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TOPICS OF THE WEEK.

THE news from the Western front continues to be of the most hopeful kind. The counter-offensive of the Allies has resulted in an advance of about eight miles on a front of twenty miles. The Allies have been able to retake several important places and, what is of far greater value, the railway from Paris to Chalons, which enables the Allies to maintain direct communication with the Champagne front. Thus the great salient he had formed between Soissons and Rheims has disappeared, he has been driven across the Marne, the valley of the Ourcq has been completely reoccupied, and if these advantages are consolidated and the advance maintained, the enemy would hold only a straight line between these two places in a short time.

AMONG Congressmen of the "moderate" party the question of attending the special session of the Congress is causing some perplexity. It is believed that some of the veterans of that party are disposed to stay away, influenced by the fear induced by the newspapers controlled by Mrs. Besant and Mr. Tilak and the *Hindu* and the *Bombay Chronicle* that the majority of the delegates will be pledged to resolutions rejecting the reform scheme *in toto* or calling for such alterations as will virtually amount to rejection. The fear is further entertained that the leaders of the moderate party will be subjected to personal taunts and insults, and that they will not be allowed a patient hearing. It is reported that this has led some of the elderly members of the party to conclude that their presence at the Congress will serve no useful purpose, and that it would be better for their party

to organise themselves into a separate conference, where their view can find unfettered expression.

WE do not know however that this is the view of very many in the "moderate" party. To many among them, we know, the democratic spirit seems to require that, though they look forward to be in a minority and be defeated on the resolutions on the reform scheme, they should not run away from the Congress but join it in their full strength, brave the taunts, it may be, and the jeers of those who after all are their own fellow-countrymen and fellow-citizens, and seek to influence the ultimate decision to the best of their capacity. If their views do not receive a hearing, or resolutions are passed in the Congress which are entirely unacceptable to them, then they may on that account withdraw from the Congress, hold a separate conference, and express their own opinion of the reforms; such a course is not opposed to the spirit of democracy.

FOR our own part, without committing ourselves finally to a definite line of action, we feel a decided preference for the view above expressed. Yet we must allow the weight of the arguments in the opposite sense. The paramount duty of the patriot at this hour, it may well seem to a section of thinkers, is to save the reform proposals from being wrecked by the fierce opposition of Anglo-Indians from the one side and the violent denunciation of irreconcilable Indian critics from the other, and the best chance of realising this object is not to risk the discouragement and demoralisation that must attend a decisive defeat in open Congress, but organise the forces of moderation, which are perhaps stronger than is commonly supposed, into a separate conference which might unequivocally support the Montagu-Chelmsford proposals and bring much-needed strength to the hands of our friends in England. Now the time for electing delegates is drawing nigh, friends of the reform scheme will everywhere look for clear guidance how they are to act. We must appeal to Mr. Surendranath Banerjea, Pandit Madan Mohan Malaviya, Sir Dinshaw Wacha and other leaders, if they are for advising abstention to their followers, to pass a prompt word to that effect to their party at this critical moment. If a separate conference is decided upon, Bombay would certainly be the best place, and the same date on which the Congress is to meet will probably be the best time.

THE THIRD FORMULA.

IN his public lecture at Poona of the 18th July Mr. Sastri questioned the validity of the third formula enunciated by Mr. Montagu and Lord Chelmsford and pointed to its demolition as a necessary preliminary to what he considered the most important modification in the reform proposals on which Indian publicists should concentrate their attention. This formula postulates the necessity of keeping the Government of India in indisputable authority, *i. e.*, beyond the control of the popular element, however much it may be desirable to bring it under the influence of the popular element. In other words, the elected members of the legislature are to have increased opportunities of criticising and embarrassing the Government of India without being sobered down, like their brethren in the provincial legislatures, by a sense of responsibility. According to the authors of the scheme, the principal defect of the arrangements now in force and that of the arrangements contemplated in the Congress League scheme is the absence of this sobering element of responsibility. The life and soul of the famous August declaration of last year is the idea of responsible government, of which the introduction into provincial Governments is provided for from the sixth year of the inauguration of the new scheme. On what grounds then is this vivifying principle withheld from the chief domain, *viz.*, the Government of India? If necessary anywhere, it would seem to be necessary there. It does not seem to be contemplated, nor is it consistent with the reasoning adopted in the report, that at a certain moment declared to be ripe, the Government of India, in all its departments and over its entire range, should be brought under popular control. The doctrine of "successive stages" and "progressive realisation" applies here as elsewhere. The men who can be entrusted with the management of local self-government, education, sanitation, agriculture and industries in separate provinces can certainly be entrusted with the control of the operations of the salt and the income-tax departments. The mere extent of jurisdiction cannot form an insuperable objection.

The scheme purports to obviate the need of further agitation as a means of securing an advance. In a certain measure this end is attained by the proposal to constitute commissions under the authority of Parliament at regular intervals of twelve years for the express purpose of recommending suitable steps of advance. In the case of the Government of India however, neither the beginning nor the future stages are clearly provided for. Agitation then is rendered inevitable by this imperfection in the scheme. For it is not to be imagined that the people of India will rest content with the promise of power held out on the

provincial plane. The destinies of India are worked out on the highest plane, *viz.*, that of the Government of India. To bar the leaders of India from access thereto is to fail utterly to realise the dominating factor of the situation, namely, that they claim a hand in the shaping of their country's destinies. Homage is paid in words here and there in the report to the idea, but it is nowhere clearly stated when or how the popularisation of the Government of India is to begin, nor are the stages definitely marked through which the idea is to march towards its fulfilment. In the preliminary section of Part II, entitled the Proposals, the authors of the report, after quoting Sir Thomas Munro on the need of looking forward to "some future age," when the natives of India "shall have become sufficiently enlightened to frame a regular Government for themselves and to conduct and to preserve it," acknowledge that England's duty is "a persistent endeavour to train the people of India for the task of governing themselves." "The inevitable result of education in the history and thought of Europe is the desire for self-determination; and the demand that now meets us from the educated classes of India is no more than the right and natural outcome of the work of a hundred years."

