The Fourth Bombay Provincial Liberal Conference. Poona.

Saturday and Sunday, Aug 29 & 30, 1925.

Address of the President—

Mr. C.Y. Chintamani

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ALLAHABAD:

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FELLOW-LIBERALS,—It is an unusual honour that you in your generous confidence have bestowed upon me in electing me, a resident of another province, President of this Conference, although at the time your choice fell upon me I was a temporary resident of the great city of Bombay. My acquaintance with the problems peculiar to this presidency is at best indirect and superficial and I have therefore decided to limit my observations to the subject of supreme national interest at the present time. I need not say that I thank you warmly for your kindness. It is indeed a great honour for a Madrasi journalist of Allahabad to be summoned to preside over the deliberations of an important assemblage at Poona—Poona, which stood and still stands for so much in the modern history of India; Poona, the capital of an Empire made by the genius of Sivaji, gallant soldier and wise statesman, an Empire of which we have unfortunately to say that it was; Poona, the city of Mr. and Mrs. Ranade, of Messrs. Gokhale and Tilak, of Sir Ramakrishna Bhandarkar and Mr. Karve; Poona, of the Deccan Education Society and Fergusson College, of the Indian Women's University and the Hindu Widows' Home, of the Seva Sadan and the Servants of India Society. If Poona narrowly missed the honour of being the birth-place of the Indian National Congress, it is the city which started the annual Bombay Provincial Conference under the auspices of the Sarvajanik Sabha and Mahadeo Govind Ranade, who also organized here several sessions of the Industrial Conference of Western India. No fewer than five consecutive sessions of the Provincial Conference were held in this city, — a reminder to us of the public spirit of our fathers, and also a rebuke if you will permit me to add— the last of them in 1892 under the presidentship of the leonine Sir Pherozeshah Mehta, and another session in 1915 with our veteran friend Sir Hormusji Wadya, whose ill-health we deplore, in the chair. For this session of the Provincial Liberal Conference we are indebted to the Deccan Sabha, an institution founded by Ranade and nursed by Mr. Gokhale, after the Sarvajanik Sabha passed under a different control. These are hallowed memories which the nation treasures, and I shall be pardoned if I feel a certain pride in the thought that you have deemed me worthy of this presidential chair in this city of Poona. But this very circumstance

sobers me and I humbly pray for Divine guidance, and I look forward to your cooperation, in the performance of the duty that has been imposed upon me. In the address which he delivered as President of the Conference held here in 1892, Sir Pherozeshah Mehta dwelt upon the character for moderation and fairness which political discussion in this presidency had acquired. Another respected and distinguished Bombay leader, Mr. Badruddin Tyabji, exhorted his countrymen when he presided over the Congress at Madras five years earlier, to be accurate in their facts, just in their demands and temperate in their language. I trust that the deliberations of this Conference will sustain this reputation and satisfy these tests.

Before I ask your attention to the subject of constitutional reform, it is my melancholy duty to refer to the great loss we have recently sustained in the death of one of our greatest patriots and leaders, Sir Surendranath Banerjea. It was at Poona nearly thirty years ago that the powerful orator and veteran publicist first presided over the Indian National Congress and delivered that comprehensive and masterly address which was statesmanlike in substance, brilliant in language, marvellous as a feat of memory and enviable as a test of physical endurance. By then he had already served the Motherland for a score of years and he lived to serve her with greater distinction and to still better purpose for thirty years more. Surendranath Banerjea was endowed with ability and eloquence, courage and independence, energy and zeal, faith and hope, and he was always a patriot with boundless optimism and patience. Although he died full of years and honours, he still had the enthusiasm of youth for effort and achievement and at this time our party in particular and the country as a whole miss the dauntless fighter and tireless worker. Our consolation must be that God ordains everything for the best and that the country which has produced a Surendranath will by His Divine Grace produce others like him. In this presidency the present year almost opened with the death of our venerable friend Sir Gokuldas Parekh, whose almost heroic work a quarter of a century ago in behalf of the poor cultivators of Gujarat deserves to be emulated by the public men of today as much as his fidelity to the sacred cause of social reform. Bengal and India have had to mourn the death of the masterful personality who ably led the Swaraj party, of which he was virtually the parent. By dint of his courage and resourcefulness, his energy and zeal, Mr. C. R. Das rose

in the space of a few years of active public life to be one of the most prominent of all the public men of India. In his late Highness the Maharaja Sir Madho Rao Sindhia, Gwalior has lost all too soon a ruler devoted to his loyal subjects, who laboured strenuously for their well-being and advancement, and a shrewd diplomat and man of affairs, while the whole country has joined the people directly affected in mourning for an enlightened prince who gave his sympathy freely to the constitutional movement to win self-government for India. I was among many in British India who were honoured with his Highness's friendship and was always struck by his uncommon simplicity and freedom from affectation. It is to be hoped that his death will not jeopardize the success of the movement to erect a worthy national memorial to Sivaji. To the families of Sir Surendranath Banerjea, Sir Gokuldas Parekh, Mr. C. R. Das and his Highness the late Maharaja Sindhia, we offer our sympathy and condolence in their bereavement.

CONSTITUTIONAL REFORM.

Fellow-Liberals, the subject which has been uppermost in the mind of educated Indians during the last several years is Constitutional Reform. It was the subject to which the Indian National Congress first addressed itself. The Legislative Councils as they were constituted under the Act of 1861 were tiny little bodies made up exclusively of officials and just a few nonofficials nominated by the Governor-General or the Governors as the case might be, and care was taken that ordinarily no nonofficial was admitted into them who was likely to have a mind or a will of his own. The orator of the Congress described them as 'gilded shams consisting of 'magnificent nonentities'. Thanks to patient persistence in constitutional agitation, a political method that in certain quarters it has of late become the fashion unwisely to decry as a bankrupt and mendicant method but to which in reality we owe in the main what political advance we have made during the last half a century, the Congress achieved its first notable triumph in 1892 when a new Indian Councils Act was passed by the British Parliament. 'Representative Government' was then the ideal set before itself by the Congress. As the result of the ability which the nonofficial Indian members of the Councils set up by that Act brought to bear upon their duties during a decade and a half and of continued constitutional effort by and under the ægis of the Congress both in India and in England, the Coun-

cils were further expanded and reformed by the Morley Act of 1909. The first Morley-Minto Councils sat in 1910 and after seven years' time—they were less superstitious then and did not fix upon a particular year before which they would not take a forward move in disregard of circumstances that might counsel the wisdom of earlier action—we had the Declaration of August the 20th, 1917, followed by the visit to India of the Secretary of State to ascertain Indian opinion and to confer with the Governor-General and the Government of India on the first steps that should be taken to implement that Declaration. Here let me pause to pay a tribute, on your behalf and mine, to Mr. Montagu, whose premature death is still mourned by us as of one of ourselves. The Indian National Congress and the All-India Muslim League acting in agreement had drawn up a scheme of reforms and supported it before the Secretary of State and the Viceroy. But it was rejected by them after consideration, for reasons some of which have since been pertinently urged against the present constitution of the central Government and Legislature. On the recommendation of Mr. Montagu and Lord Chelmsford the British Parliament have established in the provinces a diarchical system of government, which from the time of its conception has acutely divided Indian opinion and is at the present moment a source of friction, embarrassment and dissatisfaction. There was a definite cleavage in the ranks of Congressmen in 1918 on the publication of the Montagu-Chelmsford Report. It gave birth to our distinctive Liberal organization as a continuation of the Congress we knew and served. Complicating circumstances which followed but which had nothing to do with the scheme of Reforms embodied in the Government of India Act of 1919 suggested to Mr. Gandhi's apt mind schooled in South Africa the non-cooperation movement, the very failure of which after having wrought much public mischief produced the Swaraj party whose policy is volatile and when consistent is barren and harmful. Public opinion in England has stiffened and become reactionary and the official attitude in India has not been slow (it never is) to take advantage of this. The most recent authoritative utterances are unfavourable to progress and reform, and depressing to a degree. The British are entrenched in power and mean to remain so. We are weak, disorganized and disunited, the Swaraj party showing no disposition, any more than the bureaucracy, to learn or to unlearn.

The Congress-League scheme was rejected, at least in part for inadequate reasons as many of us thought and think, and a plan of their own was recommended by Mr. Montagu and Lord Chelmsford. This was examined by Indian public men and while it was rejected by those to whose ideal standard it did not conform, was accepted by others who realized that it was a substantial improvement over the system of government which it was to supersede and marked the limit of what the British Government and Parliament were prepared then to concede. The former reversed their Amritsar decision of 1919 and under the direction of Mr. Gandhi, embarked in the following year upon that campaign of non-cooperation which was doomed to failure and has had subsequently to be abandoned. The latter class of public men, who are strongly represented in our party and organization, offered discriminating support and criticism to the Montagu-Chelmsford scheme; laboured in England in 1919 to liberalize the Government of India Bill, not wholly in vain as I am grateful to acknowledge; strove in 1920, but I regret to say without success, for Rules under the Act which would be faithful to its spirit and not merely to its letter and would help instead of hindering the success of the new system of government; went into the reformed Assembly and Councils and accepted the responsibilities of office in 1921 in conditions admitted on all hands to be none too promising; worked for the three years of the life of those bodies in a genuine spirit of cooperation and with a proper sense of responsibility, as has been acknowledged even by their critics, and were for that very reason routed in the general elections of 1923, the Government and their officers not having shown, uniformly or adequately, the spirit of 'responsive cooperation' and having by a series of acts and omissions aggravated their undoubted unpopularity. They have since been endeavouring to the best of their power to impress upon the Government the necessity of reforms which will endow the country with a constitution worth the name, and a system of government which will be conveniently workable, will produce efficiency of administration and contentment among the people, and will harmonise with the conception of self-respecting men as to what their position should be in their own land. Their patient efforts in this behalf have not yet met with success. But it will be their duty, as patriotism demands it, not to be discouraged by failure, not to be embittered by words that wound which may be uttered by critics who expect the impossible from opposite points of view, but to show ' vitality

'of faith' and persist with their work until success crowns it. The Liberals of India are attacked by British reactionaries as being extremists in disguise and by Indian extremists as being the camp-followers of the Government. Conscious, however, of the rectitude of their motives and confident of the correctness of their policy which has the sanction of experience behind it, they can afford to march with quiet confidence, onward and upward, on the straight high road which is sure to take them to the goal upon which they have fixed their gaze. In the meantime, the boycotters of 1920-22 turned into the obstructionists of 1923 and taking advantage of the unpopularity of the Government and the defective organization of the Liberals, were able to enter the Assembly and Councils in large numbers at the close of the latter year. Of their record during the last twenty months, what shall I say? In the Central Provinces and in Bengal, they have driven the Government back to what it was in the pre-Montagu period, and been actually priding themselves upon this public disservice. Here is an attempt at advance by retrogression which may be compared with the plea for separate electorates as a means of closer unity between communities. In Bombay, they have lately lighted upon the heroic plan of inaction, or abstention, or sulking, as the last word in political strategy. In other Councils they have been more or less ineffectual. While everywhere the Government have had reason to congratulate themselves upon the defeat of Liberal candidates addicted to the inconvenient habit of bestowing close and constant study upon public questions and of offering temperate and reasoned criticism less easy to dispose of than rhetorical rhodomontade. In the Assembly, where the party has the advantage of the leadership of one of the astutest brains in public life, we have been bewildered witnesses of quick changes of policy, opinion and method the last of which I believe we have still to wait to see. It is my unfaltering conviction that the Swaraj party's principles, policies and methods will not succeed any more than the undefiled Gandhism of the two earlier years in accelerating progress to Swaraj. Military revolt being unthinkable, euphemisms for revolutionary or semi-demi-revolutionary methods having failed and being destined to fail howsoever skilfully tried, and inaction being at once cowardly, selfish and unpatriotic, we have left to us the pursuit of constitutional ends by constitutional means as the only political method open for wise patriots to follow.

Diarchy.

The system of government set up by the Government of India Act of 1919 and the Rules made thereunder came under examination last year, after an important debate in the Legislative Assembly, first by an official committee in secret and next in public by the Indian Reforms Inquiry Committee consisting of official and unofficial members. The former produced a memorandum designed to show that no appreciable change in the present system could be made consistently with the policy, purpose and structure of the present Act, and that the rule-making power of the Government and the power of delegation given to the Secretary of State by sec. 19-A could only be exercised within well defined limits. This argument had been previously employed by the present Governor of the Punjab when he was Home Member in the Government of India. Curiously enough, in the open Committee which sat later at least two of the official members directed their examination of Indian witnesses who advocated a revision of the constitution, to show that nearly everything or at least a great deal that they wanted could be accomplished under the present Act. This discussion is however devoid of immediate interest in view of the nature of the recommendations made by Sir Alexander Muddiman and four of his colleagues, two of them Indians I regret to say, and still more, of the pronouncements made by the Secretary of State on July the 7th and the Governor-General on August the 20th. The Reforms Inquiry Committee had before them reports submitted on behalf of Governors in Council in 1923 and 1924 on the working of the present system with such suggestions (if any) as they had to make for removing difficulties and defects, dissenting minutes by most of the Indian members of Executive Councils, and minutes recorded by Ministers in office in 1924. They got together much material in writing from past members of Governments, individual officers, public bodies and public men, and they orally examined many witnesses who included a number of former Ministers. The attitude of the official section of the Committee was evident in their hostile cross-examination of those witnesses who argued against their conclusion that the present system must not be pronounced a failure. When the Committee came to the stage of deliberation, the members parted company as 5 : 4 and two reports were presented to the Government of India. To which of the two does greater weight attach? The former was signed by Sir Alexander Muddi-

man, Sir Muhammad Shafi, the Maharaja of Burdwan, Sir Henry Moncrieff Smith and Sir Arthur Froom, and the latter by Sir Tej Bahadur Sapru, Sir Sivaswamy Aiyer, Mr. Jinnah and Dr. Paranjpye. The operative part of the latter's report—their principal recommendation—was that steps should be taken, by the appointment of a royal commission or otherwise, to put the constitution on a permanent basis with provisions for automatic progress at stated intervals. With this Sir Muhammad Shafi publicly expressed concurrence very soon after he had ceased to be an hon. member of the Governor-General's Executive Council. So that, two of Lord Reading's late colleagues, a former member of the Madras Executive Council, a respected Bombay ex-Minister whom you at Poona know so well and admire so much, and the distinguished President of the All-India Muslim League, all thought that the inquiry provided for by the Act of 1919 should not be delayed. Three out of the four living men who have held or hold the positions of Ministers in Madras, a late and two present members of the Bombay Executive Council and all the Ministers in Bombay, two ex-Ministers in Bengal, all the living Indians who have been or are members of the Governments of the United Provinces, Bihar and Orissa, and the Central Provinces and Berar, and the corresponding functionaries in the Punjab, Burma and Assam who have expressed any opinion, have pleaded for the establishment of complete responsible government in the provinces or for the nearest approximation thereto. To them should be added Sir C. P. Ramaswami Aiyer, now the senior member of the Madras Executive Council, who I believe is a warm supporter of the Commonwealth of India Bill. Nor is this all. Let the opinions be ascertained of all the living Indians who since 1907 when first Indians were admitted into the Council of the Secretary of State, have held office as members of that Council or of any Executive Council in India. If the numerical majority as well as the weight of opinion is not found to be against a continuance of the *status quo* and in favour of a decisive step forward, I for one will be prepared to reconsider my own opinion, rooted in experience as it is. Of them, Sir Krishna Gupta, who had been an active officer of the Indian Civil Service for thirty-five years before he served as a member of the India Council for seven years, Sir Rajagopalachariar, another able and seasoned official, Sir Syed Ali Imam and Sir Sankaran Nair, among others, have publicly stated their opinions. I may mention, too, Sir Visweswarayya, the distin-

guished statesman who was Prime Minister of Mysore for six years. It is against this body of loyal, able, experienced and authoritative Indian opinion that the opponents of change, among whom I regret to say we have to include both the Conservative Secretary of State and the Liberal Viceroy who are now in power, have ranged themselves supported by Tory and I. C. S. die-hards and the European Association. The eminent Indian advocates of reform who have held or now hold responsible offices in the Government, were surely appointed thereto because of their combined ability and loyalty. Let it be borne in mind that they include Parsis and Muslims not less than Hindus, and landlords and traders not less than lawyers and journalists. The disregard of the considered opinions of such men reminds me of two notable passages in Mr. Gokhale's memorable address to the Benares Congress in 1905, which are so apposite and telling that I take leave to transcribe them here. Said Mr. Gokhale:—

> ... ..the worst features of the present system of bureaucratic rule—its utter contempt for public opinion, its arrogant pretensions to superior wisdom, its reckless disregard of the most cherished feelings of the people, the mockery an appeal to its sense of justice becomes, its cool preference of service interests to those of the governed.....
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> If the opinions of even such men are to be brushed aside with contempt, if all Indians are to be treated as no better than dumb, driven cattle ; if men, whom any other country would delight to honour, are to be thus made to realize the utter humiliation and helplessness of their position in their own,.....I can conceive of no graver indictment of British rule than that such a state of things should be possible after a hundred years of that rule !

