officials.

NOT. ... In the case of a Minister, who should be an elected memb. 7, it will be incumbent on him to sea re-election on acceptance of his office.

(c) Persons convicted of treason or felony and sentenced to any punishment exceed ing 12 months' hard labour.

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(d) Persons holding pensions at the pleasure of the Crown either for themselves or for others in whom they were interested, civil service pensioners being excluded.

(7) Persons holding hereditary titles or jagirs.

(g) Persons who directly or indirectly themselves or through intervention of a stranger or strangers hold or andertake any contract or commission for or on account of the public service.

(1) Honorary Magistrate.

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## DUNI CHAND,

Barrister-al-Laso and Municipal Commissioner, Lahore.

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#### Reserved and Transferred Subjects.

My opinion on the subject of reserved and transferred subjects is as follows :---

All subjects except Police, Law and Order should be transferred to ministerial charge at once. It is, however, essential that judicial and executive functions be completely separated during the time, Police, Law and Order are withheld from the control of Ministers.

#### DUNI CHAND,

Barrister-at-Law and Municipal Commissioner, Lakore.

Letter dated Labore, 24th November 1918. C. M. KING, Esq., C.I.E., Commissioner, Labore Division,

To-The Offg. Additional Secretary to Government, Punjab.

IN your demi-official letter of the 19th November 1918, you asked me if I thought I could give any useful evidence before the Subjects Committee, especially in the matters of Excise and Education.

especially in the matters of Excise and Education. 2. My opinion is that it will be impossible to divide subjects into re-served and transferred in the manner indicated by the authors of the Report on the Reforms Scheme. If, however, an attempt is to be made to carry out the proposals contained in the Report, then I think that Education, Excise and Local Self-Government should all be in the list of Transferred Subjects. The Punjab Government proposes to put Excise and Opium in the list of Reserved Subjects, but I think this is a mistake. There is a very strong body of opinion among educated Indians in favour of Excise reform. This body of opinion is supported by a vociferous temperance party in England. If Excise is retained among the Reserved Subjects it will be the focus of attacks against Government. If we hand Excise over to the people's representative (or rather to the Minister who will pose as the people's representative) we shall at once avoid these attacks. It is possible that mistakes will be made, but I do not think that these mistakes will be irretrievable. Of course in handing over Excise certain reservations must be made.

Of course in handing over Excise certain reservations must be made. For example, I think the questions of still-head duty and import duties on foreign spirits must be dealt with by the Government of India. But I think everything else might be left to the Provincial Minister. Under the head Excise I include drugs. I am a little doubtful about Opium. On the whole, however, I think that opium also might be a transferred subject, the Govern-ment of India controlling the price of Goverament opium only; I would also reserve to the Government of India the power to allow the cultivation of the popuy plant. لمان سار \_\_\_\_\* poppy plant. 1

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Commissioner, Lahore Division,

1990 CS-80-80-11-18-SGPP Labore.

TOpinion of the written statement of Rai Bahadur SUNDER Das, Surl, M.A., retired Inspector of Se

Opialon of the written statement of Rai Bahdur SUTDEN Dat, Sur, M.A., retired inspector of Schold, threehendings to the Committee on the division of functions. The terms of reference to the Committee include the division of functions of Govern-ment. The object aimed at in the Report on Constitutional Reforms is stated to be "that the entire field of provincial administration will be marked off from that of the Government of India" It is proposed that certain definite subjects should be transferred in each province for the purpose of administration by the Ministers. Illustrative list showing provincial and transferred subjects are appended to the report. The lists are not meant to be exhaustive. Accepting the principle that in the first stage certain subjects should be transferred in seets the propose to me that the list of 'transferred' subjects should be enlarged. My first proposition is general, siz, that taking into consideration the development of the province in several direc-tions in education, higher training received by large numbers in the west, advancement in social and political ideals, public spirit, patriotism, loyalty and devotion to the Crown in the greatest struggle for righteonances in the history of the world, the province is fit to be placed on a par with the major provinces in respect of the extent of transferred 's subjects to the control of Ministers. My second proposition is that the list of 'transferred' subjects to the control of Ministers. My second proposition is that the list of 'transferred' subjects to the deva-tion with which official experience has made me familiar. I would not only retain subjects particularised under ' education, ' in Illustrative list No. 2, but I wend include the remaining branches too, shown at page 33 of the report. My grounds for the inclusion of these branches are the following :-are the following :-

branches too, shown at page 33 of the report. My grounds for the inclusion of these branches are the following :---• Under the proposed scheme, it is obvious that three authorities, Imperial and Provin-cial Governments and the Ministers of Provincial Governments will deal with educational interests, co-ordination would be difficult, conflict of views is probable. The interdependence of different grades and branches of education has to be recognised. Education is rightly regarded as an indivisible whole. The Provincial Minister should be able not only to have a wide outlook but to concentrate effort on the weakest parts of the educational system, and for pursue well considered policy. The apprehensions entertained in certain quarters that quality would be secrificed to quantity, standards would be lowered, discipline in higher in-stitutions would suffer, are ill-founded. On the other hand, the enlisting of increased popular support in the cause of education, sympathetic and liberal treatment accorded to educational enterprise, will stimulate effort, evoke enthusiasm and encourage experiment. The history of educational development in the Punjab bears ample testimony to the fact that private en-terprise, particularly in the field of secondary and higher education and the education of girls, has had a very large share in the progress schieved. The tesponse from Government has not always been warm. It is not the public authorities that have always taken the initiative of aducation of Oriental ideals and points of view has not infrequently led te wrong judgment. The insufficiency of public funds more than any other factor accounts for the comparatively elow progress. For instance, the financial responsibility for the expansion of elementary education, apart from the grant of irregular doles from Imperial Revenues, has been thrown, in the past, on Provincial Administrations unable or unwilling to bear it in a large measure. Too much time and energy have been spent in convening Committees and Conferences, in formul