Surely, it is impossible to contend that a serious step has been taken towards securing this great end by the transfer of some provincial services to popular control. Sanguine readers of the report may derive some hope from the language of paragraph 288, in which it is laid down as part of the duty of a twelve-year commission to examine and report upon *the new constitution of the Government of India*; but this is followed by the chilling words "with particular reference to the working of the machinery for representation, the procedure by certificate, and the results of joint sessions." The commission will seek therefore to improve the machinery in the light of the experience gained, but it will have no power to make recommendations with a view to establish popular government in this sphere. But we are left in no doubt on this matter. The report summarises its recommendations as confined to securing the beginning of responsibility in the provinces, the completion of which must be the foundation for the beginning of responsibility in the Government of India. It is this necessity for previously completing the fabric of provincial autonomy that we do not understand. *Hanz Dehli dur ast* fails to convince us. Who ever heard of a teacher refusing to begin multiplication till his pupils had become perfect masters of the arts of addition and subtraction in the myriad forms in which they occur in life? Besides, when once bureaucracy is taught to regard a certain sphere as its citadel, it will resent with bitterness all future attempts to dislodge it there-

from; and the imperial Cabinet must remember, in deciding on the work of reconstruction in India, that if the people require to be trained in the art of government the bureaucrat requires no less to be trained in the virtue of renunciation. The latter education is as difficult and liable to miscarriage as the former, and the sooner it is begun the better. Moreover, the progress of responsible government in the provinces, already clogged by dyarchic arrangements, will be further impeded by the necessarily unpropitious outlook of an unreformed Government of India, to which the proposed scheme assigns not only overriding and concurrent power of legislation and general power of control and interference, but also the power of ordering or sanctioning successive transfers of services from the reserved to the popularly controlled group, and of arbitrament in cases where the correctness of a Governor's certificate is disputed.

The only reason assigned in the report for this glaring omission to provide for the popularisation of the Government of India is found in the words of paragraph 190: "For such hybrid arrangements precedents are wanting; their working must be experimental, and will depend on factors that are yet largely unknown. We are not prepared, without experience of their results, to effect like changes in the Government of India." The diffidence here indicated is strangely out of keeping with the whole spirit of the report. Its authors confidently anticipate that, in five years of the beginning of the experiment, further progress will have been rendered possible at least in some provinces, so that they provide not only for the salaries of ministers being voted annually, but for transfer of fresh services to the control of the people, and the first twelve-year commission is to be bidden to enquire whether provincial autonomy in the popular sense may not be completed. No doubt the possibility of resuming a popularly controlled service is also indicated, but it can only be thought of as the result of a rare aberration on the part of some backward province, and for the rest the provision is there merely to give an air of logical completeness to the scheme. We are therefore at a loss to discover why the Secretary of State and the Viceroy, who so readily assume the success of the experiment for extending its scope in the provincial sphere, should shrink from the like assumption when it comes to extending the scope of popular control to the national sphere. In our opinion, the case for introducing the principle of responsible government in the national as well as the provincial sphere is complete. Without it the scheme would be inconsistent with itself; the spirit of the August declaration will not have been fully vindicated; and England will be unable

to claim that she has set India firmly on the road to self-government.

Of course, as the report says, the process of popular growth cannot go on at the same pace on all levels. There need be no correspondence in the strides at which the national and the provincial Governments march towards the appointed goal. The minister or ministers in charge of the transferred subjects would in the Government of India be responsible to the Legislative Assembly and not to the Council of State. The relations between the two Houses it may be advisable to revise in other respects as well, though there seems no inherent necessity at a first glance. Many critics who now grudge the overshadowing importance of the Council of State might be appeased if the Legislative Assembly were allowed, in conjunction with the ministry, to exercise complete control over selected departments. We do not profess to have a cut and dried proposal in this behalf, but we are clear that the third formula should go. It rests on unsound reasoning, and must fall before a combined assault on the part of the Indian leaders. The committee who are to demarcate the reserved from the transferred services in the provinces should have instructions to indicate similar lines of demarcation in the Government of India, and the twelve-year commissions should likewise have authority to recommend the "successive stages" for the "progressive realisation of responsible government" in the national as well as in the provincial sphere.

CONTROL OF PROVINCIAL FINANCE.

MUCH misconception prevails in regard to the degree of control that the popular element will obtain over provincial finance under the proposals of Mr. Montagu and Lord Chelmsford. It is frequently stated that the reserved services will appropriate an unduly large share of provincial revenues and that ministers will be hard put to it to find the wherewithal for their services and may often be driven to face the odium of levying additional taxation. In this way, the argument runs, the executive council will enjoy a position of great strength and advantage relatively to the ministry. It appears to us that this estimate of the practical working of the budget proposals contained in the official scheme of reforms is the result of a hasty and superficial survey. In so far as critics object to the bifurcation of services, one part being under official and one under popular management, we must regard them as contesting the very basis of the scheme, according to its authors, namely, the terms of the August declaration. With such a radical objection we are not here concerned. Once it is granted that certain services should be reserved, it is granted by implication that those in whose hands they are reserved should have it in their power to run them in accordance with their

deas, subject of course to the limitations of provincial finance. Four points should always be remembered in the course of this discussion:—

(1) The dispositions of the budget are made by the entire provincial Government sitting together.