The Majority of the Muddiman Committee, the Secretary of State and the Viceroy have unquestioningly accepted the opinions of the English members of the reserved halves of provincial Governments on the working of the diarchical system and on the inadvisability of a revision of the constitution at the present stage. In doing so I submit that they have not been fair to the Minority of the Committee and to the Indian members of those Governments and have also done an injustice to themselves by virtually abdicating their function of independent criticism of opinions which could not in the nature of things be wholly detached or impartial. Ministers if invited to do so can, I dare say, compose statements which will furnish interesting and sometimes lively reading in criticism of the way in which

Governors in Council function ; as an humble ex-member of that tribe I will any day be ready to make my modest contribution to such literature and may even have the temerity to offer myself for cross-examination in support of my statement. Will Lords Birkenhead and Reading be as ready to accept as their own the possibly not very flattering judgments that those reports may embody as they have been to own the criticisms utterred by Governors in Council ? I wonder. Both the noble and learned earls are very eminent lawyers who were accustomed at the bar to cite authorities. May I venture to place before them two opinions of personages to whose names authority does attach ? In the course of an Indian debate in the House of Commons, Gladstone, the greatest leader Lord Reading's party ever had or is likely to have for many a long year to come, uttered the following warning against the opinions of British administrators in India, the ' men on the spot ' who have latterly been erected into so many petty divinities whom it were blasphemy to controvert :—'That it was a sad thing to say, but unquestion-' ably it happened not infrequently in human affairs, that those who ought ' from their situation to know the most and the best, yet from prejudice and ' prepossessions knew the least and the worst.' The Marquis of Hartington, afterwards the Duke of Devonshire and a leader of the party to which Lord Birkenhead belongs, after having been Secretary of State for India for about two years said a year later (1883) in the House of Commons : ' The Anglo-' Indian ' (old style), whatever may be his merits, and no doubt they are just, ' is not a person who is distinguished by an exceptionally calm judgment.' The issue is the transference of power from the British to the Indians. The substitution of constitutional and responsible government for government by the bureaucracy now holding sway, necessarily involves the increasing substitution of Indian for British officials as the personnel of the administration and the subordination of permanent officials to Indian political chiefs accountable for their acts to elected legislatures. This being so, the British element in provincial Governments—let it be remembered that all but three of the Governors and all of the British members of Executive Councils are officers of the I. C. S.—is an interested party, and for the Viceroy and the Secretary of State to accept implicitly their verdict on the work of their Indian colleagues and their suggestions against constitutional advance, is characteristic more of a Government which, with homage to 'British justice' on its lips, obstinately declines, partly for political reasons and partly for the sake of the British I. C. S., to separate judicial from executive

functions and services than of statesmen occupying elevated positions and breathing the purer atmosphere of wisdom, impartiality and disinterestedness.

Lord Morley has told us that with regard to almost everything of importance three questions are generally put: Who says it, what is said, and how is it said ? ' What is said ' ought to be the determining test, but in actual fact ' who says it ' is generally given prior consideration, and even ' how it is said '. We have seen that the opponents of our opinions and proposals are drawn from the very class who are directly interested in the maintenance of the *status quo* as the second best if the O'Dwyerian and *Morning Post* prescription of a reversion to the pre-1919 system, which to them is the first best, must be left out as an unattainable remedy. As the Governor-General in Council, the Secretary of State in Council and and his Majesty's Government have in their wisdom elected to follow the lead of the Majority Report and accept the testimony of Governors in Council, *i.e.*, almost wholly of the British and the I. C. S. element thereof as I must again emphasize, it is relevant and important that we should be clear as to what all they said. Assuming that their relation of facts is both complete and unprejudiced—Sir Chimanlal Setalvad would not accept this in the case of Bombay, I am not at all prepared to admit it in the case of the Governor in Council of the United Provinces, and I dare say that others in the like situation might be equally unready to concede it in the case of their respective provinces—we shall still have to see whether their conclusions are in all cases based upon and follow from their facts. The general official verdict is that diarchy has worked at least sufficiently well and can and should be maintained for several years to come. But it has also been said that diarchy has worked because diarchy has not been enforced or observed. Indeed, it is an admitted fact that it has worked best where there has been the least of it. How, then, can it be said to have worked well ? The Governor of Madras in Council wrote :

...the result of this system of joint consultation has been to secure a large measure of agreement (between the Executive Council and the Ministers), but it must be admitted that in so far as it tended to impose joint responsibility for the decision of the Government, it is inconsistent with the scheme of diarchy as visualized by the Joint Select Committee and as intended in the Act, and has been attended with some inconvenience.....the attempt to obtain by compromise a formula which would represen the views of both parts of the Government has more than once led to the issue by

the Governor in Council of letters which can hardly be said to represent the real views of the Governor in Council, while it may be imagined that, on their part, the Ministers have been not infrequently embarrassed in their relations with their party and with the Legislative Council by the restrictions on their freedom of action induced not merely by the *advice* of their colleagues on the reserved side (which was all that the system contemplated) but by the attempts to arrive at and carry out decisions of a Joint Government.

The Governor of Bengal in Council said :

Experience proved, however, that this principle, which contemplates a complete division of authority and responsibility between the reserved and transferred sides of Government, was more theoretical than practical. Since the present Governor assumed office in 1922 the strict principles of diarchy have been abandoned and the Government has been run as much as possible as a unified whole. Ministers have supported the policy of the reserved half of Government and in return have been able to rely on the votes of the official block for the support of their policy in regard to transferred subjects..... Under the strict principle of diarchy, the reserved side of Government might have been isolated when contentious questions, such as those relating to the maintenance of law and order, were discussed in the Legislative Council, while the Ministers, even if they had supported one another, would have been able to make little headway with the assistance of their nonofficial supporters only. Working on these lines, progress would have been impossible, and more than once might have been presented the spectacle of a Government divided against itself—a distinct cleavage of opinion between the reserved side of Government and the Ministers. Such would have been the effect of a system based on a literal adherence to the system of diarchy. But matters never reached this stage. By the reciprocal arrangement mentioned above the two halves of Government worked in unison..... Political considerations soon made it apparent that diarchy could be little more than a theory. Closer cooperation and consultations between Members and Ministers seemed required,.....[Ministers] are also under an obligation to support in the Legislative Council decisions regarding reserved subjects which they have endorsed in a joint meeting and as far as possible to secure for them the support of their adherents. They are in turn, in support of the decisions of the joint Government, entitled to the votes of the official members of the Legislative Council which affect the transferred side of Government. But difficulties have been encountered even under the modified system of working which has been adopted in Bengal.

Diarchy is ' double rule ' ; it has been defined as ' a form of government ' in which the supreme power is vested in two persons '. In this sense there has not been and is not such a system in any province as ' the supreme power '

is everywhere vested in the single person of the Governor, responsible to higher authority as the head of 'the Governor in Council' and to nobody as the head of 'the Governor acting with his Ministers'. After him comes the Finance Member, always and necessarily a member of the Executive Council with not even a shadowy or nominal responsibility for the administration of the transferred subjects, with only one exception a British Officer of the I. C. S., and with vast opportunities of thwarting Ministers in their work because he is the presiding deity of the Finance Department endowed with considerable powers of Treasury Control. The constitutional relations between the Governor and his Ministers as defined in the Act and explained in the Instrument of Instructions marked by very elastic phrascology and elaborated in Rules under the Act, are unsatisfactory in the extreme to the weaker of the two parties. If and when diarchy is not worked as diarchy, the undoubted advantage of Ministers knowing and sometimes being able to influence policy on the reserved side, is heavily set off by the compromising position in which they thereby find themselves in the Legislative Council and before the public outside. They ought never to be under the necessity of relying upon the votes of official members to carry their proposals through. Where there is not the general practice of joint deliberation between the two halves of the Government, Ministers labour under the heavy disadvantage of having to go without information which they require, of lacking influence and authority, of being deprived of opportunities of doing public good, of being and being seen to be inferior members of Government for whom high-placed officers protected by the Governor first and the Secretary of State last, and the Finance department too, need not care half as much as they do at present, which is not much.

A great deal has been said by Governors in Council of the absence of organized parties in Councils. It is refreshing for us politicians to know that our bureaucracy are so deeply solicitous of our healthy political development as to be gravely concerned at the absence of sound party organizations among us. They fail to realize, however, that the constitution of Government which some of them have so well described is almost fatal to such a development inside the Councils. The credentials of Ministers in our mixed Governments are not accepted by the nonofficial members not because they are not trusted but because of their close and constant association with the bureaucracy, which is inevitable under the present constitution, and also because the powers

of the Ministers are so limited and the control of the Governor is so great. Government themselves initiated the system of separate communal representation which has led to the growth of parties based upon differences not of political opinion but of religious belief and caste, and their policy can be described without unfairness as one of encouragement of precisely those parties which would never be recognized as political parties in England. Yet one can detect in their dispatches more than a vein of reproach that party distinctions in the Councils should develop on such lines. I knew of the head of an important department in my province who, when his advice to Government was accepted and it led to results that had to be regretted, was sometimes prone to tell the Government coolly that their disregard of his advice was responsible for the mishap. Similarly, in adducing reasons against measures of political advance which we urge our Government attribute our unfitness to the consequences of their own policy which we resisted to the utmost of our power. The greatest example of this is their constant sermons upon our incapacity to defend ourselves against a military invasion. As if British military policy had been our handiwork! As if it is being persisted in with almost tragic zeal for our sake and at our request! As if we have not almost exhausted the vocabulary of appeal and persuasion, of reasoning and criticism, against that illiberal and blundering policy rooted in selfishness and thriving upon suspicion! Is the fear that a just and wholesome reform of it will deprive them of a singularly handy argument among the reasons for their fond adhesion to it? Coming back to Ministers and parties in Councils, what do you think of a Governor arguing against the recognition of the joint responsibility of Ministers on the ground that 'at 'the present stage' of development in this province it would be wrong to 'introduce by rule' a convention of this kind which would mean the 'absolute rule of the' majority party in the Council in the transferred 'departments'? This was written by Sir Frank Sly and concurred in by the Finance Member of his Government.

The electorate is a small fraction of the population. Is this our fault? Did we decide that the franchise should not be wider? The bulk of the people are illiterate. Again I ask, are we responsible? Were we the Government and did we settle policies, political, financial and educational? A former head of the education department of one of our larger provinces confided to me ten years ago that he had been admonished by the head of the

Government not to be too enthusiastic about the wider diffusion of elementary education as 'mass education is dangerous among a subject people'. It is said that if Indians replace Europeans, efficiency will deteriorate if it will not disappear. When I read from day to day the quantity of depreciation of Indian worth and of superlative adulation of the super-human excellences and achievements of British officials in India and their consequent indispensability for nearly all the time to come, I cannot resist the temptation of placing before those who in their native modesty praise themselves so much as (according to an American witness) to make it unnecessary for others to speak of even their just merits, one or two passages from eminent men who were not of our race. I will not say with Sir James Mackintosh that 'every 'Englishman who resides here very long has ...his mind either emascu- 'lated by submission, or corrupted by despotic power', as you and I are only too grateful to recognize that if Sir William Wedderburn and Mr. Hume were the exceptions that proved the rule there have throughout the years been many British officials who did their honest best for India in the spirit of duty. But the point of his criticism cannot be missed. Said the late Duke of Argyll, a predecessor of Lord Birkenhead's in the India Office:—'We know, 'indeed, of poverty and destitution, more or less temporary, in European 'countries. But of chronic poverty and of permanent reduction to the lowest 'level of subsistence such as prevail only too widely among the vast popula- 'tion of rural India, we have no example in the western world.' The British officials have to their own satisfaction been the faithful guardians of our rural masses, for whom they deny that we have any real sympathy, but they go on resisting our proposals for their economic amelioration. Our fitness for more power will be judged by the statutory commission, whether it may be sent out four years hence or earlier, by one test among others, the extent of educational progress. But Ministers of Education have to struggle hard and not always or often with success for the minimum of funds needed for even a moderate advance. I do not suppose that in this presidency my friend Dr. Paranjpye's Compulsory Education Act has been enforced in many local areas while in my province the story was lately told in some detail of a very substantial reduction of grants to district boards for primary education and of the manner in which it was effected three years ago. A comparative view of the condition and progress of India and of the countries of the west and Japan will show to any disinterested

observer how exaggerated if not extravagant is the praise that is constantly lavished upon the nature and the results of British administration in India and how untenable is the claim that their presence here in large numbers as our masters and guardians is a vital necessity for the progress of India.

It is cited and recited as if it were one of Euclid's axioms requiring no proof that all the loyalty and all the cooperation were on the side of the British services and it is implied that for whatever has fallen short of perfection Indian Ministers, Indian members of legislatures, Indian public men and Indian electors are exclusively responsible. Some of the published evidence recorded by the Lee Commission was designed to heighten the impression of anti-British Ministers doing injustice to deserving British officials out of racial motives, and the theme continues to inspire many an oratorial outburst. Gentlemen, I am here to say with a full sense of responsibility that to the best of my knowledge and belief there is little foundation for this complaint, and that the contrary proposition is largely true that many deserving Indian officers have from time to time been the victims of prejudiced treatment at the hands of their British superiors. From what I have seen myself I do not envy the few Indians who occupy positions hitherto the monopoly of and still coveted by Europeans. As regards the loyalty of British officials to the spirit of the Reforms, their anxiety to help forward India's advance to responsible government, and their masterly yet gentle and courteous guidance of the infant footsteps of the ignorant and erring amateurs of Indian Ministers, I could say something that would perhaps not be very dull, but would rather not spoil the idyllic picture which Lord Meston and greater men than he have complacently drawn for the delectation of their countrymen 'at home'.