Industrial Schools, cold neglect has been too much in evidence. As regards agricultural education and vocational training—provision made hat been wholly inadequate, though the demand has been insistent. The public awakening to educa-tional needs has been intensified in recent years. The higher branch of the domational service known as Indian Educational Service in this province as elsewhere has been practically the monopoly of Europeans. It is not necessary to dwell on the depressing efficits of the system of recruitment on the Indian Members of the Provincial Service. Hence the removal of the racial bar proposed in the Reforms Report has been welcomed by Indians. The advanced a cion of the chief communities in the province are keenly alive not only to the defects of the pr sout system, but they feel keenly their backward state and lack of proper equipment for the coming international struggle. The reconstruction of educational programme under popular control after the peace is concluded is likely to proceed on improved lines, and with accelerated rate in response to the public demand. A large measure of success is likely to be achieved if all branches of education are entrusted to the Provincial Minister. The scope of University education has been distinctly enlarged in the West, as evidenced by the establish-ment of the modern Universities. It is hardly possible to demarate higher secondary educa-tion from the culture aimed at by Universities. The University of the Punjab needs to be remodelled, the elective element which has produced good results needs to be considerably enlarged. enlarged.

enlarged. The causes which have retarded educational progress in the past may be briefly enumerated. Insufficiency or rather paucity of public funds. Individualistic standpoint, as regards the provision of facilities for education. Want of 'due recognition of responsibility for the education of the poor, too much reliance on the grant-in-aid system—non-intervention policy in girls' education, and lastly inequitable recruitment to higher Educational Service, involving exclusion of Indians the consequent unpopularity of the Provincial Service. Most of these causes have likewise acted prejudicially in other parts of the country. The result is that while the absolute progress achieved in the past as measured by western standards is very slow and almost disheartening, the resulties improvement effected in recent years. compared with the results obtained in other provinces is distinctly high, and inspires hope for the future. Under the Reform Scheme the educational destinies of the people are to be entrusted to their elected leaders. It appears to me that the proposed limitation of education as a 'transferred' subject is calculated to hamper effort and to weaken popular centrol. It is much to be doubled that the restriction is required to safeguard the interests of higher aducation in the Province.

#### Dated Lahore, 2 rd November 1918.

nt ZAFRUILA KRAN, B.A. (Punjab), LL.B. (London), Bar.-ai-Law, Member, Punjab Publicity nittee, President, Anjuman, Ahmadiyyab, Lahore, : 2 -The Chief Secretary to Government, Punjab. - 1

I most respectfully request the favour of your kindly permitting me to give evidence before the Franchise and the Transferred Subjects Committees. I beg to attach herewith a substance of the evidence which I propose to

give before the said Committees.

### ZAFRULLA KHAN,

Member, Punjab Publicity Committee, President, Anjuman Ahmdiyyah, Lahore.

# SUBSTANCE OF THE EVIDENCE TO BE GIVEN BEFORE THE FRANCHISE COMMITTEE.

BT CHAUDHEI ZAPABULLAH KHAN, B.A., BAR.-AT-LAW, EDITOR, INDIAN CASES, LAHORE. Indian Legislative Assembly.

UNDEE the present circumstances I deem it necessary that in the Indian Legislative Assembly the non-elected members should be in a majority. This would do away with the need of a Council of State.

The Muhammadans and the Sikhs should be represented on the Indian Legislative Assembly according to their numerical strength, their political importance being also taken into consideration and should be elected throngh separate election. The following clases of men should have the power to vote for election to the Indian Legislative Assembly :--

- 1. Matriculates (Oriental and Anglo-Vernacular).
- 2. Members of Legislative Councils
- 8. Members of District Boards.
  - 4. Municipal Commissioners.

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- 5. Every income-tax payer who pays not less than Rs. 52 per annum.
- 6. Every one who pays land revenue not less than Rs. 300 per annum.
- 7. Every one who holds a title or honour conferred by Government.

In nomination care should be taken to see that minor communities are duly repre-

## Punjab Provincial Legislative Council.

Composition.

In the Punjab Provincial Legislative Council not more than half the members should be elected. The composition of the elected element should be in proportion to the numerical strength of the three great communities inhabiting the province, *viz.*, the Muhammadans, the Hindus and the Sikhs. The minor communities should be represented through nomination. The Ahmadiyya community should have separate representation. Franchise.

In principle, I admit that common election is the best method of election, but the existing state of society in the Punjab demands communal election.

The electorates for rural and urban population should be separate and the number of seats for each group should be proportionate to their respective numerical strength.

The Franchise should be made as wide as possible. Under the present circumstances commend that the following classes of men should have the right to vote for election to the Legislative Council :---

1. Every jagirdar holding a jagir of not less than Rs. 50 per annum and every one who pays land revenue of not less than Rs. 50 per annum.

2. Every income-tax payer.

S. Every person who pays a land rent of not less than Rs. 800.

4. Every person who owns house property worth not less than Rs. 25,000.

5. Every non-student primary passed person (whether anglo-vernaonlar or vernacular).

& Every retired Indian soldier who has served in the recent way.

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7. Every lambardar, sofaidposh and zaildar.

8. Every member of the Municipal Boalds, District Boards, Notified Area Committees and village panchayats.

#### SUBSTANCE OF THE EVIDENCE TO BE GIVEN BEFORE THE TRANSFEBRED SUBJECTS COMMITTEE.

BY CHAUDHEI ZAFEULLAH KHAN, B.A., BAB,-AT-LAW, LAHOBE.

Separation of Indian from Provincial Functions.

As to the Provincial functions as distinct from Indian, I have only to say that the division made in Appendix II list, attached to the Report on Indian Constitutional Reforms, seems to be generally suited to the Province of the Punjab. Transferred Subjects.

#### L'insperten Gauzens.

(ii) Sanitation.

(iii) Forests.

(iv) Industries and Commerce.

(v) Excise,

(vi) Public Works.

(vii) Agriculture.

(viii) Local Self-Government, rural and urban.

(iz) Charitable endowments.

(x) Fisheries and connected industries and river conservancy.

(zi) Begistration of births, deaths and marriages, Corosers, village courts-Civil and Criminal-statistics for provincial purposes.

(zii) Miscellaneous subjects as mentioned in Appendix II, Illustrative list No. 2.