(2) The budget, as it is finally presented to the legislature in the shape of allotments, is the budget agreed upon by the whole Government, the ministry as well as the executive council.

(3) The taxation proposals, if there are any, can only be made by the ministry.

(4) The allotments must be sanctioned by the legislature, the Governor having the power in extraordinary cases of restoring items struck out by the legislature.

The reserved services will be generally fully developed and well organised services, so that the expenditure on them has reached or nearly reached the maximum. The popular representatives may desire to effect retrenchments in them, but the amount of retrenchment possible in any single year is never likely to be considerable. Thus the variations of allotments under these heads will be almost invariably slight. The popular services, on the contrary, comprising education, sanitation, industries and the like are likely to expand continually and demand larger and larger outlay every year. In these circumstances any financier, equally interested in all the services, would naturally dispose, in the first instance, of the claims which are more or less fixed and insusceptible of variation. The balance would in normal conditions be sufficient for the maintenance of other services at the level already reached. But as programmes of expansion will have been settled in advance and be crying aloud for fulfilment, it will be generally found necessary for the ministers, if they are to give satisfaction to the public, to propose fresh taxation. If the legislature will not sanction the proposed taxes the improvements contemplated in the popular services must be abandoned, and the ministry will have to decide whether they will resign or go on with the curtailed budget.

That fresh taxation can only be levied by the ministers is a great advantage to the popular cause, for it is a guarantee that the proceeds of the new taxation will be devoted to purposes approved by the officials responsible to the people. If, in any extraordinary emergency, the reserved services appropriate much more money than usual, they can only do so by pressing on the popular services and causing violent disturbances therein, and the ministers, on whom the burden of restoring the equilibrium will fall, will require to be fully convinced of the equity and justice of the increased needs of the reserved services before they consent to defend the additional taxation proposals in the legislative council. In cases where, in their clear judgment, the appropriations for the reserved services are inflated without justifiable cause or merely to satisfy the rapacity of the executive council, they may refuse to become responsible for

the budget with every hope of being supported by the legislature. If the demand of the executive council be manifestly unjust, it will be difficult to find any ministers to take office, and the executive council must yield.

It has been asked why ministers should not be allowed to make their appropriations first out of the available revenues, including such monies as may be necessary for programmes of expansion, and leave the executive council to manage the reserved services with the balance, proposing fresh taxation if they dared. When we remember that the needs of the ministers are ever-growing, we can easily see that this would result in enforcing retrenchments in the reserved services, which the authorities would find it impossible to carry out in any year. The budget would miscarry. But who would be really responsible and whom should the legislature turn out of office—the ministry who squeezed the executive council unduly or the executive council who found themselves faced with a sudden deficit? The idea of additional taxation for the ordinary maintenance of the fixed services is too absurd to entertain even for a minute, while the origination of proposals for such taxation by the irremovable part of Government is a direct reversal of responsibility and a violation of the fundamental principle that taxation should be in the hands of those over whom the people can exercise full control. Such unfortunate suggestions proceed entirely from assuming a wrong standpoint, namely, the odium attaching to fresh taxation. It must not be forgotten that with such odium is bound up the prospect of beneficent expansion of the popular services and with such odium is bound up likewise the power of indirectly controlling the whole provincial finance.

It may be asked, what then do the executive council gain by the proposed arrangements if their attempts to get increased allotments for their services could be balked by a ministry, who knew how to use their monopoly of the power of taxation? We answer, the Governor's extraordinary power of restoration will in practice enable him to protect the reserved services from excessive retrenchment in any year. We do not suspect that anything more is intended. From the persistence with which the expenditure on certain services has been assailed in the past by the representatives of the people, a fear has been engendered that as soon as they got the power they would try to effect drastic economies in such expenditure. Such a fear is perhaps ill-founded, but it is not unnatural, and we may well acquiesce in arrangements calculated to allay that fear. If the foregoing analysis is at all correct, there is really no need for proposals intended to standardise the expenditure on the reserved services by such expedients as striking the average of the expenditure during the last three pre-war years. After all, the reserved services will not remain reserved for ever, and, in spite of a seeming opposition to the transferred services, they are at bottom for the benefit of

the people, who are and will soon realise that they are equally interested in all the services.

A point that escapes notice generally is that, when the budget is framed at a general sitting of the executive Government, the ministry will have a voice in the decision on all, and not merely on the transferred services. The budget discussion is not on the same footing as discussion in the executive Government regarding legislation and administration exclusively concerning either set of services. On these last topics the executive council or the ministry will be separately supreme. But on budget questions, as on those of common interest, both bodies will participate in the decision. Para 221 of the report says:—

"At a meeting of the whole Government there would never be, in fact, any question of voting, for the decision would be left, as we have stated, to that part of the Government responsible for the subject involved. But there are questions upon which the functions of the two portions of the Government will touch or overlap, such for instance as decisions on the budget or on many matters of administration. On these questions, in case of a difference of opinion between the ministers and the executive council, it will be the Governor who decides."