I will not detain you longer with a reply to criticisms such as those I have been noticing. I affirm that the reports of the British members of 'Governors in Council' are—firstly, not complete presentations of facts; secondly, somewhat one-sided statements which did very partial justice to, where they did not ignore the points of view of, Ministers and Legislatures; yet, thirdly, that they embody what may be called admissions of the necessity of changes of which, however, they have fought shy in the operative parts of the reports for reasons which can be understood so easily that they need not be directly mentioned. I say that the Majority of the Muddiman Committee did scant justice to the facts related before them by those who were in

the best position to speak of the working of the diarchical system, and wrote a report marked by intellectual thinness, superficial treatment of the subject, political partiality on the part of three and political timidity on the part of at least one of the signatories, and made to the Governor-General in Council recommendations so inadequate that I have no hesitation in committing myself to the opinion, now that they have almost been accepted by the Government, that the interests of India would have been served far better if that Committee had never been appointed.

Rules under the Act.

I do not subscribe to the view that provincial autonomy, which is another name for unitary responsible government in the provinces, is today an unpractical proposition. On the other hand, I am of the belief that it is both feasible and not merely desirable but essential. And this cannot be brought about without an amendment of the Montagu Act. The Majority of the Muddiman Committee having, however, thought differently, surely it was up to them to explore the whole of the possibilities of improvement by amendment of the Rules under the Act and to make recommendations of substance which could have at least been considered seriously by those who know a little of the subject. Why they did not do at least this second best is perhaps a profitless question to put as we shall have no answer to it. The argumentative part of their Report does not help us to discover the reasons except, first by a process of elimination and next by means of inference. If the Government of India Act of 1919 must remain intact, except of course where inroads had to be made into it for the benefit of the never satisfied British services for whose aggrandizement British India apparently exists, if the diarchical system of government must be tolerated for some years yet, it was open to the Majority of the Muddiman Committee to use the material at their disposal to the best advantage and make recommendations the effectuation of which would have made the system more easy to work, promoted administrative efficiency, made the position of Ministers more tolerable and of the Governor more constitutional, and facilitated the moral and material progress of the country. Without an amendment of the Act, at least without any major amendment which would have amounted to a revision of the constitution which the Government were not prepared to undertake, the following among other changes could have been recommended, and can be accomplished:—

(1) The position of the Governor in relation to his Ministers can be better defined so as to curtail his arbitrary powers and make him more of a constitutional governor. (The importance of this cannot be exaggerated.)

(2) Ministers can be made eligible for charge of Finance equally with members of the Executive Council, and the Finance Department made in reality a non-reserved and non-transferred department as it should be.

(3) The Legislative department and the Secretariat can be treated in the same manner.

(4) The Secretary of State and the Government of India can divest themselves at least in large part of powers of control they still retain in respect of transferred subjects, more particularly as regards cadres and conditions of recruitment, service and emoluments.

(5) The Rules of Executive Business can be amended so as to vest more powers of final sanction in Ministers and reduce the possibilities of secretaries and heads of departments frustrating their policies and purposes.

(6) The rules that govern appointments to what may be called specialist departments can be modified so as to enable Ministers to select the most suitable persons therefor without being hampered by concessions to vested interests of officers not belonging to and having no special knowledge of or interest in the subjects with which those departments are concerned.

(7) More subjects can be transferred.

(8) The requirement of previous sanction of the Governor-General to the introduction of Bills in provincial Councils can be reduced very much.

(9) Provincial contributions to the central Government can be done away with.

(10) The nominated official element in the Councils can be substantially reduced if not dispensed with.

I have used the word 'can'. I mean that these improvements can be effected by the amendment of Rules under the Act. Of course I also mean that they should be. There are several other important changes that can be made by Governors, if they choose, not the least desirable of them being that opportunities of interference with the administration or the

officers of transferred departments by powerful 'reserved' officers such as commissioners and collectors should be reduced to a minimum. On not one of these points had the Majority of the Muddiman Committee anything of value to recommend.

There is the matter of the transfer of more subjects. The Montagu-Chelmsford Report provided for means by which there could be an addition to them at the conclusion of five years. This proposal of theirs was left out of the Act, notwithstanding all the efforts of the Liberal Deputation for its restoration. But Mr. Montagu in cross-examining me before the Joint Select Committee stressed the fact that there was nothing in the law to preclude the transfer of more subjects at any time after the passing of the Act. We knew this would not be done; it has not been done; I do not think it will be done. Governors in Council (*minus*, let me again say, the Indian element thereof in most cases) vied with one another in trying to demonstrate that no more subjects could be transferred. We had seen in 1918 that the then Governors in Council, Lieutenant-Governors and Chief Commissioners argued with equal strength against the transfer of several of the subjects included in the transferred list and that they were warmly supported by the Government of India. What is the recommendation of the Majority of the Muddiman Committee in this behalf? They could think of but one important reserved subject, Forests, for transfer in provinces where it was not already a transferred subject. I cannot make out why Irrigation, Stamps, Industrial Matters, Jails, Reformatories, Government Presses, Land Acquisition, Court of Wards, Anglo-Indian Education and several other and smaller subjects should not be transferred even if Law and Justice, Police, and Land Revenue must remain reserved, complete responsible government being held by them to be impossible at the present stage.

The Committee could have, but have not recommended a wider franchise, or the removal of the disabilities of women, or adequate representation by election of the depressed classes and the urban labourers. They have done nothing to remove the anomalies and inequalities of special landlord representation. In a word, they might never have sat at all for all the good they have chosen to do. Yet, we are blamed for preferring the admirable Minority Report to the perfunctory Majority Report. At least, we have the satisfaction of erring in the excellent and distinguished company of no less a man than the immediate ex-Secretary of State for India, who was the parent of the Com-

mittee and whom the English-edited press of India ought not to have been so ungrateful as to vilipend after his sanction of the Bengal Ordinance.

Before I leave the Muddiman Committee, I am sure I voice your feelings when I say that we admire and thank Sir Tej Bahadur Sapru, Sir Sivaswamy Aiyer, Mr. Jinnah and Dr. Paranjpye, for their Minority Report dismissed so gracelessly by the Secretary of State and treated so illiberally by the Viceroy and Governor-General. To us of this Conference it is of special pride that no fewer than three of the four signatories are honoured leaders of the Liberal party.

Provincial Autonomy.

Let me say before passing on to the central government that I am altogether unable to follow his Excellency the Viceroy in his observations on the inadmissibility of the demand for provincial autonomy. Lord Reading spoke as if there were an irreconcilable antagonism between 'complete provincial autonomy' and 'a strong central government'. Provided you do not too literally construe the adjective 'complete' nor interpret 'autonomy' as meaning 'independence' (there is a difference between the two), I fail to see the incompatibility between the two. I am an advocate of 'a strong central government' as much as his Excellency, though possibly not in the same sense, but why can you not have it along with, or because you at the same time have, provincial governments responsible to provincial legislatures in their own sphere? You demarcate the respective functions of the two, you hand over all residuary powers to the central government. We have read that a complete separation of central and provincial finances is an indispensable condition of provincial autonomy. Be it so. But it has not been said that such a separation is an impossibility. And I do not think that it is so in fact. If the present grouping of central and provincial subjects is deemed to require revision, let it be effected after a full consideration of the points of view of both the central and provincial governments. Except where it may be found impossible, such a division should be made of the sources of revenue and the heads of expenditure that, firstly, the responsibility both for the finance and the administration of a department may reside in the same authority; secondly, contributions by the provinces to the central government may be unnecessary, and thirdly, no single province may have a just cause of complaint that it has received unfair treatment. It may be found necessary in the case of some

subjects to reserve the right of legislation to the central government while their administration may be made over to provincial governments. I see no insuperable objection to this, provided such reservation is kept down to the minimum requirements of good government. Similarly, and this is more important, the requirement of the Governor-General's previous sanction to provincial legislation should be brought down to the irreducible minimum if on examination it should be found impossible to do away with it entirely.

It has been alleged that provincial autonomy will accentuate provincialism and retard progress towards national unity. I do not think it need have or is likely to have any such effect. On the other hand, I am disposed strongly to anticipate that, given a proper system, the tendency to inter-provincial quarrels and jealousies will be less and the friendly rivalry to emulate one another in promoting the happiness of the people will be more when there are autonomous provincial governments. There will necessarily arise from time to time disputes between one province and another and between a provincial and the central government on matters of jurisdiction and of constitutional and financial rights and obligations. There should be a judicial tribunal to settle them. The Montagu-Chelmsford Report contained a valuable proposal to set up a Privy Council of India. It evoked much opposition from our public men including some leaders of the Liberal party. I regretted their opposition then, I have regretted it ever since. The institution of a Privy Council of India will not merely raise the political status of India in the empire and the world. The Council can be utilized for practical purposes of great public importance. For example, there can be a Judicial Committee of the Privy Council. It will be the highest court of appeal in India, virtually the Supreme Court which many of us wish to see established in Delhi. But it can be more. All disputes between one government and another can be adjudicated upon by the Judicial Committee of the Privy Council of India. At present every such question is decided by the Government of India, even when that Government is a party to the dispute, and I know that provincial governments are not always convinced of the justice or disinterestedness of the decision. I knew that at one stage of his consideration of the future constitution of India Mr. Montagu not only thought of but actually put forward a proposal that there should be a judicial tribunal to settle constitutional disputes between one government

and another in India. This was in the November of 1917. I do not know when, why and by whom the proposal was killed. It should be revived and we should press it as a necessary part of a satisfactory constitution.

If the problem of provincial autonomy is attended with difficulties, so is every problem of any importance. But difficulties exist to be solved by statesmanship, not to baffle it, nor to be used by men in authority as excuses for inaction. A brilliant predecessor of Lord Reading's, whose two volumes on *British Government in India* contain much that provokes thought, asserted that there was no problem beyond the capacity of statesmanship to solve. And one of the greatest of Secretaries of State for India affirmed that British statesmanship had nowhere broken down and would not break down in India. The problems of Canada and South Africa were solved. The problem of Ireland, which came perilously near to being insoluble, has been solved. Why should not the problem of India be solved? I know it will be solved. This is the faith in me. But the British have a way of delaying solutions until the eleventh or after the eleventh hour. As Sir Surendranath Banerjea used to say, the words 'Too late' are written on the portals of Government Houses. 'Never put off till tomorrow what can be done 'today' is supposed to be a maxim followed in actual life by most Englishmen. We Indians are reproached, I think very justly, for habitually failing to act in accordance with it. But it must be said that the British as a government, and specially in dealing with other races, do act on the contrary maxim, 'Never do today what you can possibly put off till tomorrow,' —except, may I say, when a policy of repression is embarked upon. The result of this is that the difficulties of statesmanship increase, ill-will is bred, hatred comes to usurp the place of love, and when at long last the right thing is done it loses, in the language of Mr. Gokhale, half its efficacy and all its grace. I appeal to Lord Reading and Lord Birkenhead, I appeal to them in your name and mine and appeal earnestly and respectfully, not to drug their minds with the plausibilities and sophistries of which the reactionary and interested permanent services are always full to put off what to them is the evil day of reform, but to apply their powerful, independent minds to the whole of the problem, to look at it from all points of view, to bring to bear upon its consideration the invaluable qualities of insight and foresight, to remember that their function is not to be the eyes and the ears of the bureaucracy and to be their mouthpiece but to act as impartial judges between the people and the official hierarchy and to do all the good they can to the people whose

rulers they are, and to make their tenure of exalted office memorable by laying broad and deep the foundations of an India contented and prosperous because she is self-governing, an India which will be an honour to England instead of continuing to be what Sir William Wedderburn described her as being—'the skeleton at the feast'.

THE CENTRAL GOVERNMENT.

Fellow-Liberals, in the whole of the discussion on the subject of constitutional reform, it has always appeared to me that there was a tacit assumption on the part of the Government that all that needed consideration was reform in the provinces. That this is not so we have repeatedly made clear. In the Congress-League Scheme of 1916 we gave as much prominence to the reform of the central government as to that of provincial governments. The proposals of Mr. Montagu and Lord Chelmsford relating to the former, we, the discriminating supporters of the scheme, attacked as being its weakest part. I would refer here to the resolution of our first all-India Conference held at Bombay in November, 1918, under the presidency of Sir Surendranath Banerjea, the resolution being moved by myself and seconded by Mr. (now the hon. Sir Moropant) Joshi. We urged vigorously, both before the Joint Select Committee and elsewhere, the necessity of the introduction of some measure of responsibility in the central government. After the Act was passed we assembled at Calcutta in the second session of our all-India organization, the National Liberal Federation of India, and in expressing our sense of satisfaction at the passing of the Act made a reservation and regretted the unsatisfactoriness of the arrangements regarding the central government. As the result of experience gained since then, we have, year after year in the annual sessions of the National Liberal Federation as well as of the Bombay, the United Provinces and Berar Liberal Conferences, and on every other available opportunity, been pressing for such reform. In the evidence given before the Muddiman Committee last year we gave prominence to it. And the Minority of that body supported our view in their Report. Whether we consider the question in its theoretical or practical aspect we are compelled to the same conclusion. The grave drawbacks of the combination of an irremovable executive with a legislature with a majority of elected members frequently in opposition to that executive, was condemned in the Montagu-Chelmsford Report in language of convincing force upon which we cannot improve. That the disadvantage is very real has been demonstrated in every single session, and

several times in every session, of the Legislative Assembly. The recourse by the Governor-General to his exceptional power of certification has become increasingly frequent. If on certain occasions our wise Swaraj party rendered it necessary, there were decisions of the Assembly which the Governor-General upset which had the support of the country behind them and which in the judgment of many who cannot be dismissed as discontented agitators ought to have been allowed to stand. The divergence in opinion and sympathy between the Government and the Assembly is becoming disquietingly marked and frequent and the moral authority of the former is thereby suffering enormously. The Council of State is constituted in the most unsatisfactory manner, and allows itself to be used by the executive as a mere convenience. But even the decisions of that body are set at nought when the executive deem fit to do so. Great is the political and economic harm that is accruing to the country from the present position of the central government. And howsoever provincial governments may be reformed, the injury will continue for as long as the central government remains a despotic body subordinate and responsible only to a distant Secretary of State who has to and frequently I believe does think much more of the Government, Parliament and people of his own country than of us who are unknown to him and who cannot reach him. Besides, the Government is made up of a fortuitous combination of members with no identical policy or sympathies or allegiance. A politician or diplomat or judge from England belonging to any political party presides over a body consisting of a military officer, three officials, an Englisman from England who may be a civil servant or anybody, and two or three Indians who may belong to very different schools or to no school of politics. Who has ever heard of a Government so constituted functioning efficiently and harmoniously in the interests of the people ? Where agreement is reached and anything like open differences are avoided, who knows that the price paid for the result is not the subordination of Indian to British or service interests ? The I. C. S. members have governorships to aspire for, which are in the gift of the head of the Government. Under the present system it is not often that robust Indian public men with convictions they will not surrender and patriotism they will not sacrifice are preferred for the honourable positions. Again, the Governor-General has the Secretary of State to consider. Lord Curzon's pages abound in instances of the grim reality of the latter's control whenever he may choose to assert

himself. It is our misfortune, but in my opinion it is also a circumstance inseparable from the present constitution, that that assertion when it is made should be so much more frequently in Britain's and not India's interests. It is my unalterable conviction that the system rests on an unstable equilibrium and has to be put on a rational basis. The change can take but one form. The Government of India should be made responsible to the Legislative Assembly and freed from the control of the Secretary of State, with two reservations for some time to come, *viz.*, that the control of the Foreign and Political and the Army department should continue to reside, subject to specified conditions, in the Governor-General acting under the superintendence and direction of the Secretary of State. We attach not less importance to this reform of the central government than to provincial autonomy, which will very likely lead to friction and will not work satisfactorily if governments responsible to their respective legislatures have to co-exist with a bureaucratic central government independent of the legislature and subordinate to an external authority situated some thousands of miles across thie ocean. The Council of the Secretary of State should be abolished and the Standing Committee of Parliament, which has proved most disappointing and practically useless, may be accorded the same treatment.

