

~~R 3616~~

JOINT SELECT COMMITTEE

ON THE

# GOVERNMENT OF INDIA BILL,

## Vol. III.

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# APPENDICES.

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# APPENDICES,

## APPENDIX A.

PAPER handed in by Lord *Southborough*, G.C.B., G.C.M.G., G.C.V.O., on 23rd July, 1919. (See Question 776).

### MEMORANDUM ON GOVERNMENT OF INDIA DESPATCH, DATED THE 23RD APRIL, 1919, CONTAINING ITS VIEWS ON THE REPORT OF LORD SOUTHBOROUGH'S COMMITTEE ON FRANCHISE.

General considerations.

The Franchise Committee consisted of two Hindus, one Muhammedan, one European representative of European commercial and non-official interests, and two European officials, with Lord Southborough as Chairman. It had a most difficult task in adjusting the various conflicting claims advanced by separate races, religions, sects, and other interests. It heard voluminous evidence in all provinces, including representatives of all these interests, considered fully the proposals of the Local Governments, and discussed the problems in conference with those Governments. Its report is unanimous, and we deprecate the reopening of any of these difficult problems unless the necessity can be clearly proved. The Government of India did not hear the evidence, and do not seem to realise the dangers and conflicts that will arise from instituting fresh enquiries and upsetting the decisions reached unanimously by the Committee. Some of these decisions are necessarily based on the practical adjustment of delicate conflicting claims, and should be judged from that standpoint and not on theoretical principles alone. Throughout its enquiry the Committee bore in mind the general principles of franchise, and considered the schemes of Local Governments from that point. It endeavoured to secure some measure of uniformity between province and province in essentials, and did not hesitate to depart from the Local Governments' proposals in some important respects—for instance, in the cases of Madras and Bombay. But general principles had to be interpreted in the light of local conditions, and it was found impossible, and even considered undesirable, to attempt to secure full uniformity in the franchise throughout India.

Period within which revision should be allowed.

2. *Para. 2 of Government of India Despatch.*—The proposals of the Committee were framed with the expectation that the composition of the Provisional and Indian Legislatures would not be subject to modification until after a full enquiry by the first Statutory Commission. Careful consideration was given to the balancing of the many varied interests requiring representation, and it is undesirable to give immediate opportunities for reopening unanimous decisions, with the certainty of arousing acute contentions between religions and interests.

Subjects of Native States.

3. *Para. 3.*—The recommendation that subjects of Native States in India should not be disqualified for a vote was made in accordance with the great bulk of the evidence. The class most affected consists of traders from Rajputana States (Marwaris and others) whose business is almost wholly carried on in British India, with which their interests are identified, but who still retain an ancestral home in their Native State. It was considered unfair to debar this important class from the exercise of the vote. No objection was raised on the score that this would constitute interference by the subjects of Native States in the internal affairs of British India; their numbers are small, but in some parts their interests are considerable. The Committee's proposal limits the vote to subjects of Native States who are resident and possess the property qualification in British India, and the objection that they have not divested themselves of their status as subjects of a Native State seems to be purely technical. A subject of a Native State is not ordinarily regarded as a foreigner in British India, and it is doubtful whether the present disqualification for a vote has been strictly enforced in the past.

Comparative effect of various qualifications.

4. *Para. 4.*—An attempt was made to ascertain the average incomes of persons with the various property qualifications recommended, but was abandoned as impracticable between province and province. In the same province care was taken to secure about the same standard of income for each qualification, and also between the urban and rural elector, whenever this was possible. The general principle, laid down in the Joint Report and followed by the Committee, was to frame as broad an electorate as possible consistently with the avoidance of a breakdown in the available electoral machinery. In fixing the different qualifications we were guided by the opinions of Local Governments and the evidence, and where these qualifications vary in different parts of the same province the differences are justified by different social and economic conditions particularly the circumstances governing the rent of land and the pitch of rates and house-rent in cities.

Income tax qualification.

5. *Para. 5.*—An important difficulty was experienced in attempting to frame for rural areas a franchise qualification to cover the case of petty traders and persons other than occupiers of land. This problem did not arise in urban areas, where the payment of municipal rates and taxes is available as a qualification. Where a similar system of local taxation is in force in rural areas (*e.g.*, the *chaukidari* tax in Bengal, Bihar and Orissa and Assam, and school-rate in the Central Provinces) it was adopted, but in other parts the payment of income-tax was taken as the only possible substitute, although it is a higher qualification, because it is impossible to ascertain incomes of any lower amount. The raising of the income-tax level from incomes of Rs. 1,000 to Rs. 2,000 increases the disparity, but there is no practical alternative.

Military qualification.

6. *Para. 7.*—The opinion of the Government of India on the question of soldiers' votes referred to soldiers *serving* in the Army, and the Committee followed their view in recommending no exemption from the ordinary qualifications. But it recommended that *retired* and *pensioned* officers of the Indian Army, whether of commissioned or non-commissioned rank, should have a vote even if they do not possess the property

qualification, because they are men of proved character and intelligence who have deserved well of the country. It did not consider that this should extend to the retired sepoy, because he has not the same qualifications, and it would give too great a privilege to military service.

7. The qualification of certain title-holders has been retained in landholders' constituencies, subject to the condition that the title-holder also holds some land, but has been restricted by excluding the lower classes of titles. Although some title-holders may be small landholders, they are men of status and influence, and often the natural leaders of the landholders. The qualification exists at present, and it was considered inexpedient to deprive them of their vote. The number is so exiguously small that no weight attaches to the objection that new titles have an executive origin. Title-holders

8. *Paras. 8 and 9.*—It is impracticable to attempt uniformity of standard between province and province in the size of the electorates, consistently with the general principle stated in para. 4 above. Some provinces have a larger electoral machinery available than others. For instance, the Madras Government was very doubtful of its ability to arrange machinery for an election by an electorate more extended than that proposed by the Committee. Indeed, they recommended a substantially higher franchise. If, however, their estimate of the number of voters possessed of the property qualifications recommended for adoption is a serious underestimate, it may be desirable somewhat to lower the franchise. On the other hand, the Bengal, United Provinces, and Assam Governments were confident of their capacity to manage an election of the size recommended and there seems no good ground for raising the franchise. The Government of India under-estimate the amount of non-official assistance that will be available. In every province the Committee took special care to ascertain that the Local Government would be able to conduct an election with the proposed electorate. Our proposals contemplate that the election should be completed in each constituency in a single day, but not in all constituencies in the province on the same day, so that it may be possible to employ some peripatetic staff. Thus, the total electorate of 122,000 voters in Backerganj district (Bengal) will be divided into five single-member constituencies, which may be polled separately on different days. And the Local Government informed us that in this district the number of voters had been largely over-estimated. As regards Almora (United Provinces) with its 96,000 voters, this includes Muhammedans, who will be polled separately, and in this particular instance the Committee decreased the size of the constituency first recommended by the Local Government. This proposed constituency was specially discussed with the Local Government, who informed us that it could not be conveniently divided, and that the necessary electoral machinery could be provided. There are advantages, as well as disadvantages, in variations of standard between province and province, for they will provide most useful experience when the scheme next comes under review. Size of electorates.