Another apprehension entertained in some quarters is that the executive council have the means of adding to their resources without seeking the sanction of the legislature, for example, land assessment revision, forest fees, stamps. It is an old cry of our publicists, not likely to be forgotten in the new order of things, that increase of the State demand on land is really additional taxation and must be brought like all taxation under the direct scope of the legislature. But the executive income under this or other heads, though raised, cannot be spent, under the proposals, without the sanction of the legislature. Every rupee levied by executive order must be brought to the general account, and the ministry and the legislature have a voice in its disposal. The executive council cannot say, "We have raised the money, we will spend it as we like."

THE ROWLATT COMMITTEE'S REPORT.

I.

THE Committee presided over by the Hon'ble Mr. Justice Rowlatt, Judge of the King's Bench Division of His Majesty's High Court of Justice, and of which the Hon'ble Sir Basil Scott, Chief Justice of Bombay, and the Hon'ble Dewan Bahadur C. V. Amaraswami Sastri, Judge of the Madras High Court, were members with two others—one of whom was the Hon'ble Sir Verney Lovett, K.C.S.I., member of the U. P. Board of Revenue and the other was a well-known Vakil of the Calcutta High Court, the Hon'ble Mr. Provash Chandra Mitter—was a body in which the legal element was strongly represented, as it should have been, for the purpose of conducting an investigation and making the recommendations, if any, that the result of their inquiry may suggest, in regard to what was alleged to be "the revolutionary move-

ment in India." The Committee's "terms of reference" were as follows:—

(1) To investigate and report on the nature and extent of the criminal conspiracies connected with the revolutionary movement in India.

(2) To examine and consider the difficulties that have arisen in dealing with such conspiracies and to advise as to the legislation, if any, necessary to enable Government to deal effectively with them."

The Committee made its Report on both these points on the 15th April last to the Government of India. The fact, however, that it has been published only recently, that is to say, almost synchronously with the Report on Indian Constitutional Reforms made by Mr. Montagu and Lord Chelmsford, is invested by some with a sinister import as being intended to prejudice the prospects of the reforms proposed in the latter Report. Such an insinuation coming from those who oppose the proposed reforms as worthless is amusing. A comparison, however, of the conclusions arrived at by the Rowlatt Committee on the first of its two terms of reference with the view of the matter taken by the authors of the reform proposals in their Report will show that both agree in making it clear that the "revolutionary movement" is confined to a small class and to certain localities only and that, far from casting any aspersion on the loyalty of the people as a whole, the fact is that the movement has been "successfully encountered with the support of Indian loyalty." There is no foundation, therefore, for the surmise or suggestion that the Rowlatt Committee's Report is intended as a counterblast to the Montagu-Chelmsford reform proposals. While both Reports do not minimise the serious state of things which has latterly prevailed in some parts of India, they agree in presenting the condition of the country as a whole and the feelings and sentiments of the vast bulk of the people of all classes towards British Rule in their correct perspective. I have already mentioned that the Rowlatt Committee's Report was presented to the Government of India on the 15th April, 1918. The Report of the Secretary of State and the Viceroy on Indian Constitutional Reforms is dated "Simla, April 22, 1918." It is obvious, therefore, that Mr. Montagu and Lord Chelmsford had before them the conclusions arrived at by the Rowlatt Committee as to the "nature and extent" of the "criminal conspiracies" connected with the "revolutionary movement in India," and it is clear from para 21 of the former Report that those conclusions have been accepted *in toto* by the authors thereof, as will appear from the following extracts:—

"The loyalty of the country generally was emphasised by the attempts made by very small sections of the population to create trouble. The Bengal revolutionary party which had been active for many years before the war, scored a notable success in August 1914 by capturing a large consignment of pistols and ammunition in Calcutta. The arms were widely distributed and used in most of a series of outrages which followed for some months to

come. We now know that the Bengal anarchists established communication both with German agents and with agents of the revolutionary party outside India known by the name of their propagandist journal as the *Ghadr* (mutiny) party. They drew money from America and also from German sources, and made plans for running arms and ammunition into India and starting an armed rising; but the conspiracy was disclosed and the leaders eventually arrested. The influence of the *Ghadr* party was, however, more obvious and probably more dangerous in other directions... When the war broke out there had been a great stir among the Sikhs in America and the *Ghadr* organisation began a campaign to induce them to return to start a revolution in India. In all about 8030 Sikhs came back to the Punjab from the United States, Canada and the Far East... Political dacoities and murders of the type common in Bengal began to be a feature of the disturbance (in the Punjab) and it was apparent that the Punjab and the Bengal movements were in touch, and that the former derived direct stimulus from the latter... The gravity of the situation convinced Lord Hardinge's Government of the need of some special weapon to enable them to deal with it promptly. The Defence of India Bill was introduced into the Indian Legislative Council and passed without delay... The Act was immediately applied in the Punjab, and later elsewhere as circumstances demanded. During a war the Government could not have relied on its ordinary judiciary in dealing with conspiracy cases of such dimensions as those which the special tribunals were called upon to try."