Of the subjects proposed to be entrusted to the Ministers in the above mentioned list the following subjects should in no case be transferred to the Ministers, for they afford much room for the display of inter-communal prejudices :---

(a) Taxation for provincial purposes.

(b) Franchise, electoral law, constituencies.

#### ZAFRULLA KHAN,

Mombot, Punjad Publicity Committee, President, Anjuman, Ahmdiyyah, Lahose.

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## Note on Agricultural Education in the Punjab.

THE state and methods of agricultural education in the Punjab are at present in the stage of initiation. The Government of India has recently sanctioned a grant of Rs. 4,69.000 to be spent during the present financial year or as soon afterwards as possible on projects connected with the improvement of agricultural education in the province. An account of the schemes to the furtherance of which this allotment has been dedicated will affurd the clearest indication of the present trend of progress in the Punjab.

2. It has been, decided that the teaching of vocational agriculture should not be undertaken in primary schools. The ground work, however, for such teaching will be laid in these schools by improving nature study and by giving an agricultural bias to primary education generally:

3. It has also been decided that agricultural teaching in existing vernacular schools is preferable to the establishment of special agricultural schools ad koc.

It is intended to provide in such schools—that is, in Vernacular Middle Schools, where the majority of pupils are drawn from the agricultural classes, and not in Angle-Vernacular Middle Schools, where the sons of townsmen 'usually predominate—a complete course of practical agriculture.

The students of Vernacular Middle Schools for the most part and their education on leaving school, but the 3 years' course at an Anglo-Vernacular Middle School is usually followed by two years' study in a High School.

A complete course of agriculture extending over the five years' period spent at an Anglo-Vernacular Middle School and a High School could be arranged but would necessitate a more or less radical revision of the current curriculum,

This fact together with the difference in the class of student already referred to has led to the decision to concentrate more particularly on the policy of introducing such courses in Vernacular Middle Schools.

4. At the same time for the benefit of students of Anglo-Vernacular Middle Schools it is proposed to introduce a course of agricultural science so devised as to lay the foundations of agricultural knowledge which the students can subsequently develope by taking a further course of agriculture, when he proceeds to a High School. For high schools it is being arranged to provide a certain number of centres with instructional farms where practical agriculture will be taught to students of such schools. The students of the different high schools will attend their own schools for tuition in all subjects other than agriculture, but in this subject will receive tuition in a centre common to them all. As a beginning it is proposed to provide instructional farms at 20 selected schools will thus act as centres, the cost of these proposals being Rs. 1,55,000.

5. For Vernaoular Middle Schools it is proposed to arrange at present for instructional farms at 30 selected schools at a cost of Rs. 1,05,000, the proportionate cost in this case being smaller than in the case of instructional farms for high schools, owing to the fact that the farms will be of smaller size. Agriculture will be a compulsory or a voluntary subject in these schools according as the district board which maintains the school may decide. It is expected that after some practical experience of the working of both the voluntary and compulsory systems a definite conclusion will eventually be possible as to which system should be ultimately prescribed.

6. Another project for which one lakh of rupees has been allotted is the establishment of a training college for teachers at Lyallpur. It has been considered most important to ensure that the teachers of agriculture should be of the right stamp and themselves practical agriculturists as well as competent teachers. Only at Lyallpur where the Punjab Agricultural College is aituated do facilities for their training exist. The first batch is already being trained, but as the classes increase a hostel, additional laboratories, bullocks and farming implements and a complete training college will eventually be provided. 7. Rupees 20,000 has been allotted for the revision of text books used in all grades of schools which will be necessitated by the introduction of the proposed system of agricultural education.

8. It is also intended to give grants-in-aid to private high schools for the acquisition of land for instructional farms, the provision of equipment for practical teaching and the payment of qualified teachers. Rupees 50,000 has been ear-marked for this purpose.

been ear-marked for this purpose. 9: Finally, it is intended to strengthen the Agricultural College at Lyallpur to enable it to meet the damands which will be made on it and to forestall any deterioration in the standard of training. This will involve additional class rooms and laboratories and the provision of additional Professors, when qualified men can be found for the posts. Rupees 39,000 have at present been assigned to this purpose, but this represents only a part of the total amount which will ultimately be required for bringing the College. up to the point of efficiency demanded by the probable future 'development of agriculture in the Province.

# sikh memorandum -on-REPORT OF INDIAN CONSTITUTIONAL

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# REFORMS.

Passed at a representative meeting of the Sikh held at Amritsar on 1st September.

1918.

Printed by Ehsi Bakadar Singh Manager, Wazir-i-Hind Press, Amritsar.

# MEMORANDUM --on-

## The Report on Indian Constitutional Reforms.

## PRELIMINARY.

The report is and will ever remain one of the most important and epoch The report is and will ever remain one of the most important and epoch naking documents in the history of Constitutional Reforms in India for which he country will always remain grateful to its august authors. It amplifies and liscusses with perfect frankness and lucidity, in all its logical consequences, without in any way mincing matters, the Announcement of His Majesty's Jovernment, made on the 20th August 1917, fixing the ideal of Responsible lovernment as the aim of British Rule in this country, and directing that substantial steps in this direction should be taken as soon as possible.

1. The Sikh Community, based socially and politically as its is on lemocratic principles, welcomes these statements authoritatively made by the two most Responsible Authorities of the British Rule in India, who have drawn up the Report. It contains an honest and sincere attempt to solve one of the most difficult problems that have been presented to any two men in the history of mankind, and, whatever its defects in detail may be, honesty of purpose to carry out in right spirit the aim of the Announcement of the 20th August is apparent on every page of the Report.