Proposals of Reform.

Here are our proposals of reform. There is nothing new or original about them, many of us having put them forward several times before and the National Liberal Federation, too, having expressed itself in a similar sense :—

(1) The superintendence, direction and control of the revenues and the administration of British India should vest not in the Secretary of State for India, in Council or acting singly, but in the Governor-General in Council.

(2) Except in respect of the Army and the Foreign and Political departments for such time and under such conditions and limitations as may be laid down in this behalf, the Secretary of State for India should exercise no control over the Government of India, and his relations with it should be similar to those of the Secretary of State for the Colonies with the governments of the dominions.

(3) The Council of the Secretary of State for India should be abolished.

(4) The members of the Executive Council of the Governor-General should be Ministers drawn from the central Legislature and responsible to the Legislative Assembly for the administration and finance of all central subjects except Foreign and Political and the Army. The relations of the Governor-General to the members of Council should be those of the head of a parliamentary state to Ministers.

(5) In general terms, the Legislative Assembly and the Council of State should, in relation to the Government, respectively occupy positions analogous to those of the British House of Commons and the British House of Lords under the Parliament Act of 1911.

(6) Women should be equally free with men to vote for and to seek election to the Legislature.

(7) The franchise should be widened and adequate representation should be provided for the depressed classes and the urban labourers.

(8) The King's Indian subjects (including in the term the subjects of rulers of Indian states) should be eligible for service in all arms of defence from the highest offices downwards, and adequate facilities for their training should be provided in India as may be decided by the Governor-General in Council.

The proposals set forth below are my own and may be considered on their merits :—

(9) The annual military expenditure (including in this term naval and aerial) should be fixed at a certain figure which will not have to be voted by the Assembly. But, any moneys that may in the Governor-General's opinion be required in excess thereof in any year for the defence of the country will have to be submitted to the vote of the Assembly in the approved form

of a demand for a grant. If the Assembly reject the demand it should be within the competence of the Governor-General to make the same or a smaller demand for a grant in the Council of State and such sum as it may vote may be spent by him in addition to the fixed non-votable amount.

(10) Where there may be disagreement between the Governor-General in Council and the British War Office or Treasury in the apportionment of expenditure between the revenues of Britain and British India or in respect of the chargeability of any item of expenditure to the latter, the dispute should be submitted to arbitration and the award should be binding on both Governments.

(11) The arrangements outlined in the above two paragraphs (9-10) should be in force for a period of ten years, after the expiry of which the position should be reviewed by a commission on which Indian opinion is adequately represented, preferably through members elected thereto by the Indian Legislature.

(12) The power now vested in the British Parliament of sanctioning expenditure out of the revenues of British India to meet the cost of military operations beyond the external frontiers of India, should be transferred to the Indian Legislature.

(13) A Privy Council of India should be constituted, on the lines suggested by Mr. Montagu and Lord Chelmsford in their Report of 1918, and with a Judicial Committee thereof to act as a Court of Appeal and as the tribunal to adjudicate upon all disputes between one Government and another.

(14) The list of central subjects may remain more or less what it is at present, probably with a few deductions.

(15) The central government should levy no annual financial contributions from the provincial governments.

(16) There should be no extension of the system of separate electorates, and after a term of years which may be not less than ten and not more than twenty-five the existing separate communal electorates should be abolished and merged in the general territorial electorates.

THE COMMONWEALTH OF INDIA BILL.

I have suggested no more than the outlines of constitutional reform. I admit that very probably they are not what Lords Birkenhead and Reading would have had in mind when they very kindly stated that any scheme produced by Indians would be considered by them or by the statutory commission when it is appointed. But I have an idea that it is more the business of the Government to produce a detailed scheme than of any nonofficial body. I was not certain in 1916 that the Congress acted tactically in drawing up the scheme of that year ; I am not clear in my mind now that we should follow a similar course. The Congress-League Scheme was rejected by the then Secretary of State and Viceroy, and history may repeat itself. However this may be, the National Liberal Federation has instructed its Council to draw up a scheme and the Council has set up a committee of five (with power to add to their number) to prepare it and circulate it among the members of the Council. It is intended that the scheme as approved by the Council should be laid before the next session of the Federation. Sir Tej Bahadur Sapru is the chairman of the committee and the right hon. Mr. Sastri its most important member. Meanwhile, fellow-Liberals, the National Convention, of which Mrs. Annie Besant is the life and soul, has after considerable deliberation, produced the Commonwealth of India Bill. Sir Tej Bahadur Sapru and Mr. Sastri, two ex-Presidents of the National Liberal Federation, are prominently associated with the Convention and are supporters of the Bill. I have preferred not to identify myself with the Convention or the Bill but to limit my energies and activities, such as they are, exclusively to the Liberal party organization. There are parts of the Bill of which I frankly do not approve. But with its purpose and its main ideas we all must be and I am in hearty accord, and I am quite prepared to take the Bill as the basis of discussion in drawing up our own scheme as we have been instructed to do by the Federation. My immediate purpose in referring to the Bill is respectfully to invite Lords Birkenhead and Reading to give serious consideration to the Commonwealth of India Bill as embodying a self-contained scheme of self-government for India and to offer their criticisms upon it for the benefit of all Indian reformers. No one expects that they will or should accept it as it is. But it does not deserve to be ignored. At this point, I desire in your

name and mine to pay a tribute of admiration and gratitude to Mrs. Besant, a lady who will soon be 78, for her untiring and unresting labours in the furtherance of India's cause.

OTHER QUESTIONS.

Fellow-Liberals, as I said at the outest I do not propose to discuss more subjects. But I have to mention a few. There is the outstanding question of the treatment of Indians in South Africa, Kenya and other parts of the Empire. We have expressed ourselves in unmistakable terms upon this great imperial shame and scandal. At the last meeting of the Council of the Liberal Federation held at Calcutta on the 16th instant the Government of India were called upon to stand up for the honour of India as a national government would have done. Lord Reading in opening the Assembly on the 20th instant was reticent upon the question in view of negotiations in progress between the two Governments. We wish his Excellency's Government success, although we cannot be sanguine of the result. I am sure I speak for you when I say that if the negotiations should fail the Government of India should not hesitate to put the Reciprocity Act in force and take retaliatory action against South Africa. The position in Kenya requires constant vigilance on our part. I am glad that in the Indians Overseas Association in London, of which Mr. Polak is secretary, the Imperial Indian Citizenship Association of Bombay, of which Mr. Jehangir Petit is the moving spirit, and the Indians Overseas Committee of the Council of the Liberal Federation, of which Mr. Sastri is the chairman, Mr. Vaze the secretary and Pandit Banarsidas Chaturvedi a co-opted member, we have three bodies which can be trusted to be always watchful.

The latest pronouncement of the Secretary of State on the question of the Indianization of the Army is no more satisfactory than was Lord Rawlinson's hope-killing speech in the Assembly in March last. It is obvious that that before justice is done to our unanswerable claim a long and hard struggle has to be gone through by us. All parties and communities can make common cause here and I hope I may look upon Pandit Motilal Nehru's acceptance of a membership of the Military Training Committee as an indication that on this question at least there can be united action.

The decisions which have been taken on the Lee Commission report are no better than the appointment of the Commission was. They are

prejudicial to our advance to the goal of responsible government, and it is not our fault if the British Government's action in this regard raises in the mind suspicions about their intentions as much as the undue stress that both the Secretary of State and the Viceroy have lately been laying upon the second and least satisfactory part of the preamble of the Government of India Act, which we owe to the colossal indiscretion of a late leader of the Swaraj party who now occupies the presidential chair of the Legislative Assembly. Incidentally, I congratulate Mr. Vithalbhai Patel on having transformed himself from an advocate of civil disobedience into an eminent cooperator.

One word I will say on the Bombay mill labour crisis. I sympathize with the millowners in their difficulties and wish with all my heart that the excise duty should immediately be repealed, and that in every other feasible way Government should help the industry as much as they can. But I am opposed definitely and uncompromisingly to the millowners' ungenerous decision to cut down the wages of their workmen. I regret this very deeply indeed. The management of the mills, according to competent testimony, urgently calls for reform.

GENERAL OBSERVATIONS.

Fellow-Liberals, his Excellency the Viceroy, following the right hon. the Secretary of State has made an eloquent appeal for cooperation. I respectfully reciprocate the appeal. Cooperation is, however, two-sided, and it implies equality between the parties who act together. Lords Birkenhead and Reading are satisfied, if we may judge from their speeches, that everything has been done in the best spirit by the officers of Government and that it is we who have been found wanting. I regret that my own experience and observation do not support the conclusion they have reached. Sir Alexander Muddiman was visibly angry with me for the following sentence in the Memorandum I submitted to his Committee last year :—'I am constrained to say that so far as the progressive political 'parties go the British Government and their officers as a class have during 'the past nearly two years and a half signally failed to cooperate with 'Indian public men in the spirit of the Montagu-Chelmsford Reforms.' The Chairman of the Reforms Inquiry Committee very obligingly gave me a chance of withdrawing or modifying the observation if I would, but I did not see my way to avail myself of his generosity and make a recantation, except to say that the criticism did not apply so far as non-coopera-

tors and Swarajists went. The Secretary of State was good enough to improve upon his noble predecessor and to recognize that there was such a body as the Indian Liberal party. I think that the Liberals have not to make any damaging confessions of failure to cooperate. Of course they would have nothing to do with the species of cooperation which alone is apparently understood by a class of officials, *viz.*, condescension on their part and subordination or acquiescence on ours. As for myself, I am prepared to repeat the offending passage from my evidence before the Reforms Inquiry Committee. Non-cooperators and Swarajists stand apart. We need not now expend time in a discussion of the former. As regards the Swarajists, I do not know what they intend to do. I am not always certain that they mean what they say or say what they mean. But I have a question to put, which of course I do very respectfully, to the Secretary of State and the Viceroy. If the Swarajists persist in refusing office and following their own peculiar policy, will that be a justification of Government's policy of inaction? Did Sir Henry Campbell-Bannerman hesitate to confer self-government upon the Transvaal and the Orange Free State because of the policy of General Hertzog and his followers? Did Mr. Lloyd George decline to treat with representatives from Ireland because of Mr. de Valera and those who went with him? After all, why are there non-cooperators or Swarajists? Are they not the offspring of the policy of the bureaucratic Government? If there had been no Rowlatt Act, would Mr. Gandhi have launched upon his Satyagraha campaign? If there had been no Punjab horrors followed by the failure of the Government to impose suitable punishment upon the miscreants, would there have been the non-cooperation movement? If after Mr. Montagu left the India office the spirit and temper of the Government had not undergone a regrettable transformation, of which illustrations could be given, would the Liberals have suffered such defeats and the Swarajists won such victories in the elections? To continue the present policy will be for the Government to prolong the life of political extremism and to bind fresh laurels to its brow. If they will not move forward until the Swaraj party have become cooperators, they will be moving in a vicious circle. The other day I came across the following inscription on the title-page of the first volume of the late Lord Curzon's *British Government in India*:—

Dost thou not know that the greatest part of Asia is subject to our arms and our laws? that our invincible forces extend from one sea to the other? that the

potentates of the earth form a line before our gates? and that we have compelled Fortune herself to watch over the prosperity of our Empire?—*Timur* [*Tamerlane*] *to Sultan Bajazet.* (GIBBON : 'Decline and Fall of the Roman Empire,' chap. lxiv.)

It struck me that it was by no means inappropriate that that magnificent pro-consul who looked upon India and Shakespeare as England's two greatest possessions with neither of which she would ever part, should have chosen this as the motto, as it were, of his monumental work. Truth to tell, do not we Indians feel, and not very rarely, that some such spirit as finds expression in the above passage is the true explanation of much in the policy of the British government of India? Ladies and gentlemen, the British have to make up their minds to give up once and for ever such a conception of their position in India, and the sooner they do so the wiser they will show themselves to be. They ought to substitute for it the following righteous idea of Gladstone's :—

I hold that the capital agent in determining finally the question whether our power in India is or is not to continue, will be the will of the two hundred and forty millions of people who inhabit India. The question who shall have supreme rule in India is, by the laws of right, an Indian question; and those laws of right are from day to day growing into laws of fact. Our title to be there depends upon a first condition, that our being there is profitable to the Indian nation; and on a second condition, that we can make them see and understand it to be profitable.

RELIGIOUS AND SOCIAL REFORM.

Fellow-Liberals, I trust you will not think me irrelevant if before bringing this address to a close I ask you not to lose yourselves in political agitation; if I invite you to bear in mind at all times that politics is only a part of national life. Religious and social reform is a paramount need of the country. During the last few days we have lost in Sir Ramakrishna Bhandarkar a veteran reformer, scholar and educationist. He passed away at the age of eighty-eight and it would be affectation to regret his death, infirm as he had become. Indeed the release from existence in this world must have come to him as a Divine Mercy. We have lessons to learn from his life and the foremost of them is not to neglect but to apply ourselves to those problems of religious and social reform without solving which our nation cannot achieve fame or prosperity nor become righteous. Our religious beliefs and practices must be freed from the accretions of superstition and our social institutions,

customs and usages liberalized and reformed so that truth, justice, mercy, equality and freedom may be the ruling principles. Our departure from the precepts of our ancient religion, our division of society into so many castes and sects, our treatment of the so-called depressed classes, the many disabilities we have imposed upon women, constitute a disgrace which we have to do our honest best to wipe out. It is my conviction that mere political agitation will not bring salvation to India any more than to other countries, and I humbly invite you, fellow-Liberals, to show yourselves to be true Liberals and patriots by striving for religious and social reform not less zealously than for political Swaraj. Not that I seek in any manner to belittle the importance of self-government—I do not and you do not ; we exist as a political party to do everything in our power to achieve it—but that our supreme end ought to be to see the reign of love and justice and truth established in this land of ours, the land which we believe to be the favoured of God Himself. However dismal the immediate future may look to our imperfect vision, the faith is undying in us that India will live and live honourably, and it is our duty to act in the spirit of unselfishness and with the zeal which righteousness begets to realize her glorious destiny. And in all our work, we can always derive consolation, comfort and strength from

an assured belief
That the procession of our faith, however
Sad or disturbed, is ordered by a Being
Of infinite benevolence and power,
Whose ever lasting purposes embrace
All accidents, converting them to good.

THE FOURTH

Bombay Provincial Liberal Conference.