The quotation given above from the Montagu-Chelmsford Report leaves no room for doubt that the Secretary of State and the Viceroy had not only gone through the Rowlatt Committee's Report before they wrote theirs, but had accepted the conclusions arrived at by the latter as to the nature and extent of the revolutionary movement and the efficacy of the Defence of India Act in crushing it. The Rowlatt Committee make it clear in their Report from place to place that the extra-judicial weapons which have been latterly added to the armoury of the Government of India have removed the difficulties which they previously encountered in coping with the sort of criminal conspiracies which they have investigated and reported on at length. Speaking of the "ominous plots and disturbances connected with the returning Sikhs in 1914 and 1915," the Rowlatt Committee say that they "were crushed by extra-judicial measures and the ring-leaders in outrage were tried and convicted under the Defence of India Act procedure. *In a sense, therefore, difficulty has not been experienced in dealing with those conspiracies.*" Again, as to the Bengal revolutionary movement, they make a similar observation. "Arrests and searches," they say, "under the Defence of India Act and the confessions and revelations thereby obtained enabled the police to get inside the movement, and the members of it have been gradually consigned to custody. *In this sense, therefore, the difficulty experienced in dealing with the conspiracy in Bengal has been from the middle of 1916 overcome.*" But they rightly observe that "the difficulties with reference to which we have to report are, however, those which would have arisen in the absence of such measures." They were asked "to examine and consider the difficulties that have

arisen in dealing with such conspiracies and to advise as to the legislation, if any, necessary to enable Government to deal effectively with them." The advice as to legislation, therefore, depends necessarily on a correct appreciation of the difficulties which existed prior to the Defence of India Act, because this special measure had, for the time being, overcome those difficulties. The Defence of India Act, however, was a special piece of temporary legislation, which would expire six months after the close of the war. After the expiry of this Act, the difficulties that existed before its enactment would revive, provided, of course, the revolutionary movement does not die a natural death after the proposed reformed Councils come into operation. If the revolutionary movement is likely to continue in spite of the reforms, the ordinary criminal law has to be suitably strengthened to cope with the evil. If it is not likely to continue, then no additional legislation is necessary. The Committee observe: "If we thought it clear that the measures taken against the revolutionary movement under the Defence of India Act had so broken it that the possibility of the conspiracies being revived could be safely disregarded, we should say so. *That is not our view,* and it is on this footing that we report." I propose on another occasion to discuss the legislation that they have suggested and the grounds on which they have based it.

N. M. SAMARTH.

THE REFORM PROPOSALS.

I HAVE gone very carefully through the report on Indian constitutional reforms and have come to the conclusion that an honest and genuine attempt has been made to solve a very difficult and complex problem. The changes proposed are a great advance on the present conditions, though they do not go far enough to fulfil the expectations that had been raised in the public mind by the repeated declarations of British statesmen about their war aims. It is also very unfortunate that a number of conclusions in the report are based on the assumption that Indians are unfit for self-government and cannot be wholly trusted with the management of their own affairs. In spite of these defects, I am prepared to welcome the scheme as a first substantial instalment towards the fulfilment of the promise contained in the pronouncement of the 20th August last and its hasty rejection will in my opinion be a misfortune for the country. At the same time I think that to make the scheme acceptable to the public it is our duty to press for modification and expansion in several directions. But this should not prevent us from giving the scheme generally our whole-hearted support.

There is an idea abroad that if the War Cabinet and Parliament find all parties in India united in condemning these proposals they will see no other alternative but to grant the Congress-League scheme. I cannot agree to this proposition. I see

a real danger of the whole thing being shelved for the time being. If the present proposals are not supported by an influential body in India it will be impossible for Mr. Montagu to get them passed into law. I am fortified in this view by the fact that there is no division of opinion in the entire British Press, including that portion of it which is favourably inclined towards us, so far as the magnitude of the changes involved is concerned. This fact should be specially borne in mind by those who are for rejecting the scheme in order to secure a more radical one.

As a Congressman, I do not think I am irrevocably committed to stand or fall by the Congress-League scheme. But at the same time I think it is my duty to see that there is substantial compliance with its three basic principles, namely:— (1) A substantial elective majority in the legislative council, (2) Subordination of the executive to the legislature, and (3) The control of the purse. Applying this test, I have no doubt in my mind—making allowances, of course, for the radical difference in the framework of the two schemes—that there is such a compliance as can reasonably be demanded.

I am fully convinced that if a time limit, say even of 25 years, be fixed by statute for the grant of complete responsible government in the provinces all parties in India will be prepared to accept the scheme. If this be granted—and we should strenuously press for it—I will be prepared to leave other details to be worked out by the authorities, because then they are only of minor importance. If, however, in the opinion of our rulers twenty-five years of training and experience are not sufficient to make Indians fit for full and complete responsible government in the provinces then we cannot be blamed for supposing that the present scheme is only a makeshift, and it is not intended that the goal should be reached within a reasonable period of time. I am prepared to accept with confidence the assurance that the policy of the announcement of 20th August will be steadily carried out, and sooner than later we shall get what we want.

So much for the scheme as a whole. Limitation of space prevents me from discussing the scheme in detail. I will briefly refer to four main heads of the scheme and will content myself with making a few necessary suggestions respecting them.

(1) *Services.*—I believe it will be admitted on all hands that the authors of the report have carried out the promise of the "increasing association of Indians in every branch of the administration." This is evident from the proposals embodied in the report

Firstly,—to remove the racial bar in connection with the appointments to all branches of the Public Service;

Secondly,—to institute a system of recruitment in India;

Thirdly,—to raise the percentage of appointments to higher posts to be made in India to thirty-three with an annual increase of 1½.

The reasons given for the improvement in the condition of the European services are not convincing and should be objected to. Our prayer for simultaneous examination has not been granted and a system of appointment by nomination is proposed. It is therefore our duty to see that proper checks are imposed to prevent any improper exercise of this power by the authorities concerned.

(2) *Parliament and the India Office.*—The modification of the control by Parliament and the Secretary of State; the placing of the salary of the Secretary of State on Home estimates; and the appointment of a select committee of the House of Commons for Indian affairs are all very important changes in the right direction. Our proposal for the abolition of the council of the Secretary of State has not been accepted but the appointment of three Indians to the council has to a very large extent removed our grievance. On the whole, it will be conceded that the authors of the scheme have practically accepted our important proposals.