#### Communal representation of the Sikhs.

The Sikh Community also welcomes and expresses its gratitudes for 2. 2. The Sikh community also we comes and expresses its gratitudes for the decision contained in the Report, that the principle of communal represen-tation must be extended to them, on the lines which have hitherto been follow-ed in the case of Mohammadans. The Sikhs look upon this decision with satisfaction as a just recognition of their claims and they trust that in its actual execution the same rules of representation regarding its adequacy and effectiveness will be be enforced in their favour as have hitherto been applied in case of Mohammadans. These Rules have already been acquiesced in by the leaders of the Hindu and Mohammadan Communities in the Congress-League Scheme. The Sikh Community hope that when a special committee is constituted to investigate into the conditions of the various Provinces and Communities for the constitution of the Councils and electorates, as contemplated in the Report, the instructions issued to them on this question will be definite and positive. The leaders of the two Major communities have admitted the principle that where Mohammadans are in a minority, they are to have a representation which must at once be adequate and effective and not nerely on numerical basis. For example, under the Congress League Scheme Mohommadans in the United Provinces numbering only 14 per cent of the repulation, are to have 30 % of the Indian seats. Similarly in Bihar and Orrisa, they are 10 per cent and are allowed 25 per cent while 4 and 6 per cent in Central Provinces and Madras respectively are given 15 per cent of repre-sentation each. This principle is substantially in conformity with that which has hitherto been given effect to in the regulation under the Morley-Minto Scheme of Reforms and has a sound reason underlying it. A minority Com-munity can not allow itself to be swamped by the majority vote, purely on numerical basis. The Sikhs are a living and young community and they understand the principles of democracy and the art of administration. They also understand their outies and responsibilities, and have made and are ready to make sacrifices in discharging them. They are a race of men possessing strong potentialities which mark

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them out as distinct from their country men of other religious persuasions. The present war and their services to the Empire and their achievements in it have brought to them a consciousness, which will not be satisfied till the pledge given to them by the two responsible ministers of the Crown in a very solemn and formal document, such as the Report under discussion is, is carried out and fulfilled in the fullest measure and in all its consequences. The Sikhs who are an affective factor in the defence of their country & the Empire and have always been so ever since their connection with the British, claim and, it is humbly submitted, are entitled to an equally effective voice in the administration of the country.

Share of the Sikhs, 3. In order to show further as to what share of representation the Sikhs are entitled to, we beg leave to make the following extracts from the address which was presented by the Sikhs to the Right Hon'ble the Secretary of State and His Excellency the Viceroy:—

"According to the Census figures of 1911 the Sikhs numerically form very nearly 12 per cent of the population of the Punjab the actual figures being 28,83,729 out of 2,41,87,750. With regard to the status and importance in the country and the services and sacrifices in the cause of the Empire, however we occupy a unique position, unapproached and unapproachable by any other Community in India Our strength in the entire Indian Army is 20 per cent while among the units recruited from the Punjab, which supplies no less than 60 per cent of the Indian combatants in His Majesty's Army, we supply no less than a third of their entire man power. Our achievements on all the battlefields of the Empire from the time of the Indian Mutiny of 1857 right.up to the present day form some of the most brilliant chapters of the History of the British Empire, and we are proud to be able to say that in all the spheres of the action in the present gigantic war, no community in India has proportionately been able to put forth so much man power or so much sacrifice a community has done. Nearly one-third of the awards made to the entire Indian Army for deeds of valour performed and daring sacrifices made on the fields of battle during the present War, bave been won by members of our community. Proportionately the largest numbers of recruits to keep up the fighting strength of the Indian Army have been supplied by us. Our community a as whole from our Premier Ruling Prince His Highness the Maharaja Sahib Bahadur G.C.I.E. of Patiala, who in the blessed words of Satgurus "Thine house is mine" is the acknowledged leader of the Community, downward to the peasant has spared neither men nor money in this gigantic war and our all is at the disposal of our gracious King Emperor in this world War and we are determined to fight this war of aggression to a victorious issue. It has not been our habit to talk loudly of our services to the Empire or to demand rights and privileges for our selves from the Government, and that may be the reason why hitherto in all the schemes of Reform and development of the administrative machinary in this country, the Sikhs have suffered considerably in comparison with the more articulate sections or their countrymen. We were the rulers of the whole of the Punjab and North West Frontier Province, and Kashmere immediately before the annexation of the former two Provinces to the British India and the handing ever of the third by the British to its present ruling family, and as such the memory of a glory immediately preceding the advent of the British is still fresh. Even at the present moment we have a large stake in the country comprising as we do among ourselves besides the Sikh Ruling Princes no less comprising as we do among ourselves besides the Sikh Ruling Princes no less than half of the aristocracy and greater part of the landed gentry and peasant-ry of the Punjab. It is therefore humbly submitted that though numerically a minority being the 3rd amongst the various communities in India (the Hindus and Mohammadans being the first two respectively) in status and im-portance both political and civic, we occupy a position which is second to none throughout India. Lord Minto's Government having conceded the recognition of important minorities the Sikhs look up to the benign Government for the safe-guarding of their interests by raising them from this dependent position by the grant to them of one-third of the total number of non-official seats in the Punjab and not less than one-fifth the number of seats in the Imperial

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Council as the just and equitable share of the Sikhs and to be guaranteed to them as such. A smaller share would in no case be commensurate with their importance, status and services to the Empire (though these services have not been rendered for any reward) and would in any case be ineffective in all the spheres of the reforms."

#### The Scheme.

4. The Sikh Community, as already remarked, welcomes the scheme of Reforms, propounded in the Report, as a genuine effort to `introduce Responsible Government in this country and they are therefore ready to accept it in the main outlines of it. They, however beg to suggest a few but essential modifications in the details, which are set out below:—

#### Provincial Autonomy.

#### (Paragraphs 200-213 of the Report).

5. The Community are generally agreeable to the principle that in the provinces progress towards Responsible Government must preceed that in the Government of India, but the same amount of support can not be given to the proposal that "The provinces should be atonce given the largest measure of independence, Legislative, administrative and financial, of the Government of India, which is, compatible with the due discharge by the latters of its responsibility." This last provision as well as the proportion laid down in para 191 of the report no doubt does contemplate that so far as reserved subjects are concerned the provincial Governments remain responsible to and may be controlled by the Government. of India, which in its turn will be controlled by the British Parliament. But in the actual working out of the scheme of devolution greater independence is proposed for the provincial Governments as well as for the Government of India, than is justified by the transfer of responsibilities. The principle that the devolution of authority and independence should be only to the extent and as far as possible in the proportion in which responsibility is transferred to popular control and no more is therefore urged for the acceptance of His Majesty's Government. If is not desirable that responsibility to the British, Parliament be in any manner relaxed in order to produce an ir-responsible administration.