9. *Para. 12.*—The Committee has provided such number of official members only as will be sufficient to constitute the Grand Committee in accordance with the proposal of the Joint Report. The Government of India reserves this question for consultation with Local Governments, but in para. 80 of their first Despatch No. 1, dated the 5th March, they criticise the Joint Report proposal as not providing sufficient safeguards for compulsory legislation, and recommend that in each province the Grand Committee shall be so constituted as to reproduce the existing proportions of elected, nominated, and official members in the provincial council. This would give a larger margin of safety in all provinces except Bengal, but in the latter province would actually result in an elected majority in the Grand Committee. The position of the Government in Bengal would thus be weaker than under the scheme of the Joint Report, and there is no justification for such differentiation. The proportions in the existing councils have been fixed at varying periods and under different policies, and cannot reasonably be adopted as the basis for the formation of Grand Committees, which are designed for quite another purpose. Official members.

10. *Para. 13.*—The Government of India propose to increase the number of representations by nomination of the "depressed classes" as follows:— Depressed classes.

Madras	-	-	-	-	-	-	-	-	-	from 2 to 6
Bombay	-	-	-	-	-	-	-	-	-	" 1 to 4
Bengal	-	-	-	-	-	-	-	-	-	" 1 to 4
United Provinces	-	-	-	-	-	-	-	-	-	" 1 to 4
Punjab	-	-	-	-	-	-	-	-	-	" 0 to 1
Bihar and Orissa	-	-	-	-	-	-	-	-	-	" 1 to 4
Central Provinces	-	-	-	-	-	-	-	-	-	" 1 to 2
Assam	-	-	-	-	-	-	-	-	-	" 0 to 1
Total	-	-	-	-	-	-	-	-	-	7 to 24

They justify the increase by the population of this class, and the necessity for giving sufficient representation to save them from being entirely submerged and to stimulate some capacity for collective action. Their proposal ignores the nature of the problem in different provinces. It is important in Madras, less important in Bengal, Bihar and Orissa, Bombay and the Central Provinces, and may be said hardly to exist in other provinces. The Committee's proposals are based on considerations very different from those urged by the Government of India. Where they recommend some representation by nomination, they did not take into account the population of the class concerned, nor did they attempt to give any voting strength, but to provide only one or at most two nominated members for the sole purpose of securing that the particular class or interest should be in a position to represent its own views in the council. Again, it will be quite impossible for the depressed classes to provide the number of suitable representatives recommended by the Government of India; indeed, with the much smaller number proposed by the Committee, it was clear that there would be great difficulty in some provinces in obtaining suitable men from that class for nomination, and that it might be necessary to nominate members of the Depressed Classes' Mission or European missionaries to represent their views. Further, there was the strongest desire amongst all classes of witnesses to reduce the number of nominated members to the lowest possible limit. The acceptance of the Government of India proposals would involve the reconsideration of the amount of nomination recommended for other classes, e.g., the aboriginals, the population of excluded tracts, &c.

University  
representa-  
tion.

11. *Para. 14.*—The proposal of the Government of India to abolish separate University representation is contrary to the unanimous opinion of witnesses and of Local Governments. The abolition of this existing privilege, which is supported by British precedent, would be greatly resented. The Committee's intention is that these seats should represent not the interests of the educated classes, but the special interests of University corporations, and the electorate is confined to the members of the Senate and Honorary Fellows. A proposal, widely favoured by the educated classes, to enlarge the electorate by the inclusion of all registered graduates, was rejected in order to avoid the criticism expressed by the Government of India that these constituencies would merely give additional representatives of the professional classes.

Land-  
holders'  
representa-  
tion.

12. *Para. 15.*—The reason for proposing the low limit of Rs. 500 land revenue for the special landholders' electorate in the Punjab is that this is mainly a province of peasant proprietors, in which the few landlords, although not holding very large estates, form a separate class, with problems distinct from those of the peasant proprietors. It received full support from all classes of witnesses, and was strongly advocated by the Lieutenant-Governor. It is not understood on what grounds the Government of India desire to re-examine with the Local Governments the proposals for Assam and Madras, which mainly follow the existing system of representation and were accepted by the Local Governments.

The Government of India desire that the distribution of landholders' seats in the United Provinces Council should be changed from five for the Oudh Talukdars, and one for the Agra landlords, to three for each. The Local Government recommended that none should be allotted to the Agra landlords, but the Committee gave one, mainly because they have one at present. The Oudh Talukdars are an ancient body with special land laws and special privileges, and have been an organised body for a very long period. The Agra landlords have only recently organised an association and are not so important a political body. There are a few ancient families, but many are new purchasers, and none possess special rights and privileges. The acceptance of the Government of India proposal would create discontent amongst the Oudh Talukdars.

Representa-  
tion of  
European  
interests.

13. *Paras. 17 and 18.*—We have not seen the Bengal Government's further proposals for the distribution of the 15 seats proposed for European interests in Bengal, and can, therefore, offer no comment. The presence of a large military population has been taken into account in the proposals for the communal representation of Europeans, although no accurate statistics were available.

Muham-  
medan  
representa-  
tion.

14. *Paras. 19 to 24.*—The majority of the Government of India follow the Committee in supporting the Congress-League compact as to the extent of Muhammedan representation, but their support is nullified by their recommendation that it should be broken in the most important province, Bengal, by increasing the number of Muhammedan seats from 34 to 44. The essence of this compact entered into for all the provinces of India (except Assam) is that the provinces with a Muhammedan majority of the population (Bengal and the Punjab) should forego a portion of their representation justified by numerical strength in exchange for substantial increases of representation for Muhammedans in provinces where they are minorities. The effect of accepting the Government of India's recommendation for Bengal will be the repudiation of it throughout India, which will have a most deplorable effect in reopening a grave controversy now settled by general consent. In Bengal the bulk of the witnesses, including Muhammedan and Hindu associations, supported the compact, and it was opposed only by a very few Moslem societies representing the old orthodox section. In the Punjab we were told by the Local Government that Muhammedan voters were in a minority, and in any case it is impracticable to refuse communal representation to them if it is conceded to Sikhs.

Non-  
Brahmans of  
Madras.

15. *Paras. 25 and 26.*—The claim of the large majority of non Brahmins is for a separate communal electorate, and it seems useless to concede the reservation of 30 out of 61 general seats until it is known whether this will be accepted by them as a binding settlement, for such reservation of seats is not justified in principle for a class that possesses a majority of at least four to one in votes. It was also considered that any further efforts to make a settlement of this bitter controversy should not be used as a pretext to delay in the introduction of the scheme into the Madras Presidency, and that the proposal for reservation of seats should only be adopted if the advance came from the non Brahmins and was acceptable to the communities concerned as an equitable settlement. If such conditions are satisfied, the proportion of reserved seats proposed by the Government of India is not perhaps excessive.