(3) *The Government of India.*—There is not the slightest doubt that the changes suggested in the constitution of the Government of India are very disappointing. It, therefore, appears to me to be our duty to press for necessary changes in at least three directions:—

Firstly.—The number of Indians in the executive council be raised to three instead of two.

Secondly.—That, as a beginning, some subjects at least should be treated as transferred.

Thirdly.—Some limitation should be placed on the general powers of supervision and interference by the Government of India with reference to the transferred subjects of the provincial councils.

(4) *Provincial Governments.*—This portion of the scheme is the most important part of the whole report. The necessary improvements and amendments that I would suggest are as follows:—

(a) The elected majority in the Legislative Council should under no circumstances be less than three-fourths.

(b) Literacy should be held to be a qualification for the right of voting.

(c) The vice-president should be elected and should under no circumstances be an official.

(d) Transferred subjects should include everything except

(1) Law and Justice,

(2) Police,

(3) Land revenue administration.

(e) Budget procedure should be modified as follows: Contributions to the Government of India should be the first charge. After that provision should be made for all the subjects reserved or

transferred on the basis of the previous year's expenditure or on the basis of the average expenditure of the previous five years. The residue should be divided in the ratio of one-third and two-thirds. One-third should be reserved for the normal increase of expenditure on reserved subjects and should be placed at the disposal of the Governor. The remaining two-thirds should be devoted to the improvement and development of the transferred services.

As I have said above, considerable modifications and improvements on lines similar to these suggested by me are necessary before the scheme can receive an enthusiastic reception from the public.

JAGAT NARAYAN.

THE REFORMS REPORT.

I HAVE been asked for an expression of my views with regard to the report on constitutional reforms in India. Within the short time I have had at my disposal it was not possible for me to make a thorough and critical study of it, and I do not really feel myself to be in a position to express any considered opinion on it. All that I can do at present is to give my first impressions about it reserving my comments on matters of detail for the future. The report in my opinion is a conspicuous State document and the proposals embodied in it contain in themselves the germs of future progress. I congratulate the Secretary of State and the Viceroy on their clear conception of India's future as summed up in para 349, where India is described as "a sisterhood of states, self-governing in all matters of purely local or provincial interest, in some cases corresponding to existing provinces, in other perhaps modified in area according to the character and economic interests of their people. Over this congeries of state would preside a central Government increasingly representative and responsible to the people of all of them, dealing with matters both internal and external of common interest to the whole of India, acting as arbiter in inter-state relations and representing the interests of all India on equal terms with the self-governing units of the British Empire." The report not only discloses a thoughtful study of the Indian problems, but it breathes throughout a spirit of genuine sympathy with Indian aspirations. It is a pity that inordinate zeal for caution on the part of the authors has led them to impose a number of limitations which have marred the real spirit in which the scheme has been conceived and which betray a lack of confidence in the fitness of Indians to run the administration on sound lines, which is very much resented, and it is not surprising if the scheme taken as a whole has failed to evoke any great enthusiasm.

While, on the one hand, we welcome recommendations such as the relaxation of the Secretary

of State's control, the placing of the salary of the Secretary of State on the Home Estimates, the appointment of a Select Committee of the House of Commons for Indian affairs, periodic enquiry into the affairs of India by Parliamentary Commissions, provision of substantial majorities in the legislative assemblies of members elected on the basis of a broad franchise, the increase of Indian element in the executive councils and the separation of provincial and imperial finance, complete popular control in local bodies and the abolition of the racial bar in the matter of recruitment of services. There are recommendations, on the other hand, which we have to deprecate *e. g.*, the power of restoration in the Governor in Council with regard to the budget, the absence of any effective control over the services by the legislative bodies, the nomination of the president of the Assembly by the Governor-General, the nomination of ministers by the Governor in the provincial executives, the resting of decisions on reserved subjects and on the supply for them in the provincial budget with the Governor and his executive council, the curtailment of rights over the budget by making the budget resolution merely recommendatory and it is most disappointing above all that questions of vital importance such as fiscal autonomy for India, the place of India in the future scheme of Imperial Federation and the position of Indians in the Army have been practically left untouched. Thus the report has its good as well as bad points, and its wholesale denunciation would be as unjustified as any unqualified support thereto. To my mind, the question of its rejection or unqualified support does not arise at all at this stage. The authors have certainly taken considerable pains to prepare this scheme which they have drawn up in a spirit of sympathy and co-operation. In their preliminary remarks they observe that "Indians must be enabled, so far as they attain responsibilities, to determine for themselves what they want done."

There is absolutely no reason why the report should be condemned wholesale. It has been offered to us after all as a novel experiment, about the success of which the authors themselves are not quite confident. As for the final aim there is no dispute. In para 324 of the report it has been clearly stated that "we are no longer seeking to govern a subject race by means of the services: we are seeking to make the Indian people self-governing." The present scheme has been presented as a temporary device and the authors themselves are fully alive to its defects. With all the candour that we have learnt to expect from the present Secretary of State and the Viceroy it has been admitted in para 354 of the report that the scheme is not logical and an assurance is given that "Hybrid executives, limited responsibility assemblies partly elected and partly nominated decision of functions, reservation of general and particular powers are devices that can have no permanent abiding place." It must not be forgotten

that we have entered upon a most critical stage of a constructive programme. The task that lies before us all is as delicate as it is onerous. The report is not final. Constructive criticism both in England and India is invited and we must prepare ourselves to give our final judgment based upon mature thought and deliberations. Any hasty or ill-advised step taken at this moment will prove disastrous to the real interests of the country, which all of us, the extremists as well as the moderates, have so much at our hearts. I therefore earnestly appeal to my countrymen to consider the whole question from a dispassionate point of view in a really businesslike manner.