6. While discussing this subject, we cannot help directing our attention to the financial adjustment between the Government of India and the provincial Governments, as contained in the Section of the Report under discussion, though opinion is at present invited only on Paragraphs commencing with 212. In this matter of Financial adjustment between the Government of India and Provincial Governments, as dealt with in paragraph 206 of the Report we have to enter our respectful but emphatic protest against the manner in which it is proposed to recoup the Indian deficit. To calculate the Provincial contributions on the basis of the present Provincial surplusses in highly unfair to the Punjab, while Provinces like Bombay and Bengal, which are economically in a very superior position, will be let off practically without any liability for the expenses of the Government of India. This infact if recognized by the authors of the Report, who, however, brush it aside by the remark that "disparity already exists", which the scheme "fails for the present to remove" and that the scheme, while improving "the position of the Provinces as a whole by upwards of one millian sterling" is not intended to be of a final nature.

7. The main burden on the resources of the Government of India will be that of the defence of the country, and it is therefore humbly suggested that the Provincial contributions towards these resources should be so adjusted as to result in a uniform incidence of tax on the population of the Provinces. This should be the aim of the system that may be introduced and till this result is achieved, some adjustment which may be a nearer approach to it be adopted.

Para 189 the Report

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8. The figures given in Para 206 of the Report show that the Government of India shall require a deficit of 1363 Lakhs to be made up in its Revenues from the Provincial surplusses which some-what exceed that sum Now this deficit approximately amounts to 20 per-cent of the gross Provincia Revenues. Should each province be required to contribute to the Resources of the Government of India a sum equal to 20 % of its gross Revenues, til some scheme of a more equitable nature, as urged in the last para is possible the figures would be as follows :--

Madras	••c`	266 Lakha.
Bombay	•••	200 "
Bengal	•••	151 "
United Prov	vinces	224 "
Punjab		173 "
Burma	•••	<b>154 ,,</b> "
Bihar & Ori	risa 🛄	81 "
Central Pro	vince	82 "
Assam	•••	34 ,,

#### Total 1365 "

9. These figures, it is submitted, will be a more near approach to th figures which would make out on the basis of population, which is the onl equitable basis, than those given in the Report. Objections may be taken the this basis will result in deficit in some of the Provinces, notably in Bengal an Bombay, and will therefore upset their finance altogether, and it seems to t due to their desire to meet this objection that the authors of the scheme hav fallen into the error of continuing an inequitous disparity among the provinces much lighter than elsewhere, and that Bengal has comparatively onl recently been granted, Presidency Government, without paying any extra ta for it, while the other provinces are yet to embark on the Council form ( Government and shall have to find resources for the same. Why should not Bengal with the first advance of Responsible Government agree to tax itself o the same level as the rest of the country and why should they not share th burden in proportion to the advantages possessed by her? Bengal and Bomba are both economically superior to other Provinces, and yet lightest is the burde that they bear for the defence of the country. There seems no reason wh their burden should be borne by the Punjab which is the poorest of the Pr vinces and so bravely supplies the man power required for Imperial purpose. The Punjab stands in need of considerable Educational and sanitary develop ments in order to approach the standard already achieved in Bengal ar Bombay and yet she shall eithor have to stop such developments or tax itse still further in order to pay to the Government of India for defence of ti country what Bengal and Bombay should in justice have to pay. This is hard equitable.

10. The Report also provides (para 207) that in cases of emergencia "it must be open to the Central Government to make a special supplementa levy upon the Provinces, while upholding this power, we beg to urge (vide Sil Address, clause III (6) that power should under emergencies be reserved to lev contribution not only upon all provinces but also upon any of them which t Government of India may consider as already not paying their full equitat share, either in money or (in times of war) in man power. The Tunjab fee that she has tried to do her duty to the Empire in times of need both in t supply of man power and resources, while other provinces have not do quarter so well, and yet all the advantages go to them. The Punjab (\* 5 )

desirious that in future a more equitable basis shall be established, under which if certain provinces fail to perform their duty in the matter of supply of man power, they may proportionately be called upon to supply other resources in order to make up the deficiency. The same province should not necessarily, it is humbly urged, be depleted of its man power as well as money in order to. defend the whole country.

#### **Provincial Executive.** (Paragraphs 214-224 of the Report).

1. It is a most welcome determination that in all provinces single headed administration must cease and be replaced by collective administration. The proposal, however, of drawing a line of distinction between different pro-vinces on the lines ef "Existing distictions" as regards the emoluments and status of the Governors is one that can have no justification to support it. The reason for the suitability of the "Existing distinctions" havd not been explained by the authors of the Report, and the Punjables are not prepared fo admit that, having already done so much and sacrificed so much for the Empire. they must still continue under a bitter sense of inferiority to other provinces of India, who were fortunate enough to have better opportunities from the very start and have been able to utilise them to their best advantage. There is undoubtedly a strong feeling in the Punjab that the treatment accorded to the accorded to other provinces of India. It is time that the inequality of the status of the Provinces consequent upon their being classed as Regulation and Non-Regulation provinces be finally removed, and a sense of inferiority en-gendered in the minds of the people, which causes a great impediment in the proper appreciation of responsibility, be altered into a more self respecting and ennobling sense of equality. The status, qualifications and emoluments of the Governor and his Executive Councillers and Ministers, as well as the constitution of Executive and Legislative Councils in the Punjab should therefore be similar and in no manner inferior to those in three Presidency Provinces of India. Unless there are strong reasons for it nor should there be any difference in the number and nature of the transferred subjects. In short any unfavourable treatment of the Punjab in matters like these is bound to cause grave disappointment and may lead to considerable discontent. The Province has grown a consciousness of its importance to the Empire as a whole and the inferiority of the status of the Government and general administration is already being bitterly resented.