Urban and  
rural  
representa-  
tion.

16. *Para. 23.*—The Committee has not dealt with the separate representation of towns on a uniform plan in all provinces, because the local conditions varied. There are some large towns with distinct urban and commercial interests, which have been formed into separate constituencies in all provinces. Below these is the large class of smaller towns and large villages, whose interests are mainly agricultural, in which it is difficult to draw any clear line of divergent interests from the surrounding country. In some parts it was urged that such towns would dominate the larger number of electors in the rural area; in others that the towns would be overwhelmed. We adopted a different arrangement from province to province according to the weight of evidence, and the great advantage of this diversity of treatment is that much useful experience will be available for the next revision of the scheme. The figures suggested by the Government of India indicate a substantially smaller proportion of urban representation than that given by the Committee, and would be most unpopular with the educated classes and town residents. It was repeatedly urged with force that the superior intelligence and public spirit of the urban population should receive even greater recognition than the Committee felt justified in allotting. The adoption of a fixed standard of population such as 50,000, suggested by the Government of India, would result either in a very large increase of urban representation or in the grouping of widely separated towns in a single constituency with no community of interest.

Qualifica-  
tions of  
candidates.

17. *Para. 29.*—The Committee proposes considerable relaxations in the existing disqualifications of candidates for the legislative councils, but the Government of India desire to retain them almost unchanged, a course that will arouse bitter opposition. The minority of members of the Committee (Lord Southborough, Mr. Banerjee, and Mr. Sastri) wished to go further and abolish altogether the disqualification of dismissal from Government service, whilst the majority retain it only in cases where such dismissal involves moral turpitude in the opinion of the Governor-General in Council. There are surely many cases in which dismissal from Government service should not operate as a bar, e.g., an official dismissed early in his service

for dilatoriness, indiscipline, or the like. Similarly, it was felt that action under the preventive sections of the Criminal Procedure Code should not be a bar. We also took into account the absence of corresponding disqualifications in the United Kingdom.

18. *Paras. 31 to 39.*—The duty imposed on the Committee was to frame a constitution for the two chambers of Indian Legislature in accordance with the schemes laid down in the Joint Report, not to discuss the objects and functions of each chamber. The Committee regarded the Council of State primarily as a body designed to secure essential legislation and not as a revising chamber, though it might ultimately develop into a true second chamber. It was fully recognised that the proposal for indirect election to the general seats in the Indian Legislative Assembly is open to criticism, but the Committee was driven to it only after exploring all alternatives for direct election and rejecting them for the reasons stated in para. 34 of the Report. The Committee considered it to be politically unwise to develop provincial legislative councils on the basis of a broad electorate, and to provide only a high franchise for election to the Indian Legislative Assembly, which would restrict its membership to representatives of the rich propertied classes. This would result from the scheme of direct election advocated by Sir William Vincent in his minute of dissent. Election on a broad franchise was regarded by us as open to grave difficulties at the present time. Two or even three elections (if this principle is also conceded for the Council of State) would be a very heavy burden on inexperienced electors, and all Local Governments shrunk from the task of preparing two or three separate electoral rolls and conducting two or three general elections following close on each other. It is true that the Bihar and Orissa Government first recommended direct election on a high franchise, but after our discussion they reconsidered the great difficulties attending direct election and submitted a scheme for indirect election which the Local Government was prepared to accept on the understanding that it is merely a provisional arrangement pending actual experience and that the system of direct elections on the broadest possible basis will be introduced as soon as experience justified this course. Two or three general elections would mean the elective system run to death in a country where general elections on a broad franchise are now unknown. It may be noted that the Bryce Conference for the reform of the House of Lords recommends that the large majority of members should be elected by groups of House of Commons Members, which is a system very similar to that recommended by us. It is true that our recommendation involves the election of members of the Indian Legislative Assembly by a small electorate of members of the provincial legislative councils, but these are themselves direct representatives of a large direct electorate, and will be a more representative body than a very restricted direct electorate.

The Indian  
Legislative  
Assembly.  
Method of  
election.

19. *Para. 36.*—The Government of India criticise in various respects the proposed composition of the Indian Legislative Assembly. Their scheme was fully considered by the Committee. Our main reason for differing from it was the inadequacy of the Muhammadan representation. In our view the amount of that representation is conditioned by the Congress-League compact, and so long as that is accepted there is no room for variation. We also placed much greater stress than the Government of India upon the number of members from each province being proportionate to their importance; for instance, we could not agree that the United Provinces should have a larger number of members than two of the three presidencies. We do not consider that our proposal gives excessive representation to landholders' interests, and our distribution between provinces was influenced not only by their comparative importance in each province, but by the necessity for providing the full proportion of Muhammadan seats without unduly reducing the number of general seats. This accounts for the extra landholders' seat allotted to four provinces. In criticising the proposal for the representation of European interests by seven instead of nine special seats, the Government of India fails to take into account that the European members of the Bengal Legislative Council will be in a position to return a European for one of the general seats, who can represent European interests outside commerce. The European representative on the Committee (Mr. Hogg) accepted our recommendation as giving adequate representation for European interests. The important cities of Calcutta and Bombay will secure representation through the general seats, and their importance does not justify separate constituencies. Following our general principle that election is always to be preferred to nomination when a suitable electorate can be formed, we see no reason why the Delhi Province should be relegated to nomination.

Composition  
of the  
Indian  
Legislative  
Assembly.

20. On the question of the Indian Legislative Assembly the Government of India remark that the Committee have not referred to their proposals for the constitution of the Assembly and did not accept their suggestion for a conference on the possibility of direct election. In the Government's proposals which were not received until within three weeks of the close of the Committee's labours, no scheme for direct election is suggested. The proposals were, however, circulated to the Committee and very carefully considered. The Committee were informed by the official member (Mr. Muddiman), who had been added to the Committee by the Government of India in December, 1918, for the purpose of assisting their deliberations on these questions, and even at their meeting on the 14th February he had received no instructions from the Government as to their views. The Committee accordingly proceeded to formulate the conclusions which, as the result of discussions commenced in the previous November, and of the evidence which they had taken in the various provinces, they had gradually and unanimously reached as to the composition of the Assembly, and the necessity, for the present, of indirect election. On the very day, the 14th February, on which the portion of the Report dealing with this matter was settled, the Government of India proposed to Lord Southborough that the Committee should hold a conference with the Government on the matter. It appeared, however, from informal communications which Lord Southborough, with the Viceroy's permission, at once initiated with the three members of the Viceroy's Council who were more particularly concerned with the matter in hand, that the Government had no arguments to bring forward which had not already been fully considered and unanimously rejected by the Committee, and had still no suggestions whatever to make as regards any method of direct election. In these circumstances Lord Southborough was not prepared at a stage when the Report, which was in fact signed on the 22nd February, was already in proof print, to call upon the Committee to reopen the question for the purpose of a belated discussion which gave no prospect of any useful result.