POONA.

Saturday and Sunday, Aug. 29 and 30, 1925.

ADDRESS OF THE PRESIDENT,

MR. C. Y. CHINTAMANI.

ALLAHABAD:

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FELLOW-LIBERALS,—It is an unusual honour that you in your generous confidence have bestowed upon me in electing me, a resident of another province, President of this Conference, although at the time your choice fell upon me I was a temporary resident of the great city of Bombay. My acquaintance with the problems peculiar to this presidency is at best indirect and superficial and I have therefore decided to limit my observations to the subject of supreme national interest at the present time. I need not say that I thank you warmly for your kindness. It is indeed a great honour for a Madrasi journalist of Allahabad to be summoned to preside over the deliberations of an important assemblage at Poona—Poona, which stood and still stands for so much in the modern history of India; Poona, the capital of an Empire made by the genius of Sivaji, gallant soldier and wise statesman, an Empire of which we have unfortunately to say that it was; Poona, the city of Mr. and Mrs. Ranade, of Messrs. Gokhale and Tilak, of Sir Ramakrishna Bhandarkar and Mr. Karve; Poona, of the Deccan Education Society and Fergusson College, of the Indian Women's University and the Hindu Widows' Home, of the Seva Sadan and the Servants of India Society. If Poona narrowly missed the honour of being the birth-place of the Indian National Congress, it is the city which started the annual Bombay Provincial Conference under the auspices of the Sarvajanik Sabha and Mahadeo Govind Ranade, who also organized here several sessions of the Industrial Conference of Western India. No fewer than five consecutive sessions of the Provincial Conference were held in this city, — a reminder to us of the public spirit of our fathers, and also a rebuke if you will permit me to add— the last of them in 1892 under the presidentship of the leonine Sir Pherozeshah Mehta, and another session in 1915 with our veteran friend Sir Hormusji Wadya, whose ill-health we deplore, in the chair. For this session of the Provincial Liberal Conference we are indebted to the Deccan Sabha, an institution founded by Ranade and nursed by Mr. Gokhale, after the Sarvajanik Sabha passed under a different control. These are hallowed memories which the nation treasures, and I shall be pardoned if I feel a certain pride in the thought that you have deemed me worthy of this presidential chair in this city of Poona. But this very circumstance

sobers me and I humbly pray for Divine guidance, and I look forward to your cooperation, in the performance of the duty that has been imposed upon me. In the address which he delivered as President of the Conference held here in 1892, Sir Pherozeshah Mehta dwelt upon the character for moderation and fairness which political discussion in this presidency had acquired. Another respected and distinguished Bombay leader, Mr. Badruddin Tyabji, exhorted his countrymen when he presided over the Congress at Madras five years earlier, to be accurate in their facts, just in their demands and temperate in their language. I trust that the deliberations of this Conference will sustain this reputation and satisfy these tests.

Before I ask your attention to the subject of constitutional reform, it is my melancholy duty to refer to the great loss we have recently sustained in the death of one of our greatest patriots and leaders, Sir Surendranath Banerjea. It was at Poona nearly thirty years ago that the powerful orator and veteran publicist first presided over the Indian National Congress and delivered that comprehensive and masterly address which was statesmanlike in substance, brilliant in language, marvellous as a feat of memory and enviable as a test of physical endurance. By then he had already served the Motherland for a score of years and he lived to serve her with greater distinction and to still better purpose for thirty years more. Surendranath Banerjea was endowed with ability and eloquence, courage and independence, energy and zeal, faith and hope, and he was always a patriot with boundless optimism and patience. Although he died full of years and honours, he still had the enthusiasm of youth for effort and achievement and at this time our party in particular and the country as a whole miss the dauntless fighter and tireless worker. Our consolation must be that God ordains everything for the best and that the country which has produced a Surendranath will by His Divine Grace produce others like him. In this presidency the present year almost opened with the death of our venerable friend Sir Gokuldas Parekh, whose almost heroic work a quarter of a century ago in behalf of the poor cultivators of Gujarat deserves to be emulated by the public men of today as much as his fidelity to the sacred cause of social reform. Bengal and India have had to mourn the death of the masterful personality who ably led the Swaraj party, of which he was virtually the parent. By dint of his courage and resourcefulness, his energy and zeal, Mr. C. R. Das rose

in the space of a few years of active public life to be one of the most prominent of all the public men of India. In his late Highness the Maharaja Sir Madho Rao Sindhia, Gwalior has lost all too soon a ruler devoted to his loyal subjects, who laboured strenuously for their well-being and advancement, and a shrewd diplomat and man of affairs, while the whole country has joined the people directly affected in mourning for an enlightened prince who gave his sympathy freely to the constitutional movement to win self-government for India. I was among many in British India who were honoured with his Highness's friendship and was always struck by his uncommon simplicity and freedom from affectation. It is to be hoped that his death will not jeopardize the success of the movement to erect a worthy national memorial to Sivaji. To the families of Sir Surendranath Banerjea, Sir Gokuldas Parekh, Mr. C. R. Das and his Highness the late Maharaja Sindhia, we offer our sympathy and condolence in their bereavement.

CONSTITUTIONAL REFORM.

Fellow-Liberals, the subject which has been uppermost in the mind of educated Indians during the last several years is Constitutional Reform. It was the subject to which the Indian National Congress first addressed itself. The Legislative Councils as they were constituted under the Act of 1861 were tiny little bodies made up exclusively of officials and just a few nonofficials nominated by the Governor-General or the Governors as the case might be, and care was taken that ordinarily no nonofficial was admitted into them who was likely to have a mind or a will of his own. The orator of the Congress described them as 'gilded shams consisting of 'magnificent nonentities'. Thanks to patient persistence in constitutional agitation, a political method that in certain quarters it has of late become the fashion unwisely to decry as a bankrupt and mendicant method but to which in reality we owe in the main what political advance we have made during the last half a century, the Congress achieved its first notable triumph in 1892 when a new Indian Councils Act was passed by the British Parliament. 'Representative Government' was then the ideal set before itself by the Congress. As the result of the ability which the nonofficial Indian members of the Councils set up by that Act brought to bear upon their duties during a decade and a half and of continued constitutional effort by and under the ægis of the Congress both in India and in England, the Coun-

cils were further expanded and reformed by the Morley Act of 1909. The first Morley-Minto Councils sat in 1910 and after seven years' time—they were less superstitious then and did not fix upon a particular year before which they would not take a forward move in disregard of circumstances that might counsel the wisdom of earlier action—we had the Declaration of August the 20th, 1917, followed by the visit to India of the Secretary of State to ascertain Indian opinion and to confer with the Governor-General and the Government of India on the first steps that should be taken to implement that Declaration. Here let me pause to pay a tribute, on your behalf and mine, to Mr. Montagu, whose premature death is still mourned by us as of one of ourselves. The Indian National Congress and the All-India Muslim League acting in agreement had drawn up a scheme of reforms and supported it before the Secretary of State and the Viceroy. But it was rejected by them after consideration, for reasons some of which have since been pertinently urged against the present constitution of the central Government and Legislature. On the recommendation of Mr. Montagu and Lord Chelmsford the British Parliament have established in the provinces a diarchical system of government, which from the time of its conception has acutely divided Indian opinion and is at the present moment a source of friction, embarrassment and dissatisfaction. There was a definite cleavage in the ranks of Congressmen in 1918 on the publication of the Montagu-Chelmsford Report. It gave birth to our distinctive Liberal organization as a continuation of the Congress we knew and served. Complicating circumstances which followed but which had nothing to do with the scheme of Reforms embodied in the Government of India Act of 1919 suggested to Mr. Gandhi's apt mind schooled in South Africa the non-cooperation movement, the very failure of which after having wrought much public mischief produced the Swaraj party whose policy is volatile and when consistent is barren and harmful. Public opinion in England has stiffened and become reactionary and the official attitude in India has not been slow (it never is) to take advantage of this. The most recent authoritative utterances are unfavourable to progress and reform, and depressing to a degree. The British are entrenched in power and mean to remain so. We are weak, disorganized and disunited, the Swaraj party showing no disposition, any more than the bureaucracy, to learn or to unlearn.

The Congress-League scheme was rejected, at least in part for inadequate reasons as many of us thought and think, and a plan of their own was recommended by Mr. Montagu and Lord Chelmsford. This was examined by Indian public men and while it was rejected by those to whose ideal standard it did not conform, was accepted by others who realized that it was a substantial improvement over the system of government which it was to supersede and marked the limit of what the British Government and Parliament were prepared then to concede. The former reversed their Amritsar decision of 1919 and under the direction of Mr. Gandhi, embarked in the following year upon that campaign of non-cooperation which was doomed to failure and has had subsequently to be abandoned. The latter class of public men, who are strongly represented in our party and organization, offered discriminating support and criticism to the Montagu-Chelmsford scheme; laboured in England in 1919 to liberalize the Government of India Bill, not wholly in vain as I am grateful to acknowledge; strove in 1920, but I regret to say without success, for Rules under the Act which would be faithful to its spirit and not merely to its letter and would help instead of hindering the success of the new system of government; went into the reformed Assembly and Councils and accepted the responsibilities of office in 1921 in conditions admitted on all hands to be none too promising; worked for the three years of the life of those bodies in a genuine spirit of cooperation and with a proper sense of responsibility, as has been acknowledged even by their critics, and were for that very reason routed in the general elections of 1923, the Government and their officers not having shown, uniformly or adequately, the spirit of 'responsive cooperation' and having by a series of acts and omissions aggravated their undoubted unpopularity. They have since been endeavouring to the best of their power to impress upon the Government the necessity of reforms which will endow the country with a constitution worth the name, and a system of government which will be conveniently workable, will produce efficiency of administration and contentment among the people, and will harmonise with the conception of self-respecting men as to what their position should be in their own land. Their patient efforts in this behalf have not yet met with success. But it will be their duty, as patriotism demands it, not to be discouraged by failure, not to be embittered by words that wound which may be uttered by critics who expect the impossible from opposite points of view, but to show ' vitality

'of faith' and persist with their work until success crowns it. The Liberals of India are attacked by British reactionaries as being extremists in disguise and by Indian extremists as being the camp-followers of the Government. Conscious, however, of the rectitude of their motives and confident of the correctness of their policy which has the sanction of experience behind it, they can afford to march with quiet confidence, onward and upward, on the straight high road which is sure to take them to the goal upon which they have fixed their gaze. In the meantime, the boycotters of 1920-22 turned into the obstructionists of 1923 and taking advantage of the unpopularity of the Government and the defective organization of the Liberals, were able to enter the Assembly and Councils in large numbers at the close of the latter year. Of their record during the last twenty months, what shall I say? In the Central Provinces and in Bengal, they have driven the Government back to what it was in the pre-Montagu period, and been actually priding themselves upon this public disservice. Here is an attempt at advance by retrogression which may be compared with the plea for separate electorates as a means of closer unity between communities. In Bombay, they have lately lighted upon the heroic plan of inaction, or abstention, or sulking, as the last word in political strategy. In other Councils they have been more or less ineffectual. While everywhere the Government have had reason to congratulate themselves upon the defeat of Liberal candidates addicted to the inconvenient habit of bestowing close and constant study upon public questions and of offering temperate and reasoned criticism less easy to dispose of than rhetorical rhodomontade. In the Assembly, where the party has the advantage of the leadership of one of the astutest brains in public life, we have been bewildered witnesses of quick changes of policy, opinion and method the last of which I believe we have still to wait to see. It is my unfaltering conviction that the Swaraj party's principles, policies and methods will not succeed any more than the undefiled Gandhism of the two earlier years in accelerating progress to Swaraj. Military revolt being unthinkable, euphemisms for revolutionary or semi-demi-revolutionary methods having failed and being destined to fail howsoever skilfully tried, and inaction being at once cowardly, selfish and unpatriotic, we have left to us the pursuit of constitutional ends by constitutional means as the only political method open for wise patriots to follow.

Diarchy.

The system of government set up by the Government of India Act of 1919 and the Rules made thereunder came under examination last year, after an important debate in the Legislative Assembly, first by an official committee in secret and next in public by the Indian Reforms Inquiry Committee consisting of official and unofficial members. The former produced a memorandum designed to show that no appreciable change in the present system could be made consistently with the policy, purpose and structure of the present Act, and that the rule-making power of the Government and the power of delegation given to the Secretary of State by sec. 19-A could only be exercised within well defined limits. This argument had been previously employed by the present Governor of the Punjab when he was Home Member in the Government of India. Curiously enough, in the open Committee which sat later at least two of the official members directed their examination of Indian witnesses who advocated a revision of the constitution, to show that nearly everything or at least a great deal that they wanted could be accomplished under the present Act. This discussion is however devoid of immediate interest in view of the nature of the recommendations made by Sir Alexander Muddiman and four of his colleagues, two of them Indians I regret to say, and still more, of the pronouncements made by the Secretary of State on July the 7th and the Governor-General on August the 20th. The Reforms Inquiry Committee had before them reports submitted on behalf of Governors in Council in 1923 and 1924 on the working of the present system with such suggestions (if any) as they had to make for removing difficulties and defects, dissenting minutes by most of the Indian members of Executive Councils, and minutes recorded by Ministers in office in 1924. They got together much material in writing from past members of Governments, individual officers, public bodies and public men, and they orally examined many witnesses who included a number of former Ministers. The attitude of the official section of the Committee was evident in their hostile cross-examination of those witnesses who argued against their conclusion that the present system must not be pronounced a failure. When the Committee came to the stage of deliberation, the members parted company as 5 : 4 and two reports were presented to the Government of India. To which of the two does greater weight attach? The former was signed by Sir Alexander Muddi-

man, Sir Muhammad Shafi, the Maharaja of Burdwan, Sir Henry Moncrieff Smith and Sir Arthur Froom, and the latter by Sir Tej Bahadur Sapru, Sir Sivaswamy Aiyer, Mr. Jinnah and Dr. Paranjpye. The operative part of the latter's report—their principal recommendation—was that steps should be taken, by the appointment of a royal commission or otherwise, to put the constitution on a permanent basis with provisions for automatic progress at stated intervals. With this Sir Muhammad Shafi publicly expressed concurrence very soon after he had ceased to be an hon. member of the Governor-General's Executive Council. So that, two of Lord Reading's late colleagues, a former member of the Madras Executive Council, a respected Bombay ex-Minister whom you at Poona know so well and admire so much, and the distinguished President of the All-India Muslim League, all thought that the inquiry provided for by the Act of 1919 should not be delayed. Three out of the four living men who have held or hold the positions of Ministers in Madras, a late and two present members of the Bombay Executive Council and all the Ministers in Bombay, two ex-Ministers in Bengal, all the living Indians who have been or are members of the Governments of the United Provinces, Bihar and Orissa, and the Central Provinces and Berar, and the corresponding functionaries in the Punjab, Burma and Assam who have expressed any opinion, have pleaded for the establishment of complete responsible government in the provinces or for the nearest approximation thereto. To them should be added Sir C. P. Ramaswami Aiyer, now the senior member of the Madras Executive Council, who I believe is a warm supporter of the Commonwealth of India Bill. Nor is this all. Let the opinions be ascertained of all the living Indians who since 1907 when first Indians were admitted into the Council of the Secretary of State, have held office as members of that Council or of any Executive Council in India. If the numerical majority as well as the weight of opinion is not found to be against a continuance of the *status quo* and in favour of a decisive step forward, I for one will be prepared to reconsider my own opinion, rooted in experience as it is. Of them, Sir Krishna Gupta, who had been an active officer of the Indian Civil Service for thirty-five years before he served as a member of the India Council for seven years, Sir Rajagopalachariar, another able and seasoned official, Sir Syed Ali Imam and Sir Sankaran Nair, among others, have publicly stated their opinions. I may mention, too, Sir Visweswarayya, the distin-

guished statesman who was Prime Minister of Mysore for six years. It is against this body of loyal, able, experienced and authoritative Indian opinion that the opponents of change, among whom I regret to say we have to include both the Conservative Secretary of State and the Liberal Viceroy who are now in power, have ranged themselves supported by Tory and I. C. S. die-hards and the European Association. The eminent Indian advocates of reform who have held or now hold responsible offices in the Government, were surely appointed thereto because of their combined ability and loyalty. Let it be borne in mind that they include Parsis and Muslims not less than Hindus, and landlords and traders not less than lawyers and journalists. The disregard of the considered opinions of such men reminds me of two notable passages in Mr. Gokhale's memorable address to the Benares Congress in 1905, which are so apposite and telling that I take leave to transcribe them here. Said Mr. Gokhale :—

> ... ..the worst features of the present system of bureaucratic rule—its utter contempt for public opinion, its arrogant pretensions to superior wisdom, its reckless disregard of the most cherished feelings of the people, the mockery an appeal to its sense of justice becomes, its cool preference of service interests to those of the governed.....
>
> If the opinions of even such men are to be brushed aside with contempt, if all Indians are to be treated as no better than dumb, driven cattle ; if men, whom any other country would delight to honour, are to be thus made to realize the utter humiliation and helplessness of their position in their own,.....I can conceive of no graver indictment of British rule than that such a state of things should be possible after a hundred years of that rule !