12. The proposals in the Report comprising the useful expedient of appointing Ministers for transferred subject has our unqualified support. It is respectfully submitted that a start be made with two or more Ministers and two members of the Executive Government as the case may be. As more subjects are transferred from the Executive Council to popular control the number of Ministers be increased and that of the Executive members, correspondingly decreased, till finally all the members are replaced by Ministers and complete popular Government is established. Attention has here again to be invited to what has been stated in para 2 above, pointing out the essential necessity of giving the Sikhs an adequate share in the administration of the Bearing this in mind it is respectfully but emphatically urged that one of the three Indian Members of the Executive Government in the Punjab (one Executive Member and two ministers) should always be a Sikh! It is also respectfully prayed that the first Indian Member of the Executive Council in the Punjab should be a Sikh, as the new form of Government should start in this Province with an acknowledgement in practical shape of the claims of the Sikh Community to an important and effective share in its administration..

13. The proposal of appointment of one or two Additional Members, Para 229. 13. The proposal of appointment of one of two Additional Members, without porfolios, of the Executive Council, from among the officials is open to various objections, and should be abondoned. These Additional Members are proposed to continue to hold their substantive appointments, while sitting in the Council though without vote, and this arrangement, it is feared will neither add to the dignity and independence of the Council, nor being without a vote, to that of the Additional Members themselves. In. fact while partaking in the deliberations of the Council, side by side with the

members and Ministers (to whom such additional members as officials will be inferior in rank) and thus influencing the opinion of some of them; the views of these official members may at occasions create feelings of resentfulness and offended dignity in the minority part of the Government that does not agree with them. This would be apt to lead to friction in the machinery of Government.

14. We agree that the selection of the Executive Members and Minister should be in the hands of the Governor and that the Ministers should be selected out of the elected members of the Legislative Assembly. This we consider essential for the harmonious working of the Government.

15. The emoluments, status and powers with respect to transferred departments of the Ministers should be equal to those of the Executive members, so as to avoid any sense of inequality among the different members of the same Executive Government, who are expected to work in cooperation and harmony.

16. In order to inspire the same amount of joint responsibility and confidence in all the members of the Executive Government, it should be laid down definitely that the Governor must always invite and discuss all matters openly with all members of his Executive (Executive Councillors as well Ministers) and decide all matters ordinarily in accordance with the best opinion framed in the basis of the majority of such Executive Government as a whole. The power of holding a separate meeting of his Executive Councillors may however remain to be rively exercised, under very exceptional circumstances, which must be explained by the Governor in writing.

17. It should further be provided that should the Provincial Legislative Assemdly decide by a majority of nine tenths of its elected element upon a vote of want of confidence in the Minister or Ministers in two consective meetings of the Council, it should be an honered convention that such Minister or Ministers should lay down office. The ministers should feel that they hold office only so long as they command the confidence of the popular element in the Council, and we have suggested for a resolution by a majority of nine tenths of such popular element in order to ensure that the power of thus ousting a ministry may not be abused.

#### Provincial Legislature.

18. One third of the number of the non-official seats in the Punjab should be reserved for the Sikhs, and also adequate representation of the Sikhs in other Provincial Council, provided for reasons stated in paragraphs 2 & 3 above.

#### The Budget.

18 A. There are some remarks to be made on the question of the Budget. The Report proposes that the budget should be framed by the Executive Government as a whole, but that in the framing of it their hands should be bound down and guided by a rule of priority of claims, not only in favour of the Provincial contribution to the Government of India which is of course reasonable as a first charge on the Provincial Revenues but also in favour o the Provincial requirements of the reserved department. This priority, it favour of the department controlled by the Executive Members besides being prejudicial to the rights and requirements of the transferred departments, maj suggest a temptation to the Executive Councillors to be extravagent or at leas not being economical, and thus to strave out the transferred departments, driving the Ministers to the unpopular expedient of fresh taxation. Recognizing tha for the purpose of future developments of the Machinary of the Government The system proposed amounts to this that the part of the Executive which is not responsible to the people, every year spends as much money as it likes and every year tells the Responsible Ministers to find money for their deparments and for their future developments by taking the people a fresh. Thwhole of the normal growth of resources may therefore be appropriated by that part of the Government, which is not responsible to the people leaving nshare out of it for the development of the starving departments which will b

Para 218,

Para 218,

**Para 221.** 

Amenability of Ministers to popular voice,

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administered by the responsible Ministers. It is therefore respectfully suggested that the hands of the Executive Government as a whole should be free to frame

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their budget estimate without being bound by any rules of priority or pre-ferences, except in case of the fixed provincial tr bute to the Government of India. If the Popular Assembly then reject or moving the proposed allotment for reserved departments the Governor in Council may accept the alteration or "insist on the whole or part of the allotment originally proposed "by the Executive Government, including the ministers. "if for reasons to be stated he certifies its necessities "Except in so far as the Governor in Council exercises this power the budget should be altered in ac ordance with the reso-Councillor as well as Ministers will be the nominees of the Governor, and when the Governor and these responsible members of the Executive Government jointly frame their budget proposals, they would be such as will satisfy the requirements of the Government in all departments. This scheme shall have the advantage of being elastic and of making the Executive Government to work harmoniously, instead of the same being divided up into rival camps by a rule relating to preferences.

#### The Government of India.

(Paragraph 265-209.)

19. With regard to the proposals relating to the Government of India we beg to state as follows:-

(a) Sikhs should be adequately represented in the Privy Council if eastablished.

(b) The Indian element in the Governor-General's Executive Council should not be less than half. The claims for this proportion is no where met in the Report; it in fact receive a full support in the Report on account of the admitted success that has hitherto attended the introduction of Indians in the Executive Councils. Sufficient number of men could be had in India, for such appointments and those trained in the Provincial Government as Executive Members or as Ministers could form very good recruits for such appointments. We agree that the hands of the Crown should be absolutely free in the choice of the Executive Councillors of the Viceroy, as already proposed in the scheme ubmitted by the Sikhs, and we beg to urge that at least one seat should always be reserved for a Sikh.