21. *Paras. 40 to 44.*—The Committee recognised the objections to the election of members of the Council of State by the same electorate of non-official members of the Provincial Legislative Councils who will elect members to the Indian Legislative Council, but here again we could devise no practicable

The Council  
of State.

alternative. A possible alternative would have been to constitute it a wholly nominated body, but this could not be considered under our terms of reference, and in any case would be intensely unpopular in India. The Government of India propose a system of direct election on a very high franchise (the details of which are not indicated), giving an electorate of about 1,000 to 1,500 voters for each province. We unhesitatingly condemn this proposal. An electorate of fifteen hundred amongst a population of 40 millions in Madras, for instance, scattered over an area of 123,000 square miles, is a negation of all the principles of direct election; it involves constituencies of exceedingly large area and a minute fraction of voters, with whom it would be impossible for candidates to get into proper touch. The franchise would necessarily be restricted to territorial magnates, plutocrats, and perhaps a small leaven of other distinguished persons. Again there is surely the gravest objection to a system of direct election to the higher chamber combined with its denial to the lower chamber. The scheme now proposed by the Government of India for the composition of the Council of State is open to objection on the same grounds as those stated in para. 19 above. The amount of Muhammedan representation is smaller, whereas we have followed the principle of the Congress-League compact; no separate representation is given to landholders; the various provinces do not receive the same quota of representation. In our scheme Burma is allotted one seat, whereas the Government of India proposes two; this question may perhaps be left open until the Burma constitution is settled. With this exception, we prefer our proposed composition under a system of indirect election.

22. *Para. 45.*—Finally, we desire to express our disagreement with the proposal of the Government of India for further references to Local Governments. The Committee heard full evidence of representatives of all shades of Indian political opinion, was assisted by an added official member in each province, and held conferences with each Local Government, and we consider that the limits of useful discussion in India have now been reached. There is a general feeling that some finality should now be reached as regards this stage of the constitutional discussion. We believe that however imperfect the proposals of the Franchise Committee may be if measured by an academic standard of constitutional principle, the fact that they represent (save in a few unimportant matters) the unanimous view of a Committee containing many diverse elements justifies their adoption as the basis for the first stage in the development of responsible government in India.

(Sgd.) SOUTHBOROUGH,  
F. G. SLY.

## APPENDIX B.

MEMORANDUM handed in by Mrs. Besant on 29th July, 1919. (See Question 1336.)

The National Home Rule League welcomes the announcement of August 20, 1917, declaring that the policy of His Majesty's Government is the realisation of Responsible Government in India, and it accepts the principle that the advance must be by stages. But while conceding that the advance should be greater in the Provincial Governments than in the Government of India, and that the present scheme is transitional it submits that the maintenance of the "machinery of autocracy" in the Centre (Montagu-Chelmsford Report, para. 2c9) for the declared purpose of passing "permanent measures, to which the majority of members in the Legislative Assembly may be unwilling to assent," and "to perpetuate the official bloc" (para. 276), outside matters directly concerning the peace, tranquillity and defence of the country, Foreign Affairs (excepting relations with the Colonies and Dominions), Army, Navy, and relations with Indian Princes, will cause deep disappointment in India and prejudice the success of the Reforms, and that the principle of responsibility should be introduced into the Government of India by the division of subjects into "reserved" and "transferred," as urged by the National Congresses of Bombay and Delhi, the Muslim League at Bombay, and the Moderate Conference at Bombay, all in 1918. (See *Letter from the Government of India, dated March 5, 1919*, and enclosures for the Congresses and Conference of 1918, pp. 97, lines 1-7; pp. 140, iii, 3 (a), 4 (a); and 142, 143, "Government of India," (a).) It is not desirable to perpetuate in the Indian Legislative Assembly "criticism unchecked by responsibility" (Moderate Conference) and to turn Indian energies away from the duty of good administration to continued public agitation. Moreover, serious friction is likely to arise between the Indian Legislative Assembly and the Executive Government, endangering the prospect of cordial operation. All this may be avoided by a wise concession to the unanimous desire of the Indian Nation to see the disappearance of autocracy in India, as in all other Nations in the civilised world. Its perpetuation in India alone places her among backward Nations, without even the protection which they will enjoy under a mandate from the League of Nations, and is regarded as showing a distrust of India's capacity and attachment to the British connection which she does not deserve after her sacrifices in men, food, clothing and money.

### PART I.—(DRAFT BILL).

#### LOCAL GOVERNMENTS.

*Sec. 1 (1)*—Rules made in India, as provided under 122a of the Principal Act, will need the very careful attention of Parliament so that they may give all that the British Government intends. The Secretary of State for India stated (Hansard, Vol. 116, No. 73, col. 1394) that "the policy of the Rules if not the actual wording of the Rules" will be submitted to the Joint Committee, and we welcome the statement, reiterated in col. 1356. But we venture to urge that the policy shall be so defined that no power given under the Act can be whittled down by the Rules.

(a) The transferred subjects as given in the Feetham Report are on the whole satisfactory as a beginning, so far as the Provinces are concerned, but we trust that 6, 7, and 8 (Irrigation, Land Revenue and Famine Relief) will be transferred on the application of Provinces at the end of five years under the proposal of the M.C. Report (para. 260, or Appendix 1, 52), if Parliament should refuse to transfer them now. With these



should go the power, proposed in the same paragraph, to order that the salary of the Ministers should be voted by the Legislative Council. In this respect the Bill falls short of the M.C. Report, and the proposals of para. 260 should be inserted in the Bill by the Joint Committee. There is no reason why the third Legislative Council should not enjoy complete Provincial Autonomy.

*Proriso.*—A subject once transferred should not be again reserved. The remedy for maladministration should be the dismissal of the Minister concerned.

*Sec. 2 (2)*—Principal Act 46 (3). The power to revoke or suspend should be vested only in Parliament.

*Sec. 3 (1)*—The salaries of Ministers should be the same, whether high or low, as those of members of the Executive Council, so as to secure equality of status. (Passed by National Congresses of Bombay and Delhi, 1918, by Muslim League, 1918, and Moderate Conference, 1918.)

*Sec. 4 (1)*—A provision should be inserted from the M.C. Report (para. 218, or Appendix 1, 26) that one Executive Councillor must be an Indian. (The United Congress and Muslim League of 1916 asked that half the Executive should be Indians elected by the Legislative Council. The Congresses of Bombay and Delhi, the Muslim League and the Moderate Conference passed the same.)

*Sec. 5 (2)*—We endorse the proposal of the Moderate Conference that the Governor should have no greater power over Ministers than over Executive Councillors, and that whatever power the Governor in Council has to interfere with decisions of Governor and Ministers on the ground of their possible effects on reserved subjects, corresponding power should be given to Governor and Ministers in regard to decisions of the Governor in Council affecting transferred subjects.