The Majority of the Muddiman Committee, the Secretary of State and the Viceroy have unquestioningly accepted the opinions of the English members of the reserved halves of provincial Governments on the working of the diarchical system and on the inadvisability of a revision of the constitution at the present stage. In doing so I submit that they have not been fair to the Minority of the Committee and to the Indian members of those Governments and have also done an injustice to themselves by virtually abdicating their function of independent criticism of opinions which could not in the nature of things be wholly detached or impartial. Ministers if invited to do so can, I dare say, compose statements which will furnish interesting and sometimes lively reading in criticism of the way in which

Governors in Council function ; as an humble ex-member of that tribe I will any day be ready to make my modest contribution to such literature and may even have the temerity to offer myself for cross-examination in support of my statement. Will Lords Birkenhead and Reading be as ready to accept as their own the possibly not very flattering judgments that those reports may embody as they have been to own the criticisms utterred by Governors in Council ? I wonder. Both the noble and learned earls are very eminent lawyers who were accustomed at the bar to cite authorities. May I venture to place before them two opinions of personages to whose names authority does attach ? In the course of an Indian debate in the House of Commons, Gladstone, the greatest leader Lord Reading's party ever had or is likely to have for many a long year to come, uttered the following warning against the opinions of British administrators in India, the ' men on the spot ' who have latterly been erected into so many petty divinities whom it were blasphemy to controvert :—'That it was a sad thing to say, but unquestion-' ably it happened not infrequently in human affairs, that those who ought ' from their situation to know the most and the best, yet from prejudice and ' prepossessions knew the least and the worst.' The Marquis of Hartington, afterwards the Duke of Devonshire and a leader of the party to which Lord Birkenhead belongs, after having been Secretary of State for India for about two years said a year later (1883) in the House of Commons : ' The Anglo-' Indian ' (old style), whatever may be his merits, and no doubt they are just, ' is not a person who is distinguished by an exceptionally calm judgment.' The issue is the transference of power from the British to the Indians. The substitution of constitutional and responsible government for government by the bureaucracy now holding sway, necessarily involves the increasing substitution of Indian for British officials as the personnel of the administration and the subordination of permanent officials to Indian political chiefs accountable for their acts to elected legislatures. This being so, the British element in provincial Governments—let it be remembered that all but three of the Governors and all of the British members of Executive Councils are officers of the I. C. S.—is an interested party, and for the Viceroy and the Secretary of State to accept implicitly their verdict on the work of their Indian colleagues and their suggestions against constitutional advance, is characteristic more of a Government which, with homage to 'British justice' on its lips, obstinately declines, partly for political reasons and partly for the sake of the British I. C. S., to separate judicial from executive

functions and services than of statesmen occupying elevated positions and breathing the purer atmosphere of wisdom, impartiality and disinterestedness.

Lord Morley has told us that with regard to almost everything of importance three questions are generally put: Who says it, what is said, and how is it said ? ' What is said ' ought to be the determining test, but in actual fact ' who says it ' is generally given prior consideration, and even ' how it is said '. We have seen that the opponents of our opinions and proposals are drawn from the very class who are directly interested in the maintenance of the *status quo* as the second best if the O'Dwyerian and *Morning Post* prescription of a reversion to the pre-1919 system, which to them is the first best, must be left out as an unattainable remedy. As the Governor-General in Council, the Secretary of State in Council and and his Majesty's Government have in their wisdom elected to follow the lead of the Majority Report and accept the testimony of Governors in Council, *i.e.*, almost wholly of the British and the I. C. S. element thereof as I must again emphasize, it is relevant and important that we should be clear as to what all they said. Assuming that their relation of facts is both complete and unprejudiced—Sir Chimanlal Setalvad would not accept this in the case of Bombay, I am not at all prepared to admit it in the case of the Governor in Council of the United Provinces, and I dare say that others in the like situation might be equally unready to concede it in the case of their respective provinces—we shall still have to see whether their conclusions are in all cases based upon and follow from their facts. The general official verdict is that diarchy has worked at least sufficiently well and can and should be maintained for several years to come. But it has also been said that diarchy has worked because diarchy has not been enforced or observed. Indeed, it is an admitted fact that it has worked best where there has been the least of it. How, then, can it be said to have worked well ? The Governor of Madras in Council wrote :

...the result of this system of joint consultation has been to secure a large measure of agreement (between the Executive Council and the Ministers), but it must be admitted that in so far as it tended to impose joint responsibility for the decision of the Government, it is inconsistent with the scheme of diarchy as visualized by the Joint Select Committee and as intended in the Act, and has been attended with some inconvenience.....the attempt to obtain by compromise a formula which would represent the views of both parts of the Government has more than once led to the issue by

the Governor in Council of letters which can hardly be said to represent the real views of the Governor in Council, while it may be imagined that, on their part, the Ministers have been not infrequently embarrassed in their relations with their party and with the Legislative Council by the restrictions on their freedom of action induced not merely by the *advice* of their colleagues on the reserved side (which was all that the system contemplated) but by the attempts to arrive at and carry out decisions of a Joint Government.

The Governor of Bengal in Council said :

Experience proved, however, that this principle, which contemplates a complete division of authority and responsibility between the reserved and transferred sides of Government, was more theoretical than practical. Since the present Governor assumed office in 1922 the strict principles of diarchy have been abandoned and the Government has been run as much as possible as a unified whole. Ministers have supported the policy of the reserved half of Government and in return have been able to rely on the votes of the official block for the support of their policy in regard to transferred subjects..... Under the strict principle of diarchy, the reserved side of Government might have been isolated when contentious questions, such as those relating to the maintenance of law and order, were discussed in the Legislative Council, while the Ministers, even if they had supported one another, would have been able to make little headway with the assistance of their nonofficial supporters only. Working on these lines, progress would have been impossible, and more than once might have been presented the spectacle of a Government divided against itself—a distinct cleavage of opinion between the reserved side of Government and the Ministers. Such would have been the effect of a system based on a literal adherence to the system of diarchy. But matters never reached this stage. By the reciprocal arrangement mentioned above the two halves of Government worked in unison..... Political considerations soon made it apparent that diarchy could be little more than a theory. Closer cooperation and consultations between Members and Ministers seemed required,.....[Ministers] are also under an obligation to support in the Legislative Council decisions regarding reserved subjects which they have endorsed in a joint meeting and as far as possible to secure for them the support of their adherents. They are in turn, in support of the decisions of the joint Government, entitled to the votes of the official members of the Legislative Council which affect the transferred side of Government. But difficulties have been encountered even under the modified system of working which has been adopted in Bengal.

Diarchy is ' double rule ' ; it has been defined as ' a form of government ' in which the supreme power is vested in two persons '. In this sense there has not been and is not such a system in any province as ' the supreme power '

is everywhere vested in the single person of the Governor, responsible to higher authority as the head of 'the Governor in Council' and to nobody as the head of 'the Governor acting with his Ministers'. After him comes the Finance Member, always and necessarily a member of the Executive Council with not even a shadowy or nominal responsibility for the administration of the transferred subjects, with only one exception a British Officer of the I. C. S., and with vast opportunities of thwarting Ministers in their work because he is the presiding deity of the Finance Department endowed with considerable powers of Treasury Control. The constitutional relations between the Governor and his Ministers as defined in the Act and explained in the Instrument of Instructions marked by very elastic phraseology and elaborated in Rules under the Act, are unsatisfactory in the extreme to the weaker of the two parties. If and when diarchy is not worked as diarchy, the undoubted advantage of Ministers knowing and sometimes being able to influence policy on the reserved side, is heavily set off by the compromising position in which they thereby find themselves in the Legislative Council and before the public outside. They ought never to be under the necessity of relying upon the votes of official members to carry their proposals through. Where there is not the general practice of joint deliberation between the two halves of the Government, Ministers labour under the heavy disadvantage of having to go without information which they require, of lacking influence and authority, of being deprived of opportunities of doing public good, of being and being seen to be inferior members of Government for whom high-placed officers protected by the Governor first and the Secretary of State last, and the Finance department too, need not care half as much as they do at present, which is not much.

A great deal has been said by Governors in Council of the absence of organized parties in Councils. It is refreshing for us politicians to know that our bureaucracy are so deeply solicitous of our healthy political development as to be gravely concerned at the absence of sound party organizations among us. They fail to realize, however, that the constitution of Government which some of them have so well described is almost fatal to such a development inside the Councils. The credentials of Ministers in our mixed Governments are not accepted by the nonofficial members not because they are not trusted but because of their close and constant association with the bureaucracy, which is inevitable under the present constitution, and also because the powers

of the Ministers are so limited and the control of the Governor is so great. Government themselves initiated the system of separate communal representation which has led to the growth of parties based upon differences not of political opinion but of religious belief and caste, and their policy can be described without unfairness as one of encouragement of precisely those parties which would never be recognized as political parties in England. Yet one can detect in their dispatches more than a vein of reproach that party distinctions in the Councils should develop on such lines. I knew of the head of an important department in my province who, when his advice to Government was accepted and it led to results that had to be regretted, was sometimes prone to tell the Government coolly that their disregard of his advice was responsible for the mishap. Similarly, in adducing reasons against measures of political advance which we urge our Government attribute our unfitness to the consequences of their own policy which we resisted to the utmost of our power. The greatest example of this is their constant sermons upon our incapacity to defend ourselves against a military invasion. As if British military policy had been our handiwork! As if it is being persisted in with almost tragic zeal for our sake and at our request! As if we have not almost exhausted the vocabulary of appeal and persuasion, of reasoning and criticism, against that illiberal and blundering policy rooted in selfishness and thriving upon suspicion! Is the fear that a just and wholesome reform of it will deprive them of a singularly handy argument among the reasons for their fond adhesion to it? Coming back to Ministers and parties in Councils, what do you think of a Governor arguing against the recognition of the joint responsibility of Ministers on the ground that 'at 'the present stage' of development in this province it would be wrong to 'introduce by rule' a convention of this kind which would mean the 'absolute rule of the' majority party in the Council in the transferred 'departments'? This was written by Sir Frank Sly and concurred in by the Finance Member of his Government.

The electorate is a small fraction of the population. Is this our fault? Did we decide that the franchise should not be wider? The bulk of the people are illiterate. Again I ask, are we responsible? Were we the Government and did we settle policies, political, financial and educational? A former head of the education department of one of our larger provinces confided to me ten years ago that he had been admonished by the head of the

Government not to be too enthusiastic about the wider diffusion of elementary education as 'mass education is dangerous among a subject people'. It is said that if Indians replace Europeans, efficiency will deteriorate if it will not disappear. When I read from day to day the quantity of depreciation of Indian worth and of superlative adulation of the super-human excellences and achievements of British officials in India and their consequent indispensability for nearly all the time to come, I cannot resist the temptation of placing before those who in their native modesty praise themselves so much as (according to an American witness) to make it unnecessary for others to speak of even their just merits, one or two passages from eminent men who were not of our race. I will not say with Sir James Mackintosh that 'every 'Englishman who resides here very long has ...his mind either emascu- 'lated by submission, or corrupted by despotic power', as you and I are only too grateful to recognize that if Sir William Wedderburn and Mr. Hume were the exceptions that proved the rule there have throughout the years been many British officials who did their honest best for India in the spirit of duty. But the point of his criticism cannot be missed. Said the late Duke of Argyll, a predecessor of Lord Birkenhead's in the India Office:—'We know, 'indeed, of poverty and destitution, more or less temporary, in European 'countries. But of chronic poverty and of permanent reduction to the lowest 'level of subsistence such as prevail only too widely among the vast popula- 'tion of rural India, we have no example in the western world.' The British officials have to their own satisfaction been the faithful guardians of our rural masses, for whom they deny that we have any real sympathy, but they go on resisting our proposals for their economic amelioration. Our fitness for more power will be judged by the statutory commission, whether it may be sent out four years hence or earlier, by one test among others, the extent of educational progress. But Ministers of Education have to struggle hard and not always or often with success for the minimum of funds needed for even a moderate advance. I do not suppose that in this presidency my friend Dr. Paranjpye's Compulsory Education Act has been enforced in many local areas while in my province the story was lately told in some detail of a very substantial reduction of grants to district boards for primary education and of the manner in which it was effected three years ago. A comparative view of the condition and progress of India and of the countries of the west and Japan will show to any disinterested

observer how exaggerated if not extravagant is the praise that is constantly lavished upon the nature and the results of British administration in India and how untenable is the claim that their presence here in large numbers as our masters and guardians is a vital necessity for the progress of India.

It is cited and recited as if it were one of Euclid's axioms requiring no proof that all the loyalty and all the cooperation were on the side of the British services and it is implied that for whatever has fallen short of perfection Indian Ministers, Indian members of legislatures, Indian public men and Indian electors are exclusively responsible. Some of the published evidence recorded by the Lee Commission was designed to heighten the impression of anti-British Ministers doing injustice to deserving British officials out of racial motives, and the theme continues to inspire many an oratorial outburst. Gentlemen, I am here to say with a full sense of responsibility that to the best of my knowledge and belief there is little foundation for this complaint, and that the contrary proposition is largely true that many deserving Indian officers have from time to time been the victims of prejudiced treatment at the hands of their British superiors. From what I have seen myself I do not envy the few Indians who occupy positions hitherto the monopoly of and still coveted by Europeans. As regards the loyalty of British officials to the spirit of the Reforms, their anxiety to help forward India's advance to responsible government, and their masterly yet gentle and courteous guidance of the infant footsteps of the ignorant and erring amateurs of Indian Ministers, I could say something that would perhaps not be very dull, but would rather not spoil the idyllic picture which Lord Meston and greater men than he have complacently drawn for the delectation of their countrymen 'at home'.