There seems to be a notable omission, which is probably inadvertant in the proposals made for the constitution of the Council of State (para 277 of the Report). While conceding the principle of com-munal representation of the Sikhs in the Provincial and Indian Assemblies and while also guaranteeing to the Mohammadans a minimum of 6 seats on Council of State, the proposals do not provide for a due representation of the Sikhs on this the most important of all chambers throughout the scheme. As stated in the Sikh Address to the Right Hon'ble the Secretary of State and His Excellency the Viceroy the Sikhs, though a small minority in India constitute onefifth of the entire potential assets of the Country and have made sacrifices equal to one third of the those of the whole of India. Under these circumstances they respectfully pray that where a minimum of six seats are reserved for the Mohammadens in the (ouncil, at least four may at present be set apart for the Sikhs, as their absolute minimum in a Council of 25 non-official members. This would leave 15 seats out of which perhaps three may go to European non-officials and other minorities, in a way of reserving nearly 12 seats for the Hindus.

(d). The Provincial distribution suggested in paras 274 and 277 of the Para 274 222 Report, it is apprehended, is under the circumstances very unfavour able to the Punjab as regards the assembly of India and the Council of State and shall require to be considerably modified, if the Punjab which is admitted to be the sword-arm of India is to be given proper voice in the administration of the country which it is ever called upon to defend. Any distribution of seats which is proposed to be made among the provinces both in the Assembly and the Council of State would be incomplete unless it first sets apart a number of seats for the Sikhs. Otherwise, it is feared, the

Pare 256

Para 227.

Sikhs would either go entirely unrepresented in the Council of State or get a very poor and ineffective a hearing in the same. The position of the Sikhs is very peculiar while they are a political and Military asset for the whole of India and their Holy Places are scattered all over the country, their population is mainly centralized in the Punjab. Consequently any scheme, which leaves them morely to share the representation in the Councils of India, which may be alloted to the Punjab can not be fair. It is therefore humbly prayed that at least 7 seats out of 67 in the Assembly of India, and four out of 25 non-officials seats in the Council of State be set apart for the Sikhs and the remaining seats then alloted.

(8)

(e) But we have also to respectfully urge that a provision of 100 members in the popular Assembly of the whole of India with a population of over 300 millions, is too inadequate and will prevent the proper representation of all interests. We beg to repeat the request made in the Sikh Address that the number of members in the Assembly of India be raised to 150 out of whom not less than 12 seats should first be set apart for the Sikhs and the remaining seats distributed among the Provinces and other Communities of India. Similarly the number in the Council of State be proportionately increased and consequently the number of seats alloted to the Sikhs as urged above.

(f) The emergent power of passing a bill in the first instance in the Council of State merely reporting it to the Assembly for information, is not required and is without a precedent. No L-gislation should be allowed, accept the emergent and temporary ordinances, which is not, as matter of principle, submitted for the opinion and vote of the popular Assembly. During the transitional stage of development in this country, a provision may exist for the passing of a certain Legislation, after the popular Assembly has rejected it, if it is certified by the Executive Government as absolutely essential for the proper Covernment of the country but to pass legislation over the heads of the popular Assembly, and without giving them an opportunity to pronounce upon its propriety, is the negation of all principles of constitution.

(g) Private bills should at all stages be allowed to be withdrawn by the mover.

20. The Governors and the Governor-General should not dis-allow the putting of any question as proposed but he may direct that the same may not be answered on the ground that the aswering of it would be detrimental to public interests.

21. As regards the standing committees we propose that they should be associated with the departments concerned and should be consulted in all matters except those which the head of the depart ment concerned, subject to the control of the Governor or Governor-General, as the case may be, may certify for reasons to be stated in writing as privileged.

#### Preliminary Commttiees.

22. In the constitution of the Preliminary Committees, which are to be instituted for the decision of the questions relating to constituancies, franchise and transfer of subjects etc., etc., a representation thereon of the Sikh Community should not be ignored. As much will depend upon the manner in which these Committees will conduct their proceedings and come to their determinations. It is respectfully urged that a representative of the Sikh Community should be coopted in their work, and constitution of both these Committees be made similar. If necessary, the number of coopted members may be increased. The Nomenclature etc.

23. As regards the nomenclature, considering that the functions of the Councils shall not be confined to mere law-making as at present and that the word "Council" is to be applied to the Executive as well as Privy Council, to be established under the scheme, it is suggested that the word "Assembly" should be used with regard to the popular bodies both Provincial and Imperial at least for the sake of simplicity and uniformity if for nothing else. The members would thus be designated as Members of the Provincial Assembly or Members of the Assembly of India, as the case may be, and may affix the-

Para 273

Para 279

Paras986&996

Paras1356.582

(9)

letters M. P. A., or M. A. I. to their names as the case may be. The Council of State may be renamed as the Senate.

The Council of State may be renamed as the Senate. 24. As regards the honorific titles, India being a country where sentiments rules the lives of the people more than anywhere else, the title "Honourable" should be continued to be used by the, emembers of the Provincial Councils as well as of the Assambly of India, while members of the Council of State (Senate) may be entitled. "The Right Honor-able." All members of the Executive Councils, Provincial as well as Indian, and all Ministers should be entitled. "The Right Honorables" during their terms of Office while the members of the Prive Council should entity one's terms of Office, while the members of the Privy Council should enjoy one's title for life.

## Parliament and the India Office.

#### Paragraphs (290-295)

25. The control of the Parliament and the Secretary of States should Para 2914 292 not be relaxed except to the extent and in proportion to the transfer of

the responsibility to the popular control. 26. In any reconstitution of the Secretary of States' Council Indian element should be increased to half of its total strength, and the Sikh should always have an edequate representation thereon.

Inclasses II (6) and IV (6) of the Address presented by the Sikh 27. Community to the Right Honorable the Secretary of State and His Excellency the Viceray, it was respectfully urged that "No fresh imposition or alteration of taxation. whether in the shape of land revenue, or otherwise, should be made except upon the vote of Legislative Council," both in the provincial and Impe-The suggestion principally related to the land tax, which under rial concerns. the tible of land revenue and in pursuance of a fiction that it was more in the nature of land rent than land tax, which may be enhanced to any figure by mere Executive orders, while not a single pie of income tax or courtfees etc. could be increased without specific legislation through what may in future be the popular Assemblies. This aspect of the land tax was discussed at some length when the Sikh deputation had the honor of an interview with the distinguished authors of the Report. It is therefore again urged as a matter of prin-ciple that this anomally may be remedied as a part, and parcel of Reform scheme, as otherwise the Reform scheme may come and be introduced and carried into effect without bringing any relief to the heavy burden on land which is ever growing without any discussion by the representative of the people.