In order to carry out the Secretary of State's statement to the House of Commons on June 5 (Hansards cols. 1310—1312, that "The Provincial Government has got to defer to its Legislature by Statute, that is to say, in transferred subjects you have a Government which is responsible to the Legislature"), it is necessary that the Joint Committee should adopt the principle of the proposal of the Congress and Muslim League, that the relation of the Governor to the Ministers in regard to the transferred subjects shall be the same as that obtaining in the Self-Governing Dominions, with the difference that the Governor in the present scheme is both representative of the King and the Prime Minister. If, "so far as transferred subjects are concerned, we shall have parted with our trusteeship and surrendered it to the representatives of the people of India" (Hansard, col. 1312), the rules made under 5 (2) must carry out the above policy. This is also rendered necessary by Mr. Montagu's criticism of the alternative scheme of the Local Governments, that "there is no certainty of control by the Legislature [in that scheme] because on all subjects, if the Governor certifies it is in the interests of his province, he can override it" (Hansard, col. 1314). We, therefore, urge on the Joint Committee the clear laying down of the principle endorsed by the House of Commons in the second reading of the Bill.

*Sec. 6 (1)*—We submit that the proposed Councils are too small; the number should be raised in the major Provinces to at least the 150 suggested in the Bombay and Delhi Congresses and the Bombay Muslim League. The United Kingdom had in 1911 (the last census) 670 members, each representing 67,000 persons. Taking Madras as an example—it has nearly the same population—it would have 600 members in its Council. A Council of 250 would give only one representative to 168,000 of the population, and with this must go a lowering of the franchise, as suggested below under 6 (3) (b). We prefer the 4-5th elected and 1-5th nominated, as agreed to in the United Congress of 1916 and the League, and confirmed since by the Congresses and League to the less convenient figure adopted in the Southborough Report, Schedule I.

(3) (b).—The Rules should provide that no person resident in India who is a subject of a Dominion which puts disabilities on Indians shall be eligible for election or nomination. On this we call the attention of the Committee to the Note to Appendix XI. in the Southborough Report on the Franchise, that "The proposal to enfranchise persons domiciled elsewhere than in the United Kingdom will be subject to any action which may be taken in view of the reciprocity resolution passed at the Imperial Conference held in 1917." In the Southborough report disqualifications, para. 7, women are disqualified; we earnestly beg the Joint Committee to remove a disqualification founded only on sex, now rejected by most civilised countries and alien from Indian traditions. The Congresses of 1918 passed resolutions against such disqualification and many district Conferences have done the same. So far as we know, no Indian conference has voted against woman suffrage. Mr. Hogg (Report, p. 4) pointed out that no strong opposition was shown in the evidence. It is true that the number of women voters would at first be small, but they would be women who are powerful levers in the uplift of their sex. Woman's agitations in India are markedly formidable, as was shown in the removal of indentured labour in Fiji, and in the release of Mrs. Annie Besant and her colleagues from internment in 1917, for they are more indifferent to consequences than men, and public feeling in India would not tolerate any physical violence against women. It will be unwise to invite the agitation which will certainly arise if votes are denied to them, whereas the immediate effect of granting them the franchise will be a stimulus to girls' education and to the already powerful movement against child marriage. It is obviously absurd to grant the franchise to illiterate men labourers and to deny it to women University graduates. We agree with the other disqualifications, but would add one to them by the omission of the words "a ruler or" in 6 (4). The size of electorates as fixed in the Southborough Report, para. 11, p. 5, is too small, giving only a total of 5,179,000 out of a population of 245 millions. Supposing that these five millions are all literates, which they certainly are not, at least the remaining three millions of literates should be added to those voting on a property qualification; if the addition would overstrain the electoral machinery, any of them who wrote a demand for a vote, in the presence of the registration officer or his deputy, might be enfranchised. By the end of the term of three years of the first reformed councils it should be possible to be prepared for the registration of a much larger number, and the proposed property qualification should be lowered.

We are not in favour of the extension of communal electorates advocated on pp. 7 and 8 of the Southborough Report, for they perpetuate religious divisions in political life and check the growth of healthy National unity. The Muhammadan communal electorate must remain till Muhammadans themselves demand its abolition. But the Sikhs' interests are not separate from those of other Indians; the Europeans are already sufficiently represented in their separate electorates; Anglo-Indians are specially favoured by Government, and need no special representation to urge their interests; Christians also are a favoured community, and should unite politically with their fellow-countrymen. The general Hindu communities elect Christians, Parsis, Sikhs and Mussalmans as well as Hindus—a most desirable liberality.

*Sec. 7 (1).*—After the words “he thinks fit” insert “provided that the intervals between the sessions do not exceed 4 months.”

*Sec. 9 (2).*—Proviso (a), (b), (c), (d) are far less liberal than the M.C. Report Proposals Appendix I. 50. where the budget is to be altered so as to give effect to resolutions of the Legislative Council, unless the Governor certifies, for reasons given, that the restoration of sums for the reserved subjects is necessary for peace and tranquillity. We consider that control of the purse is essential to responsibility and to the due discharge of the important functions entrusted to Ministers. There should be one purse, its allotments being decided by “consultation and joint deliberation on the same policy”—to borrow Mr. Montagu’s phrase (Hansard col. 1311), and where there is a deficit it should be jointly borne, and taxation levied jointly for the reserved and transferred subjects. As the Congresses and League have agreed: “It is essential for the welfare of the Indian people that the Indian Legislature shall have the same measure of fiscal autonomy which the self-governing Dominions of the Empire possess. The Budget shall be under the control of the Legislature, subject to the contribution to the Government of India and the allocation of a fixed sum for the reserved subjects; and should fresh taxation be necessary it should be imposed by the Provincial Government as a whole for both transferred and reserved subjects. (*Letter from the Government of India, 5th March, 1919, p. 141. III, ii., 4 a and b.*) The Moderate Conference also resolved that, saving the Imperial obligations agreed on, the “Government of India, acting under the control of the Legislature, should enjoy the same policy of regulating the fiscal policy of India as the Governments of the Self Governing Dominions enjoy of regulating their fiscal policy.” (*Ibid, 13, under heading “India and Fiscal Freedom.”*) On this matter all Indian Reformers are unanimous, and its concession is absolutely necessary to give lasting satisfaction to the Indian public.

9 (3).—The Congresses did not approve the institution of Grand Committees, but if they are instituted, they urge that not less than one-half of their number should be elected by the Legislative Council.