I wish the authors of the scheme could have seen their way to accept the model of the Congress-League scheme with such improvements as they should have thought fit, but unfortunately the same has not been done and a scheme on altogether different lines has been placed before the country which has never been tried in any part of the world and which to use the authors' own expressions "must be charged with potentialities of friction," and what wonder if this friction brings about the wreck of the whole scheme and the ruin of our fondest hopes which His Majesty's announcement made on the 20th of August last has raised. This is an apprehension which all of us must feel and feel rightly. Let all of us therefore, extremists as well as moderates, study the whole scheme carefully in all its bearings and details and see with what improvements it can be made acceptable to the country. We should also reconsider the Congress-League scheme in the light of the criticism contained in Chapter VII of the report and see if any modifications could be made to meet the objections raised and I do not think it would not be possible to bring about harmony and present our modified and improved scheme in a united voice before the British democracy and I am sure it will receive a favourable consideration. But if we allow a split in the camp to prevail at this juncture we shall have to succumb to the inevitable fate "United we stand and divided we fall."

B. D. SHUKUL.

REFORMS AND NATIVE STATES.

I HAVE carefully gone through the Joint Report on Constitutional Reforms. As I had sent two representations on the subject of Native States to His Excellency the Viceroy and the Right Honourable the Secretary of State, I think I am entitled to express my views on that portion of the Report which deals with the question of Native States. I admire the survey and observations of the authors of the Joint Report, and as regards conclusions and proposals, there is likely to be an honest difference of opinion. I am fully convinced that Mr. Montagu and Lord Chelmsford have heard all shades of opinion and have scrutinised the views of

all. They have taken into consideration the present interpretation of the treaties with the States. Never before in the history of the relations of the Native States with the British Government such a clear declaration of policy was made. They have given in black and white that the British Government do not want to disturb the existence of those States. Guided by the present interpretation of the treaties, they have taken care to see that the sentiments of the rulers are not disturbed, but at the same time they have, in an indirect but in a gentle way, hinted that the rulers of the Native States would do well to remodel their States on modern lines. What particularly strikes me is that they have not only noted in their Report the efforts of those of us who have tried to spread new ideas for Native States, but they have also tried to meet the arguments of those of us who asked the suzerain Power to persuade the rulers of Native States to modernise their system of Government; for they say:

"Hopes and aspirations may overleap frontier lines like sparks across a street. There are in the Native States men of like minds to those who have been active in spreading new ideas in India. It is not our task to prophesy; but no one would be surprised if constitutional changes in British India quickened the pace in the Native States as well; if the advanced Princes who have already set up the rudiments of representative institutions were impelled to develop them, and if even the most patriarchal Rulers thought it time to clothe their authority in more modern garments. Our business, however, is to observe our treaty obligations and to refrain from interference and to protect the States from it. We must leave the natural forces at work to provide the solution in due course. If change comes in the Native States it can only be by a permeation of ideas and not as a direct result of constitutional changes in British India." (Para 157.)

And also:

"With these indications of the position to be occupied by the Native States in future we may rest content. We believe that the trend of events must draw them still closer into the orbit of the Empire. We think that the process need give rise to no alarm lest their internal autonomy be threatened. We need not conceal our convictions that the process at work in British India cannot leave the States untouched and must in time affect even those whose ideas and institutions are of the most conservative and feudal character. But in that respect there can be no intention or desire to accelerate growth by artificial means. We believe that our proposals will afford satisfaction to the progressive Rulers, while respecting the legitimate desire of those less advanced to go forward at their own pace." (Para 312.)

I admit that it is the business of the people of Native States to ask their rulers to introduce constitutional reforms in their States, and also of the rulers of Native States to see their stability in the constitutional form of government. The distinguished authors have wisely refrained from directly suggesting it, in view of the rigid and conservative interpretation of treaties. However, if it was suggested in a direct manner on moral grounds, the Princes could have been induced to change their angle of vision and the people of Native States would have been satisfied.

As measures for the partial liberalization of the political relations between the rulers of the

Native States and the British Government, the proposed Council of the Princes with its Standing Committee, the judicialization of the procedure for the decisions of inter-statal questions and disputes between the States and the provincial Government or the Government of India, and for the decision of the questions of interference with the rights, powers, and dignities of the rulers of the Native States, will, I hope, be accepted without much reserve. The provision to appoint officials and non-officials from the Native States on the Privy Council, who may be consulted by the Viceroy on questions of policy and administration, does not mean much, but I expect substantial results from the proposed joint deliberations of the Council of Princes and the Council of State on matters of common interests.