I will not detain you longer with a reply to criticisms such as those I have been noticing. I affirm that the reports of the British members of 'Governors in Council' are—firstly, not complete presentations of facts; secondly, somewhat one-sided statements which did very partial justice to, where they did not ignore the points of view of, Ministers and Legislatures; yet, thirdly, that they embody what may be called admissions of the necessity of changes of which, however, they have fought shy in the operative parts of the reports for reasons which can be understood so easily that they need not be directly mentioned. I say that the Majority of the Muddiman Committee did scant justice to the facts related before them by those who were in

the best position to speak of the working of the diarchical system, and wrote a report marked by intellectual thinness, superficial treatment of the subject, political partiality on the part of three and political timidity on the part of at least one of the signatories, and made to the Governor-General in Council recommendations so inadequate that I have no hesitation in committing myself to the opinion, now that they have almost been accepted by the Government, that the interests of India would have been served far better if that Committee had never been appointed.

Rules under the Act.

I do not subscribe to the view that provincial autonomy, which is another name for unitary responsible government in the provinces, is today an unpractical proposition. On the other hand, I am of the belief that it is both feasible and not merely desirable but essential. And this cannot be brought about without an amendment of the Montagu Act. The Majority of the Muddiman Committee having, however, thought differently, surely it was up to them to explore the whole of the possibilities of improvement by amendment of the Rules under the Act and to make recommendations of substance which could have at least been considered seriously by those who know a little of the subject. Why they did not do at least this second best is perhaps a profitless question to put as we shall have no answer to it. The argumentative part of their Report does not help us to discover the reasons except, first by a process of elimination and next by means of inference. If the Government of India Act of 1919 must remain intact, except of course where inroads had to be made into it for the benefit of the never satisfied British services for whose aggrandizement British India apparently exists, if the diarchical system of government must be tolerated for some years yet, it was open to the Majority of the Muddiman Committee to use the material at their disposal to the best advantage and make recommendations the effectuation of which would have made the system more easy to work, promoted administrative efficiency, made the position of Ministers more tolerable and of the Governor more constitutional, and facilitated the moral and material progress of the country. Without an amendment of the Act, at least without any major amendment which would have amounted to a revision of the constitution which the Government were not prepared to undertake, the following among other changes could have been recommended, and can be accomplished :—

(1) The position of the Governor in relation to his Ministers can be better defined so as to curtail his arbitrary powers and make him more of a constitutional governor. (The importance of this cannot be exaggerated.)

(2) Ministers can be made eligible for charge of Finance equally with members of the Executive Council, and the Finance Department made in reality a non-reserved and non-transferred department as it should be.

(3) The Legislative department and the Secretariat can be treated in the same manner.

(4) The Secretary of State and the Government of India can divest themselves at least in large part of powers of control they still retain in respect of transferred subjects, more particularly as regards cadres and conditions of recruitment, service and emoluments.

(5) The Rules of Executive Business can be amended so as to vest more powers of final sanction in Ministers and reduce the possibilities of secretaries and heads of departments frustrating their policies and purposes.

(6) The rules that govern appointments to what may be called specialist departments can be modified so as to enable Ministers to select the most suitable persons therefor without being hampered by concessions to vested interests of officers not belonging to and having no special knowledge of or interest in the subjects with which those departments are concerned.

(7) More subjects can be transferred.

(8) The requirement of previous sanction of the Governor-General to the introduction of Bills in provincial Councils can be reduced very much.

(9) Provincial contributions to the central Government can be done away with.

(10) The nominated official element in the Councils can be substantially reduced if not dispensed with.

I have used the word 'can'. I mean that these improvements can be effected by the amendment of Rules under the Act. Of course I also mean that they should be. There are several other important changes that can be made by Governors, if they choose, not the least desirable of them being that opportunities of interference with the administration or the

officers of transferred departments by powerful 'reserved' officers such as commissioners and collectors should be reduced to a minimum. On not one of these points had the Majority of the Muddiman Committee anything of value to recommend.

There is the matter of the transfer of more subjects. The Montagu-Chelmsford Report provided for means by which there could be an addition to them at the conclusion of five years. This proposal of theirs was left out of the Act, notwithstanding all the efforts of the Liberal Deputation for its restoration. But Mr. Montagu in cross-examining me before the Joint Select Committee stressed the fact that there was nothing in the law to preclude the transfer of more subjects at any time after the passing of the Act. We knew this would not be done ; it has not been done ; I do not think it will be done. Governors in Council (*minus*, let me again say, the Indian element thereof in most cases) vied with one another in trying to demonstrate that no more subjects could be transferred. We had seen in 1918 that the then Governors in Council, Lieutenant-Governors and Chief Commissioners argued with equal strength against the transfer of several of the subjects included in the transferred list and that they were warmly supported by the Government of India. What is the recommendation of the Majority of the Muddiman Committee in this behalf ? They could think of but one important reserved subject, Forests, for transfer in provinces where it was not already a transferred subject. I cannot make out why Irrigation, Stamps, Industrial Matters, Jails, Reformatories, Government Presses, Land Acquisition, Court of Wards, Anglo-Indian Education and several other and smaller subjects should not be transferred even if Law and Justice, Police, and Land Revenue must remain reserved, complete responsible government being held by them to be impossible at the present stage.

The Committee could have, but have not recommended a wider franchise, or the removal of the disabilities of women, or adequate representation by election of the depressed classes and the urban labourers. They have done nothing to remove the anomalies and inequalities of special landlord representation. In a word, they might never have sat at all for all the good they have chosen to do. Yet, we are blamed for preferring the admirable Minority Report to the perfunctory Majority Report. At least, we have the satisfaction of erring in the excellent and distinguished company of no less a man than the immediate ex-Secretary of State for India, who was the parent of the Com-

mittee and whom the English-edited press of India ought not to have been so ungrateful as to vilipend after his sanction of the Bengal Ordinance.

Before I leave the Muddiman Committee, I am sure I voice your feelings when I say that we admire and thank Sir Tej Bahadur Sapru, Sir Sivaswamy Aiyer, Mr. Jinnah and Dr. Paranjpye, for their Minority Report dismissed so gracelessly by the Secretary of State and treated so illiberally by the Viceroy and Governor-General. To us of this Conference it is of special pride that no fewer than three of the four signatories are honoured leaders of the Liberal party.

Provincial Autonomy.

Let me say before passing on to the central government that I am altogether unable to follow his Excellency the Viceroy in his observations on the inadmissibility of the demand for provincial autonomy. Lord Reading spoke as if there were an irreconcilable antagonism between 'complete provincial autonomy' and 'a strong central government'. Provided you do not too literally construe the adjective 'complete' nor interpret 'autonomy' as meaning 'independence' (there is a difference between the two), I fail to see the incompatibility between the two. I am an advocate of 'a strong central government' as much as his Excellency, though possibly not in the same sense, but why can you not have it along with, or because you at the same time have, provincial governments responsible to provincial legislatures in their own sphere? You demarcate the respective functions of the two, you hand over all residuary powers to the central government. We have read that a complete separation of central and provincial finances is an indispensable condition of provincial autonomy. Be it so. But it has not been said that such a separation is an impossibility. And I do not think that it is so in fact. If the present grouping of central and provincial subjects is deemed to require revision, let it be effected after a full consideration of the points of view of both the central and provincial governments. Except where it may be found impossible, such a division should be made of the sources of revenue and the heads of expenditure that, firstly, the responsibility both for the finance and the administration of a department may reside in the same authority; secondly, contributions by the provinces to the central government may be unnecessary, and thirdly, no single province may have a just cause of complaint that it has received unfair treatment. It may be found necessary in the case of some

subjects to reserve the right of legislation to the central government while their administration may be made over to provincial governments. I see no insuperable objection to this, provided such reservation is kept down to the minimum requirements of good government. Similarly, and this is more important, the requirement of the Governor-General's previous sanction to provincial legislation should be brought down to the irreducible minimum if on examination it should be found impossible to do away with it entirely.

It has been alleged that provincial autonomy will accentuate provincialism and retard progress towards national unity. I do not think it need have or is likely to have any such effect. On the other hand, I am disposed strongly to anticipate that, given a proper system, the tendency to inter-provincial quarrels and jealousies will be less and the friendly rivalry to emulate one another in promoting the happiness of the people will be more when there are autonomous provincial governments. There will necessarily arise from time to time disputes between one province and another and between a provincial and the central government on matters of jurisdiction and of constitutional and financial rights and obligations. There should be a judicial tribunal to settle them. The Montagu-Chelmsford Report contained a valuable proposal to set up a Privy Council of India. It evoked much opposition from our public men including some leaders of the Liberal party. I regretted their opposition then, I have regretted it ever since. The institution of a Privy Council of India will not merely raise the political status of India in the empire and the world. The Council can be utilized for practical purposes of great public importance. For example, there can be a Judicial Committee of the Privy Council. It will be the highest court of appeal in India, virtually the Supreme Court which many of us wish to see established in Delhi. But it can be more. All disputes between one government and another can be adjudicated upon by the Judicial Committee of the Privy Council of India. At present every such question is decided by the Government of India, even when that Government is a party to the dispute, and I know that provincial governments are not always convinced of the justice or disinterestedness of the decision. I knew that at one stage of his consideration of the future constitution of India Mr. Montagu not only thought of but actually put forward a proposal that there should be a judicial tribunal to settle constitutional disputes between one government

and another in India. This was in the November of 1917. I do not know when, why and by whom the proposal was killed. It should be revived and we should press it as a necessary part of a satisfactory constitution.

If the problem of provincial autonomy is attended with difficulties, so is every problem of any importance. But difficulties exist to be solved by statesmanship, not to baffle it, nor to be used by men in authority as excuses for inaction. A brilliant predecessor of Lord Reading's, whose two volumes on *British Government in India* contain much that provokes thought, asserted that there was no problem beyond the capacity of statesmanship to solve. And one of the greatest of Secretaries of State for India affirmed that British statesmanship had nowhere broken down and would not break down in India. The problems of Canada and South Africa were solved. The problem of Ireland, which came perilously near to being insoluble, has been solved. Why should not the problem of India be solved ? I know it will be solved. This is the faith in me. But the British have a way of delaying solutions until the eleventh or after the eleventh hour. As Sir Surendranath Banerjea used to say, the words ' Too late ' are written on the portals of Government Houses. ' Never put off till tomorrow what can be done ' today ' is supposed to be a maxim followed in actual life by most Englishmen. We Indians are reproached, I think very justly, for habitually failing to act in accordance with it. But it must be said that the British as a government, and specially in dealing with other races, do act on the contrary maxim, 'Never do today what you can possibly put off till tomorrow,' —except, may I say, when a policy of repression is embarked upon. The result of this is that the difficulties of statesmanship increase, ill-will is bred, hatred comes to usurp the place of love, and when at long last the right thing is done it loses, in the language of Mr. Gokhale, half its efficacy and all its grace. I appeal to Lord Reading and Lord Birkenhead, I appeal to them in your name and mine and appeal earnestly and respectfully, not to drug their minds with the plausibilities and sophistries of which the reactionary and interested permanent services are always full to put off what to them is the evil day of reform, but to apply their powerful, independent minds to the whole of the problem, to look at it from all points of view, to bring to bear upon its consideration the invaluable qualities of insight and foresight, to remember that their function is not to be the eyes and the ears of the bureaucracy and to be their mouthpiece but to act as impartial judges between the people and the official hierarchy and to do all the good they can to the people whose

rulers they are, and to make their tenure of exalted office memorable by laying broad and deep the foundations of an India contented and prosperous because she is self-governing, an India which will be an honour to England instead of continuing to be what Sir William Wedderburn described her as being—'the skeleton at the feast'.

THE CENTRAL GOVERNMENT.

Fellow-Liberals, in the whole of the discussion on the subject of constitutional reform, it has always appeared to me that there was a tacit assumption on the part of the Government that all that needed consideration was reform in the provinces. That this is not so we have repeatedly made clear. In the Congress-League Scheme of 1916 we gave as much prominence to the reform of the central government as to that of provincial governments. The proposals of Mr. Montagu and Lord Chelmsford relating to the former, we, the discriminating supporters of the scheme, attacked as being its weakest part. I would refer here to the resolution of our first all-India Conference held at Bombay in November, 1918, under the presidency of Sir Surendranath Banerjea, the resolution being moved by myself and seconded by Mr. (now the hon. Sir Moropant) Joshi. We urged vigorously, both before the Joint Select Committee and elsewhere, the necessity of the introduction of some measure of responsibility in the central government. After the Act was passed we assembled at Calcutta in the second session of our all-India organization, the National Liberal Federation of India, and in expressing our sense of satisfaction at the passing of the Act made a reservation and regretted the unsatisfactoriness of the arrangements regarding the central government. As the result of experience gained since then, we have, year after year in the annual sessions of the National Liberal Federation as well as of the Bombay, the United Provinces and Berar Liberal Conferences, and on every other available opportunity, been pressing for such reform. In the evidence given before the Muddiman Committee last year we gave prominence to it. And the Minority of that body supported our view in their Report. Whether we consider the question in its theoretical or practical aspect we are compelled to the same conclusion. The grave drawbacks of the combination of an irremovable executive with a legislature with a majority of elected members frequently in opposition to that executive, was condemned in the Montagu-Chelmsford Report in language of convincing force upon which we cannot improve. That the disadvantage is very real has been demonstrated in every single session, and

several times in every session, of the Legislative Assembly. The recourse by the Governor-General to his exceptional power of certification has become increasingly frequent. If on certain occasions our wise Swaraj party rendered it necessary, there were decisions of the Assembly which the Governor-General upset which had the support of the country behind them and which in the judgment of many who cannot be dismissed as discontented agitators ought to have been allowed to stand. The divergence in opinion and sympathy between the Government and the Assembly is becoming disquietingly marked and frequent and the moral authority of the former is thereby suffering enormously. The Council of State is constituted in the most unsatisfactory manner, and allows itself to be used by the executive as a mere convenience. But even the decisions of that body are set at nought when the executive deem fit to do so. Great is the political and economic harm that is accruing to the country from the present position of the central government. And howsoever provincial governments may be reformed, the injury will continue for as long as the central government remains a despotic body subordinate and responsible only to a distant Secretary of State who has to and frequently I believe does think much more of the Government, Parliament and people of his own country than of us who are unknown to him and who cannot reach him. Besides, the Government is made up of a fortuitous combination of members with no identical policy or sympathies or allegiance. A politician or diplomat or judge from England belonging to any political party presides over a body consisting of a military officer, three officials, an Englisman from England who may be a civil servant or anybody, and two or three Indians who may belong to very different schools or to no school of politics. Who has ever heard of a Government so constituted functioning efficiently and harmoniously in the interests of the people ? Where agreement is reached and anything like open differences are avoided, who knows that the price paid for the result is not the subordination of Indian to British or service interests ? The I. C. S. members have governorships to aspire for, which are in the gift of the head of the Government. Under the present system it is not often that robust Indian public men with convictions they will not surrender and patriotism they will not sacrifice are preferred for the honourable positions. Again, the Governor-General has the Secretary of State to consider. Lord Curzon's pages abound in instances of the grim reality of the latter's control whenever he may choose to assert

himself. It is our misfortune, but in my opinion it is also a circumstance inseparable from the present constitution, that that assertion when it is made should be so much more frequently in Britain's and not India's interests. It is my unalterable conviction that the system rests on an unstable equilibrium and has to be put on a rational basis. The change can take but one form. The Government of India should be made responsible to the Legislative Assembly and freed from the control of the Secretary of State, with two reservations for some time to come, *viz.*, that the control of the Foreign and Political and the Army department should continue to reside, subject to specified conditions, in the Governor-General acting under the superintendence and direction of the Secretary of State. We attach not less importance to this reform of the central government than to provincial autonomy, which will very likely lead to friction and will not work satisfactorily if governments responsible to their respective legislatures have to co-exist with a bureaucratic central government independent of the legislature and subordinate to an external authority situated some thousands of miles across thie ocean. The Council of the Secretary of State should be abolished and the Standing Committee of Parliament, which has proved most disappointing and practically useless, may be accorded the same treatment.