## PART II.

### GOVERNMENT OF INDIA.

*Secs. 14, 15.*—We do not deny that during the period of transition the Government should have an instrument for passing what it considers to be necessary legislation. But the Council of State—which the Congresses would reject—is so constituted as to enable it to pass any measure certified by the Governor-General in Council as essential to . . . “good government,” a vague phrase, and held to include “sound financial administration” (M.C. Report, Appendix I, 15). In *Sec. 20 (4)*, the words “interests of British India or any part therefore,” are substituted for good government and sound financial administration, but these are equally vague. The Moderate Conference also objects to these words, and would confine certification to foreign and political relations, and “peace and order,” and limits its passing of legislation objected to by the Legislative Assembly to “time of war or internal disturbance,” without reference to the proposed House of Commons Select Committee, unless the legislation is limited to one year (*Letter of March 5, p. 143, Government of India, d. e.*)

The Congresses, on similar lines, propose that if the Legislative Assembly does not pass measures on reserved subjects deemed necessary by the Government, the Governor-General in Council may provide for them by Regulations for a year, to be renewed only if 40 per cent. of the members of the Assembly present and voting are in favour of them (*Letter of March 5, p. 140.*)

We suggest that Grand Committees are more suitable in a condition of transition than a Council of State, which would tend to become permanent. The Grand Committee also implies the introduction of reserved and transferred subjects into the Legislative Assembly, a matter on which all Indian parties are agreed. We urge this for the reasons given in the opening paragraph of this memorandum. Among others, so thoughtful a Moderate leader as the Hon. Mr. S. Srinivasa Sastri has expressed himself strongly on the necessity for agitation if this be not given. Customs, Tariff and Excise Duties at least should be transferred to a Minister, and the Budget should follow the Provincial procedure. The whole prosperity of India depends on its finance being under Indian control, so that the interests of India shall be regarded as primary. The Congresses consider that the reserved subjects should be Foreign Affairs (except relations with the Colonies and Dominions), Army, Navy, and relations with Indian Ruling Princes and matters affecting peace, tranquillity and the defence of the country (*Ibid*).

As Home Rulers we feel that the solid block of an autocratic Central Government should not be placed on the road of advance to complete Responsible Government, and regret that no indication is given in the Bill that that goal of British policy is ever to be realised. There is no “gradual development of self-governing institutions” herein, as promised on August 20, 1917, nor even any suggestion of its beginning. We respectfully submit that unless a beginning of responsibility is made in the Centre, the announcement in the House of Commons will not be fulfilled.

*Sec. 16 (2).*—We submit it is desirable that the Legislative Assembly should consist of not less than 150 members, 80 per cent. of whom shall be elected.

*Sec. 17 (2).*—As in the Provinces, after the words “as he thinks fit,” insert, “provided that the intervals between the session do not exceed four months.”

*Sec. 21 (1).*—The provision that half the Executive Council should be Indians should be inserted. (*See M.C. Report, Appendix I, 7.*) Only “to increase the Indian element” is there proposed, but no provision is made in the Bill.

## PART III.

### SECRETARY OF STATE IN COUNCIL.

—As the Report on this matter is not published we refrain from comment, but see with pleasure *Sec. 22*, transferring the cost of the Department to moneys provided by Parliament.

## PART IV.

## THE PUBLIC SERVICE IN INDIA.

Sec. 25 (1)—We urge the establishment of simultaneous examinations, without precedent nominations.

We view with alarm any proposals to raise the salaries and pensions of the I.C.S. suggested in Civil Services Commission Report, and endorse the dissenting minute of Mr. Justice Rahim.

## PART V.

## STATUTORY COMMISSION.

Appendix I, 52 of the M.C. Report, already noted under Part I, Sec. (1) (a) should be inserted, unless recorded previously, and a similar power should be given to the Indian Legislative Assembly.

The Statutory Commission at the end of ten years should recommend such extensions of responsibility in the Central Government as should ensure complete Responsible Government at the end of another period of five years, and it is very desirable that a definite term should be inserted in the Statute so as to put an end to all agitation, and to direct all Indian efforts to the task of efficient Responsible Government. There would thus be three stages outlined in the Statute for the reaching of the goal, and Britain and India would go forward together as partners in the greatest Commonwealth that the world has ever known. Autocracy would be rooted out of its last citadel, and the ideals with which Britain, the Dominions and India entered on the War of 1914 would be realised.

## APPENDIX C.

PAPER handed in by the Hon. Mr. V. J. Patel, August 5th, 1919. (See Question 1735.)

## MEMORANDUM OF EVIDENCE BY THE DELEGATES OF THE INDIAN NATIONAL CONGRESS.

## PART I.

## GENERAL STATEMENT.

We appear as delegates of the Indian National Congress. We are appointed under a resolution passed at the Thirty-third Session of the Congress at Delhi in December, 1918, instructing us "to advocate and press for the demands of the Congress as contained in its resolutions."

## THE INDIAN NATIONAL CONGRESS.

The Indian National Congress was founded in 1885 to advocate reforms in the government and administration of the country and to bring about an adequate measure of popular representation and control over the legislative and administrative machinery. It has for the past 33 years, at its annual sessions and through its provincial and district affiliated bodies, which hold frequent public conferences and in other ways provide scope for public discussion and development of political opinion, steadily and with increasing force pressed for reforms of such a character. Its object is the attainment of self-government within the Empire on the lines of that now enjoyed by the self-governing Dominions. It represents to-day the overwhelming body of opinion among the people of India. Its constitution and organisation are of the widest democratic kind. Its delegates are elected throughout the country by or through the various affiliated bodies and at public meetings, and membership is open to every British subject in India of either sex, and of any class, creed or race, who is willing to attend its session, provided he or she is 21 years of age and has formally subscribed to its Constitution. The session at Delhi was attended by about 5,400 delegates, who included a large number of cultivators. The Resolutions passed at the Delhi session are almost identical with those passed at the meeting of the All-India Moslem League held at the same time, the two bodies having been in consultation through their committees with a view to working on a common ground with a common object.

## INDIA'S DEMAND.

We venture to impress upon the Committee, therefore, that the Resolutions of the Congress, which we are here to press for the acceptance of Parliament by embodiment in amendments to the Bill under consideration, represent the considered opinion, in an overwhelming measure, of the people of India, after the fullest public discussion of the proposals contained in the Report of Mr. Montagu and Lord Chelmsford on Indian reforms; and we feel that we should be failing in our responsibility to the great interests we represent and the trust confided to us, if we were not to point out that, so far as public opinion in India is concerned, we speak with an authority which is indisputable; that we are putting forward demands in the form of amendments to the Bill which are the least that can satisfy the people of the country as a fulfilment, in the popular view, of the terms of the announcement of August 20th, 1917, and lead to the acceptance of the Reform Bill as a measure which would help to restore peace and contentment in the country, and provide the opportunities for self-realisation and national development which are as essential to the interests of Great Britain and the whole Empire as they are vital to those of India. We urge most earnestly the full acceptance by the Committee, having regard to the foregoing considerations, of the amendments to the Bill which we have ventured to propose, to give effect to the demands of the Congress. These are explained as briefly as possible hereunder.