28. The complete separation of the Executive and Judicial functions in the administration of the country and placing the judiciary in every province under the High Court of that Province is another Reform which is earnestly urged to be introduced as a part of the general scheme of the Reforms.

29. No Reform will strike the imagination of the people more than the one granting to Indians equally with Europeans the right to carry arms, the Government of course reserving the power to restrict such rights in cases of Criminal Tribes and individual of proved Criminal tendencies. It is respectfully urged that this privilege, which is the birth right of every free people, be no longer delayed.

33. We also beg to urge that there are various other matter urged in the Sikh Address, notably those relating to the Tarrif Reform, and the Army which require further consideration by His Majesty's Government in the interest of the country and the Empire as a whole. We refrain from discussing these matters in this memorandum not because we do not feel their full importance but because we are in the present occasion required to limit our discussion to certain specified paragraphs of the Report. If we have not been able to strictly confined our marks to the specified paragraph and have not resisted the temptation to travel beyond them, it was because these other matters were so intimately connected with the question of administrative reforms in India that they could not be ommitted from consideration. Army and tariff Reforms are matters on which we have to urge a great deal but we must leave them for another occasion.

Paras 234 273 and 277,

Para 293

## (10)

## APPENDIX

#### Summary of alterations suggested.

(Prepared in the order in which the summary of the Report is given in Appendix I thereof and references on to paragraphs of the memorandum.)

#### Parliament and the India Office.

1. The control of Parliament and the Secretary of State to be relaxed only to the extent and in proportion to the transfer of Responsibility to popular control. PARA 25.

4. Indian element in the Secretary of State's Council to be increased to half and the Sikh to have representation there on. PARA 26,

## The Government of India.

6. Sikhs should be adequately represented on the Privy Council if established. PARA 19 (a)

The Members of the Privy Council to be entitled "The Right Honorable for life. PARA 24.

#### The Executive.

7. To increase the Indian element in the Governor General's Executive Council to half of its total strength, and one seat to be reserved thereon for the Sikhs. Para 19 (b)

The Evecutive Members to be entitled "The Right HOnorable. Para 24

#### The Legislature.

11. Four seats to be reserved for the Sikhs in the Council of State, if it consist of 50 members. Paras 2, 3, 19 (c) (d)

The number however to be increased with a proportionate increase in the Sikh representation. Paras 2, 3, 19 (e)

The Council of State to be called the Senate. Para. 23.

The members to be entitlea The Right Honorable. Para 24.

12. Seven seats to be reserved for the Sikhs in the Assembly if it consists of 100 members. Paras 2, 3, 19 (d)

The number, however, to be increased to 150 with 12 seats received for the Sikh. Paras 2, 3, 19 (e)

The popular Chamber to be called "The Assembly of India. Para 23

The members to be entitled "The Hon'ble. Para 24

15A. The Governor General not to have power to pass a bill in the first instance through the Council of State merely representing it to the Assembly. Para 19 (f)

15B. Private Bills may be withdrawn by the mover at any stage. Para 19(g)

20. The putting of questions not to be disallowed but answer may be refused on the ground that the same would be detrimental to public interest. Para 20.

## (11)

22. Standing Committeess should be consulted on all matters except those certified as privileged. Para 21.

## The Provinces.

23. The Provincial Governments to be given independence from superior control only to the extent to which they are made amenable to popular control and no more. Para 5.

#### Provincial Executive,

25. No distinction to be made in the status, empluments or qualifications of the Governors, Executive Councillors and Ministers in the various provinces and the Punjab not to be relegated to a position of inferiority. Nor in the matters of constitution of the Executive Councils, nor in the number and nature of transferred subjects. Para 11.

Executive Government to consist of a Governor and Executive Council of two members and two or more Ministers. One of the two Ministers or the Indian Executive member in the Punjab must be a Sikh. Particularly the first Executive member should be a Sikh. Para 12.

No additional member or members without portfolio to be appointed. Para 13.

Executive Councillors and Ministers to be entitled "The Right Honourable."

27. The emoluments, status and powers of Ministers to be equal to those of Executive members. Para 15.

28. No additional members to be app rinted. Para 13.

29. The Governor should not summon his Executive Council separately except on rare occasions under exceptional circumstances which must be explained in writing. Para 16.

ADDITIONAL. Ministers to resign office if want of confidence resolved upon by 9/10ths of elected element in Legislative Council in two ensective meetings. Para 17.

#### Provincial Legislature.

**\$1.** The constitution of the Legislative Council in the Punjab to be similar to those in the Presidency Provinces of India. Para 11.

Legislative Council to be renamed Provincial Assembly. Para 23.

Members to be entitled "The Honorable". Para 24.

One third of the number of non-official seats in the Punjab to be reserved for the Sikhs and adequate provision for their representation in other provinces. Paras 2, 3, 18,

34. Resolution re-want of confidence in ministers should also be honored by immediate compliance by the ministers. Para 17.

36. No questions to be disallowed. . Para 20.

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38. Standing committees to be consulted on all matters except those certified exceptionally as privileged. Para 21.

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## Finance.

48. Provincial contributions to be based on the principle that the incidence of tax in all provinces be similar.

or tax in an provinces be similar. Till this result achieved 20 per cent of gross provincial revenues be levied.

On occasions of emergencies powers of Government of India to extend to levying additional contribution from all or any of the provinces, with due regard to all circumstances. / Paras 6, 7, 8, 9, 10.

49. No imposition or alteration of tax, whether by way of land revenue or otherwise, to be made except by vote of Legislative Council. Para 27.

50. No priority in favour of reserved subjects to be laid down Para 184.

## Preliminary Action.

53-54. Both Committees to be similarly constituted.

A Sikh member to be co-opted on both committees, and if necessary the number of co-opted members to be increased.

# Other matters.

(a) Complete separation of judicial and Executive functions. Para 28.

(b) Right to carry Arms to be granted to Indians Para 59.

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