I do not know whether the proposal for the inauguration of the Council of Princes meets with the unanimous approval of the rulers of Native States, large and small, but the Report records some hesitation on the part of some of the most eminent among them to be members of a Council of the kind. The proposal will fail of its purpose, if there is any difference of opinion on the point. In such a case I would earnestly urge upon the Government to respect their wishes and find out a way to satisfy them. It may be said at the same time that as a measure of practical politics, the idea of establishing a Council of Princes is fraught with immense possibilities for the future of India and deserves the support of all patriotic rulers of every rank and dignity. It is impossible to conceive that there can be insuperable objections to the proposals. If the eminent rulers who declined to take part in the Conference of 1916 and 1917 have not yet been satisfied that the proposed Council is really worthy of their support, it would be interesting to know the reasons of their holding this view. If their position or their rights are in any way to be jeopardized it will indeed be a different matter. The public does not desire any diminution of the rights, dignities and privileges of the rulers of the Native States, and if it supports the scheme it is under the belief that a life of partnership in a federal Empire without losing individual rights is infinitely safer and more conducive to the good of the States than the present state of dormant, though dignified, isolation. One can see that the present arrangement is admittedly tentative and conceived as a step in the final realization of a "sisterhood of States, self-governing in all matters of purely local interests," with the Native States of India having their proper place in the system in full consonance with their treaty rights; "but with opportunities of dedicating their peculiar qualities to the common service, without loss of individuality." In the arrangement suggested there is no question of the loss of sovereign rights enjoyed by the rulers. The idea of Federation implies that the States coming together are sovereign States, that they are all interested in a general way in the

maintenance of certain common territories, the enjoyment of common rights and the performance of some common obligations; that they have a common life to live, common advantages to promote and common enemies to repel. The position of the Native States with their sovereignties of India will fit in with a federal scheme, all enjoying their rights and discharging their obligations under a constitution in which all the States may be represented through their minister and their people. Such a dream is the dream of the Indian patriot. It is also the dream of the joint authors of the scheme, and nothing remains between it and its fulfilment except the concurrence of the rulers of Native States themselves whose interests, stability and progress are inseparable from the best interests of India as a whole.

When the Council of Princes materialises the Princes will have the power to send their ministers on the Standing Committee of the Council, which is indeed a very satisfactory feature, and if the Standing Committee of the Council be given the power to call representatives of the people of the Native States for consultation and advice on matters in which the rights and liberties of the people may be involved, and if the Committee so reinforced is allowed to address the joint sitting proposed, all interests would be properly represented at such a joint sitting. Such a procedure will bring the political union of the people of British India and the people of the Native States within the realm of near probabilities and sow the seed of the evolution of a strong and united India under the ægis of the British Crown.

If the Council of Princes takes shape, the people of the Native States will be deeply interested in knowing the precise character of its functions, its procedure and the effect of its decisions on their destiny. I have something to say on these matters and will take an early opportunity to do so.

MANSUKHLAL R. MEHTA.

SELECTIONS.

THE PUNJAB AND REFORMS.

MR. MANOHAR LAL'S OPINION.

MR. MANOHAR LAL, M. A., Bar-at-Law, scholar and economist has thus expressed his opinion on the Reform Scheme:— "Lord Chelmsford and Mr. Montagu in their scheme of Constitutional Reforms have taken such a firm stand on the broad principle of Responsible Government and have tested every part of their proposals by such constant reference to this controlling principle that their scheme must in the main commend itself to the whole-hearted support of thoughtful India. By the boldness of their conception and by the transparent earnestness of their efforts to give adequate expression to the fundamental principle of responsibility, they have placed their proposals entirely beyond the reach of ordinary criticism. The proposals are based on a careful examination of the course of Indian constitutional advance and a study of India's present preparedness to develop responsible political institutions, and the authors show a sympathetic and keen consciousness of the state of political feeling in the country. A scheme so framed

cannot be lightly criticised, much less rejected, and short-sighted attempts at condemnation in any direction without a comprehensive view of the general bearing of the critic's position are peculiarly apt to be misleading.

"We must accord our cordial support to the scheme as to the main principles embodied in it. Large immediate introduction of the principle of election, transference of some of the power to Ministers chosen from the elected representatives of the people, increased association of the Indians in the Imperial Executive, the real rights of debate and interpellation, and above all, the large introduction of Indians in the principal service of the country—these facts cannot fail to effect a real transformation of the whole range of Indian administration, and if the transformation is in the right direction, and we can make out a strong case for ourselves, the scheme provides for successive and rapid stages of progress towards the supreme goal of Self-Government.

"The scheme, however, requires modifications in certain essential particulars, to prove acceptable to the people of India. The institution of a Second Chamber in the Government of India is a retrograde measure, and some other method ought to be found to secure the affirmance of necessary legislation; it is doubtful whether in the provinces at any rate resolutions passed by the Legislative Council should not under certain safeguards be of a binding character; and the right of putting questions in the Legislative Chambers should be less fettered. The range of transferred subjects is unduly limited, and the Ministers in Charge should undoubtedly enjoy equal rank and status with the members of the Executive Council. The demand for an elected speaker of the Legislative Chambers is also difficult to meet in theory, and the necessity for an official President is not made out by any practical considerations. Among the ablest of the exponents of the Congress-League scheme is Mr. Srinivasa Sastri, and I feel with him in his criticism of the Reforms that the scheme is in some measure open to the hazards of bureaucratic jealousy. Some of the suggestions made above are likely to safeguard against this, but the working of any scheme must necessarily rest on the good-will of those charged with power and the trustful co-operation of the people. I am not a politician, and therefore unable to gauge certain probably essential forces, but as a student I feel that the Reform Scheme embodies the great principle of responsibility amply worked for immediate introduction and makes the fullest provision for future development. If the Indian constitution is modified in the way proposed, the rest would depend entirely upon ourselves. A gradual but steady movement would set in the direction of self-rule, and India would achieve in peace the great boon of nationhood such as History holds no parallel for. When that comes, and we seem to be in sight of it, Britain's claim as a guardian of freedom and nationalities would be unchallengeable."—*The Tribune*.

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