## "FITNESS" FOR RESPONSIBLE GOVERNMENT.

We desire first, however, to state, without reservation, that the Indian National Congress cannot accept the assumption contained in the Report on Indian Constitutional Reforms that the people of India are as yet unfit for full responsible government. The principle of Self-Determination has been accepted by the

British Government and its Allies as the essential principle to be applied to all civilised peoples. In the case of India, the immediate grant of responsible government, qualified only by the reservations necessary to its position as an integral part of the British Empire (inclusion in which is a cardinal point in the Constitution of the Congress and is fully adhered to, with insignificant exceptions, by every shade of Indian opinion), is the logical expression of that principle. The question of the fitness of a people to manage their own affairs is not to be decided by such specious considerations as are put forward in the Report on Indian Constitutional Reforms. The principle of the right of every people to govern themselves is the basic fact which must be assaulted if that right is to be withheld; and, while there may be reasons sufficiently strong to remove it from consideration, if attempt is made to apply it to barbaric or semi-civilised peoples or races which may be considered to be otherwise disqualified or unequal to such responsibility, these cannot be advanced in regard to a people whose civilisation is the oldest existing in the world, who managed their own kingdoms and empires as large as the British Empire in India long before the establishment of British rule in the country, who possess ancient traditions of democratic government, among whom municipal institutions of an essentially democratic character only ceased to exist after the advent of British rule, whose country is economically in so large a measure self-contained and in need only of free development, and whose claim to the same Imperial protection as that so long enjoyed by the self-governing Dominions is based on the indisputable ground of the immensity of their past and present contributions to the military power and economic welfare of the Empire.

But apart from these broad and unassailable considerations, it is impossible to accept the reasons which prevented the authors of the Report on Indian Constitutional Reforms from proposing a scheme of immediate, full, responsible government for India and resulted in the embodiment in this Bill of the meagre and unsatisfying proposals now under consideration by the Committee. Briefly these reasons are:—

1. The absence of trained electorates of sufficient dimensions.
2. The setting up of an oligarchy of educated classes to govern the illiterate masses whose interests they would not be so well fitted to represent as an alien bureaucracy.
3. Racial diversities and religious animosities.

These are reasons which have not stood in the way of the achievement of responsible government by any modern State. Under the very limited franchise proposals of the Southborough Committee about 2½ per cent. of the population in the provinces of British India would be enfranchised. In Bombay, Bengal, and the United Provinces the proportion is about 3 per cent. Even in the United Kingdom, three years after the passing of the great Reform Bill of 1832, only 3·3 of the total population enjoyed the franchise, and as late as 1881 the proportion had only grown to 8·9 per cent. In 1880 only 1 per cent. of the population could exercise the vote in Sweden, and until 1882 the Chamber of Deputies in Italy was elected by 2½ per cent. of the population. Large electorates in most self-governing countries have only grown up in recent years. It was not until after the Reform Bill of 1884 was passed in the United Kingdom that 15 per cent. of the population became enfranchised, and in the United States as late as 1888 only 17·6 per cent. of the people enjoyed the right to vote. In all countries responsibility in the beginning has been entrusted to a very small section of the people, and government has been in the hands of a small educated minority, who have naturally cared for the interests of the uneducated masses pending the spread of education and the consequent extension of the franchise. The suggestion that the educated leaders of Indian opinion could not similarly be safely entrusted with the welfare of the masses is entirely falsified by the history of the last fifty years, which has been one of constant struggle between them and the bureaucratic administration for redress of the grievances and extension of the rights of the masses. The extent to which this has been the case is amply borne out in the remarkable memorandum which was presented to Mr. Montagu and Lord Chelmsford by Sir Dinshah Wacha and other leaders of the "Moderate" party in 1918, and in the dissenting Minute of Sir C. Sankaran Nair, annexed to the Despatch of the Government of India of March 5th (East India Constitutional Reforms Cmd. 123). But there can be no possible danger of an educated oligarchy coming into power because the constitution would be democratic from the beginning, and, as the franchise is extended, as it is sure to be in course of time, there would be no danger of a small minority ever assuming or usurping power. Nor have racial diversity or religious animosities ever been a bar to the achievement and successful working of self-governing institutions in other countries. This was notably the case in some of the self-governing Dominions of the British Empire. Canada was granted full responsibility at a time when racial and religious animosities were at the most acute stage, and when the population was certainly far below the standard, in respect of education and training, laid down for India in the Report on Indian Constitutional Reforms; yet what is now held to be a bar in the case of India was regarded, and, as it proved, rightly so, as a solvent in the case of Canada. We believe that equally in India the grant of full responsibility and the removal of all her political fetters would prove the surest solvent of all such problems. At the same time we would point out that the difficulties of this kind to which reference is made in the Report, have been greatly exaggerated. Hindus and Moslems have lived for centuries side by side in social intercourse and mutually helpful brotherhood. Nothing has been more striking in the past few years, and is more evident to-day, than their recognition of and devotion to a common nationhood. This was evidenced by the agreement reached at Lucknow in 1917 on the much-vexed problem of Mahomedan representation. Hindu and Moslem leaders sitting round a table found a solution of a question which bristled with difficulties, and in regard to which it would have been easy to excite jealousies and animosity had not the determination existed on both sides to place the interests of India and the Indian people as a nation above everything. The Lucknow compact has been accepted by the Southborough Committee. Religious disputes and consequent disturbances are only spasmodic and local, as they are in other countries; moreover, they are conspicuous by their absence in the States under Indian rule, and they are not infrequently provoked and aggravated in British India by external causes and interference, which need not be described here.

The delegates of the Congress are thus unable to understand why special and peculiar standards of fitness for responsibility, which have never been applied to other countries, should be erected as a barrier against the immediate grant to the people of India of that right to a government set up by and answerable to the people, which has been so uncompromisingly asserted during the past few years by British statesmen, of every shade of opinion, to be the inalienable right of all civilised peoples.

## THE CONGRESS AND THE ANNOUNCEMENT OF AUGUST, 1917.

In accepting with satisfaction the declaration in the Announcement of August 20th, 1917, that self government is the goal of British policy in India, the National Congress, at its Session in Calcutta in the following December, repudiated the claim of others to decide for India the time and measure of the stages by which it should be achieved, as a negation of the recognised principle of self-determination. And when it came to consider, at its special session called for the purpose at Bombay in August, 1918, the proposals contained in the Report on Indian Constitutional Reforms, while adhering to the principles of reform contained in the Congress-League scheme and regarding the proposals in the Report as "unsatisfactory and disappointing," it drew up resolutions for the modification of those proposals and abandoned its own scheme, only in order to facilitate the passage of reforms. But even so, it was found that opinion in the country, subsequently very strongly manifested through Provincial and District Conferences, public meetings and even the Legislative Councils, was so definitely and emphatically determined upon the immediate achievement of full responsibility in the Provinces, that, at the following session at Delhi, in December of last year, an amending resolution, calling for full responsible government in the Provinces at once, without prejudice to the claim for a substantial measure of responsibility in the Central Government, was passed by an overwhelming majority, only a few delegates out of over 5,000 voting in favour of the retention of the Bombay Resolution.

We now put the Congress demands before the Committee in the form of suggested amendments to the Bill. Before proceeding to explain them in detail, we would again urge upon the Committee the representative character in which we appear before them as the accredited delegates of the most representative popular institution in India, with a definite mandate to urge upon the Parliament of the United Kingdom that the Indian people cannot be satisfied with anything else.