Proposals of Reform.

Here are our proposals of reform. There is nothing new or original about them, many of us having put them forward several times before and the National Liberal Federation, too, having expressed itself in a similar sense :—

(1) The superintendence, direction and control of the revenues and the administration of British India should vest not in the Secretary of State for India, in Council or acting singly, but in the Governor-General in Council.

(2) Except in respect of the Army and the Foreign and Political departments for such time and under such conditions and limitations as may be laid down in this behalf, the Secretary of State for India should exercise no control over the Government of India, and his relations with it should be similar to those of the Secretary of State for the Colonies with the governments of the dominions.

(3) The Council of the Secretary of State for India should be abolished.

(4) The members of the Executive Council of the Governor-General should be Ministers drawn from the central Legislature and responsible to the Legislative Assembly for the administration and finance of all central subjects except Foreign and Political and the Army. The relations of the Governor-General to the members of Council should be those of the head of a parliamentary state to Ministers.

(5) In general terms, the Legislative Assembly and the Council of State should, in relation to the Government, respectively occupy positions analogous to those of the British House of Commons and the British House of Lords under the Parliament Act of 1911.

(6) Women should be equally free with men to vote for and to seek election to the Legislature.

(7) The franchise should be widened and adequate representation should be provided for the depressed classes and the urban labourers.

(8) The King's Indian subjects (including in the term the subjects of rulers of Indian states) should be eligible for service in all arms of defence from the highest offices downwards, and adequate facilities for their training should be provided in India as may be decided by the Governor-General in Council.

The proposals set forth below are my own and may be considered on their merits :—

(9) The annual military expenditure (including in this term naval and aerial) should be fixed at a certain figure which will not have to be voted by the Assembly. But, any moneys that may in the Governor-General's opinion be required in excess thereof in any year for the defence of the country will have to be submitted to the vote of the Assembly in the approved form

of a demand for a grant. If the Assembly reject the demand it should be within the competence of the Governor-General to make the same or a smaller demand for a grant in the Council of State and such sum as it may vote may be spent by him in addition to the fixed non-votable amount.

(10) Where there may be disagreement between the Governor-General in Council and the British War Office or Treasury in the apportionment of expenditure between the revenues of Britain and British India or in respect of the chargeability of any item of expenditure to the latter, the dispute should be submitted to arbitration and the award should be binding on both Governments.

(11) The arrangements outlined in the above two paragraphs (9-10) should be in force for a period of ten years, after the expiry of which the position should be reviewed by a commission on which Indian opinion is adequately represented, preferably through members elected thereto by the Indian Legislature.

(12) The power now vested in the British Parliament of sanctioning expenditure out of the revenues of British India to meet the cost of military operations beyond the external frontiers of India, should be transferred to the Indian Legislature.

(13) A Privy Council of India should be constituted, on the lines suggested by Mr. Montagu and Lord Chelmsford in their Report of 1918, and with a Judicial Committee thereof to act as a Court of Appeal and as the tribunal to adjudicate upon all disputes between one Government and another.

(14) The list of central subjects may remain more or less what it is at present, probably with a few deductions.

(15) The central government should levy no annual financial contributions from the provincial governments.

(16) There should be no extension of the system of separate electorates, and after a term of years which may be not less than ten and not more than twenty-five the existing separate communal electorates should be abolished and merged in the general territorial electorates.

THE COMMONWEALTH OF INDIA BILL.

I have suggested no more than the outlines of constitutional reform. I admit that very probably they are not what Lords Birkenhead and Reading would have had in mind when they very kindly stated that any scheme produced by Indians would be considered by them or by the statutory commission when it is appointed. But I have an idea that it is more the business of the Government to produce a detailed scheme than of any nonofficial body. I was not certain in 1916 that the Congress acted tactically in drawing up the scheme of that year ; I am not clear in my mind now that we should follow a similar course. The Congress-League Scheme was rejected by the then Secretary of State and Viceroy, and history may repeat itself. However this may be, the National Liberal Federation has instructed its Council to draw up a scheme and the Council has set up a committee of five (with power to add to their number) to prepare it and circulate it among the members of the Council. It is intended that the scheme as approved by the Council should be laid before the next session of the Federation. Sir Tej Bahadur Sapru is the chairman of the committee and the right hon. Mr. Sastri its most important member. Meanwhile, fellow-Liberals, the National Convention, of which Mrs. Annie Besant is the life and soul, has after considerable deliberation, produced the Commonwealth of India Bill. Sir Tej Bahadur Sapru and Mr. Sastri, two ex-Presidents of the National Liberal Federation, are prominently associated with the Convention and are supporters of the Bill. I have preferred not to identify myself with the Convention or the Bill but to limit my energies and activities, such as they are, exclusively to the Liberal party organization. There are parts of the Bill of which I frankly do not approve. But with its purpose and its main ideas we all must be and I am in hearty accord, and I am quite prepared to take the Bill as the basis of discussion in drawing up our own scheme as we have been instructed to do by the Federation. My immediate purpose in referring to the Bill is respectfully to invite Lords Birkenhead and Reading to give serious consideration to the Commonwealth of India Bill as embodying a self-contained scheme of self-government for India and to offer their criticisms upon it for the benefit of all Indian reformers. No one expects that they will or should accept it as it is. But it does not deserve to be ignored. At this point, I desire in your

name and mine to pay a tribute of admiration and gratitude to Mrs. Besant, a lady who will soon be 78, for her untiring and unresting labours in the furtherance of India's cause.

OTHER QUESTIONS.

Fellow-Liberals, as I said at the outset I do not propose to discuss more subjects. But I have to mention a few. There is the outstanding question of the treatment of Indians in South Africa, Kenya and other parts of the Empire. We have expressed ourselves in unmistakable terms upon this great imperial shame and scandal. At the last meeting of the Council of the Liberal Federation held at Calcutta on the 16th instant the Government of India were called upon to stand up for the honour of India as a national government would have done. Lord Reading in opening the Assembly on the 20th instant was reticent upon the question in view of negotiations in progress between the two Governments. We wish his Excellency's Government success, although we cannot be sanguine of the result. I am sure I speak for you when I say that if the negotiations should fail the Government of India should not hesitate to put the Reciprocity Act in force and take retaliatory action against South Africa. The position in Kenya requires constant vigilance on our part. I am glad that in the Indians Overseas Association in London, of which Mr. Polak is secretary, the Imperial Indian Citizenship Association of Bombay, of which Mr. Jehangir Petit is the moving spirit, and the Indians Overseas Committee of the Council of the Liberal Federation, of which Mr. Sastri is the chairman, Mr. Vaze the secretary and Pandit Banarsidas Chaturvedi a co-opted member, we have three bodies which can be trusted to be always watchful.

The latest pronouncement of the Secretary of State on the question of the Indianization of the Army is no more satisfactory than was Lord Rawlinson's hope-killing speech in the Assembly in March last. It is obvious that that before justice is done to our unanswerable claim a long and hard struggle has to be gone through by us. All parties and communities can make common cause here and I hope I may look upon Pandit Motilal Nehru's acceptance of a membership of the Military Training Committee as an indication that on this question at least there can be united action.

The decisions which have been taken on the Lee Commission report are no better than the appointment of the Commission was. They are

prejudicial to our advance to the goal of responsible government, and it is not our fault if the British Government's action in this regard raises in the mind suspicions about their intentions as much as the undue stress that both the Secretary of State and the Viceroy have lately been laying upon the second and least satisfactory part of the preamble of the Government of India Act, which we owe to the colossal indiscretion of a late leader of the Swaraj party who now occupies the presidential chair of the Legislative Assembly. Incidentally, I congratulate Mr. Vithalbhai Patel on having transformed himself from an advocate of civil disobedience into an eminent cooperator.

One word I will say on the Bombay mill labour crisis. I sympathize with the millowners in their difficulties and wish with all my heart that the excise duty should immediately be repealed, and that in every other feasible way Government should help the industry as much as they can. But I am opposed definitely and uncompromisingly to the millowners' ungenerous decision to cut down the wages of their workmen. I regret this very deeply indeed. The management of the mills, according to competent testimony, urgently calls for reform.

GENERAL OBSERVATIONS.

Fellow-Liberals, his Excellency the Viceroy, following the right hon. the Secretary of State has made an eloquent appeal for cooperation. I respectfully reciprocate the appeal. Cooperation is, however, two-sided, and it implies equality between the parties who act together. Lords Birkenhead and Reading are satisfied, if we may judge from their speeches, that everything has been done in the best spirit by the officers of Government and that it is we who have been found wanting. I regret that my own experience and observation do not support the conclusion they have reached. Sir Alexander Muddiman was visibly angry with me for the following sentence in the Memorandum I submitted to his Committee last year :—'I am constrained to say that so far as the progressive political 'parties go the British Government and their officers as a class have during 'the past nearly two years and a half signally failed to cooperate with 'Indian public men in the spirit of the Montagu-Chelmsford Reforms.' The Chairman of the Reforms Inquiry Committee very obligingly gave me a chance of withdrawing or modifying the observation if I would, but I did not see my way to avail myself of his generosity and make a recantation, except to say that the criticism did not apply so far as non-coopera-

tors and Swarajists went. The Secretary of State was good enough to improve upon his noble predecessor and to recognize that there was such a body as the Indian Liberal party. I think that the Liberals have not to make any damaging confessions of failure to cooperate. Of course they would have nothing to do with the species of cooperation which alone is apparently understood by a class of officials, *viz.*, condescension on their part and subordination or acquiescence on ours. As for myself, I am prepared to repeat the offending passage from my evidence before the Reforms Inquiry Committee. Non-cooperators and Swarajists stand apart. We need not now expend time in a discussion of the former. As regards the Swarajists, I do not know what they intend to do. I am not always certain that they mean what they say or say what they mean. But I have a question to put, which of course I do very respectfully, to the Secretary of State and the Viceroy. If the Swarajists persist in refusing office and following their own peculiar policy, will that be a justification of Government's policy of inaction? Did Sir Henry Campbell-Bannerman hesitate to confer self-government upon the Transvaal and the Orange Free State because of the policy of General Hertzog and his followers? Did Mr. Lloyd George decline to treat with representatives from Ireland because of Mr. de Valera and those who went with him? After all, why are there non-cooperators or Swarajists? Are they not the offspring of the policy of the bureaucratic Government? If there had been no Rowlatt Act, would Mr. Gandhi have launched upon his Satyagraha campaign? If there had been no Punjab horrors followed by the failure of the Government to impose suitable punishment upon the miscreants, would there have been the non-cooperation movement? If after Mr. Montagu left the India office the spirit and temper of the Government had not undergone a regrettable transformation, of which illustrations could be given, would the Liberals have suffered such defeats and the Swarajists won such victories in the elections? To continue the present policy will be for the Government to prolong the life of political extremism and to bind fresh laurels to its brow. If they will not move forward until the Swaraj party have become cooperators, they will be moving in a vicious circle. The other day I came across the following inscription on the title-page of the first volume of the late Lord Curzon's *British Government in India*:—

Dost thou not know that the greatest part of Asia is subject to our arms and our laws? that our invincible forces extend from one sea to the other? that the

potentates of the earth form a line before our gates ? and that we have compelled Fortune herself to watch over the prosperity of our Empire ?—*Timur* [*Tamerlane*] *to Sultan Bajazet.* (GIBBON : 'Decline and Fall of the Roman Empire,' chap. lxiv.)

It struck me that it was by no means inappropriate that that magnificent pro-consul who looked upon India and Shakespeare as England's two greatest possessions with neither of which she would ever part, should have chosen this as the motto, as it were, of his monumental work. Truth to tell, do not we Indians feel, and not very rarely, that some such spirit as finds expression in the above passage is the true explanation of much in the policy of the British government of India ? Ladies and gentlemen, the British have to make up their minds to give up once and for ever such a conception of their position in India, and the sooner they do so the wiser they will show themselves to be. They ought to substitute for it the following righteous idea of Gladstone's :—

I hold that the capital agent in determining finally the question whether our power in India is or is not to continue, will be the will of the two hundred and forty millions of people who inhabit India. The question who shall have supreme rule in India is, by the laws of right, an Indian question ; and those laws of right are from day to day growing into laws of fact. Our title to be there depends upon a first condition, that our being there is profitable to the Indian nation ; and on a second condition, that we can make them see and understand it to be profitable.

RELIGIOUS AND SOCIAL REFORM.

Fellow-Liberals, I trust you will not think me irrelevant if before bringing this address to a close I ask you not to lose yourselves in political agitation; if I invite you to bear in mind at all times that politics is only a part of national life. Religious and social reform is a paramount need of the country. During the last few days we have lost in Sir Ramakrishna Bhandarkar a veteran reformer, scholar and educationist. He passed away at the age of eighty-eight and it would be affectation to regret his death, infirm as he had become. Indeed the release from existence in this world must have come to him as a Divine Mercy. We have lessons to learn from his life and the foremost of them is not to neglect but to apply ourselves to those problems of religious and social reform without solving which our nation cannot achieve fame or prosperity nor become righteous. Our religious beliefs and practices must be freed from the accretions of superstition and our social institutions,

customs and usages liberalized and reformed so that truth, justice, mercy, equality and freedom may be the ruling principles. Our departure from the precepts of our ancient religion, our division of society into so many castes and sects, our treatment of the so-called depressed classes, the many disabilities we have imposed upon women, constitute a disgrace which we have to do our honest best to wipe out. It is my conviction that mere political agitation will not bring salvation to India any more than to other countries, and I humbly invite you, fellow-Liberals, to show yourselves to be true Liberals and patriots by striving for religious and social reform not less zealously than for political Swaraj. Not that I seek in any manner to belittle the importance of self-government—I do not and you do not ; we exist as a political party to do everything in our power to achieve it—but that our supreme end ought to be to see the reign of love and justice and truth established in this land of ours, the land which we believe to be the favoured of God Himself. However dismal the immediate future may look to our imperfect vision, the faith is undying in us that India will live and live honourably, and it is our duty to act in the spirit of unselfishness and with the zeal which righteousness begets to realize her glorious destiny. And in all our work, we can always derive consolation, comfort and strength from

an assured belief
That the procession of our faith, however
Sad or disturbed, is ordered by a Being
Of infinite benevolence and power,
Whose ever lasting purposes embrace
All accidents, converting them to good.