## RESOLUTIONS OF THE DELHI SESSION OF THE CONGRESS.

The Resolutions passed at the Session of the Congress at Delhi in December last, which embody the demands of the Congress, are annexed hereto as Appendix I. For the convenience of the Committee, however, they are summarised below :

## THE INDIA COUNCIL.

1. The Council of India should be abolished and there should be two permanent Under Secretaries to assist the Secretary of State for India, one of whom should be an Indian.
2. The salary of the Secretary of State and all charges in respect of the India Office establishment should be placed on the British Estimates.
3. The Control of Parliament and the Secretary of State should be modified only in proportion to the extent to which the Indian and Provincial Governments are made responsible to the electorate.

## THE GOVERNMENT OF INDIA.

1. The principle of responsible Government should be applied to the Central Administration by dividing the subjects into "Reserved" and "Transferred." The Reserved Subjects should be Foreign Affairs (except relations with the Colonies and Dominions), the Army, Navy, and relations with Indian Ruling Princes and, subject to the Declaration of Rights set out below, matters directly affecting the peace, tranquillity and defence of the country.

## DECLARATION OF RIGHTS.

(a) That all Indian Subjects of His Majesty and all the subjects naturalised or resident in India are equal before the law, and there shall be no penal nor administrative law in force in this country, whether substantive or procedural, of a discriminative nature ;

(b) That no Indian subject of His Majesty shall be liable to suffer in liberty, life, property or in respect of free speech or writing or of the right of association except under sentence by an ordinary Court of Justice and as a result of lawful and open trial ;

(c) That every Indian subject shall be entitled to bear arms, subject to the purchase of a licence as in Great Britain, and that the right shall not be taken away save by a sentence of an ordinary Court of Justice ;

(d) That the Press shall be free and that no licence or security shall be demanded on the registration of a press or newspaper ;

(e) That corporal punishment shall not be inflicted on any Indian subject of His Majesty save under conditions applying to all other British subjects.

2. The Executive Council should consist partly of Ministers appointed from among the elected members of the Legislative Assembly and in charge of the Transferred Subjects and partly of other members nominated by Government in charge of the Reserved Subjects. When there are two or more members in charge of the Reserved Subjects, half of their number should be Indians.

3. There should be no Council of State, but only one Legislative Assembly composed of 150 members, four-fifths of whom should be elected directly by the people. The franchise should be as broad as possible without distinction of sex.

4. The Legislative Assembly should have the same measure of fiscal autonomy as the self-governing Dominions.

5. The Legislative Assembly should have full control over the Budget, except in respect of the Reserved Subjects, the allotment for which should be fixed and be a first charge on the Revenues.

6. All Bills must be introduced and passed in the Assembly. Provided that in the case of Reserved Subjects, if the Legislative Assembly does not pass any measure desired by Government, the Governor-General in Council may provide for the same by regulations, such regulations to remain in force for one year, and not to be renewed unless 40 per cent. of the Legislative Assembly present and voting are in favour of them.

Provided also that if the Council of State is to be constituted, at least half of its total strength should consist of elected members and the procedure by certification should be confined to the Reserved Subjects.

7. The President and the Vice-President of the Legislative Assembly should be elected by the Assembly.

8. The Legislative Assembly should have power to make or modify its own rules of business and these should not require the sanction of the Governor-General.

9. There should be an obligation to convene meetings of the Assembly at stated intervals or on the requisition of a certain number of members.

#### THE PROVINCIAL GOVERNMENTS.

1. There should be complete separation of the Provincial from the Imperial Revenues with certain defined powers of taxation and borrowing in the Provincial Governments.

2. Full responsible Government should be introduced into the Provinces at once.

3. The Executive Council should consist of the Governor and Ministers responsible to the Legislature.

4. At least four-fifths of the members of the Legislative Council should be elected on a broad franchise without distinction of sex.

5. The Legislative Council should elect its own President and Vice-President.

6. The Legislative Council should have power to make or modify its own rules of business, and these should not require the sanction of the Governor.

7. There should be an obligation to convene meetings of the Council at stated intervals or on the requisition of a certain number of members.

8. The Legislative Council should have full control over the Budget except in respect of the Provincial contribution to the Government of India.

9. All Bills must be introduced and passed in the Legislative Council.

10. There should be no Grand Committee.

#### PUBLIC SERVICES.

The Public Services should be recruited *in India* in a fixed and progressive proportion. The annual recruitment in India for the Indian Civil Service should be 50 per cent. to start with and Indians should be granted at least 25 per cent. of the Commissions in the Army, and this proportion should be gradually increased.

#### COMPLETE TRANSFER OF RESPONSIBILITY.

The Congress asks for a statutory guarantee that full responsible Government shall be established in the whole of British India, within a period not exceeding 15 years.

#### THE DETERMINATION OF THE CONGRESS.

We wish again to emphasize one important fact, to which we have already referred in connection with these demands. The Bombay Special Congress, which met to consider the Reform proposals of the Joint Report, resolved that the subjects of Law, Justice and Police should, for a period of six years, be reserved and administered by the Executive Government of each Province. This resolution did not find favour with the people; they pressed for full responsible Government immediately in the Provinces, through the Legislative Councils, Political Associations and public meetings. In response to public opinion, so emphatically expressed throughout the country, the Delhi Congress in December last resolved, in modification of the Bombay Congress Resolution on the subject, that "in view of the expression of opinion in the country since the sitting of the said special Session, this Congress is of opinion that so far as the Provinces are concerned, full responsible Government should be granted at once." The feeling among the Delegates of the Congress was so strong that they, in order to guard against the possible danger of any attempt to minimise their demands on this question, further resolved that the Deputation proceeding to England should advocate and press the demands of the Congress as contained in the resolutions of the Congress."

We submit that the proposals of the Joint Report, intended to solve the political problems of India, have failed to satisfy the aspirations of India as expressed in the Congress resolutions. The Authors of the Report have not carried out substantially the spirit of the Declaration of the 20th August. They have put too narrow and too strict a construction on the wording of that Announcement. They have declined to grant full responsible Government to any Province, and they propose to maintain the Central Government in as bureaucratic a form as ever. The Authors of the Report, in taking this course, have altogether missed the real issue, for the solution of which their task of proposing Constitutional Reforms for India was undertaken. They do not propose to solve the greatest of all problems in India, viz., Fiscal Autonomy, without which all other reforms are almost valueless. We do not find any recommendation in this Report for the abolition of the Indian Council, which is left untouched in the Bill. They do not even suggest the probable period within which the goal of full responsibility can be reached, much less do they recommend the fixing of any such time limit in the Statute to be passed.

The Demand of the Congress for a declaration of the Rights of the people of India as British citizens, viz., that all Indians are equal before the law, equally entitled to a licence to bear arms and to enjoy freedom of speech, writing and meeting, and also the freedom of the Press, and that no-one should be punished or deprived of his liberty except by a sentence of a Court of Justice, has been met by the Rowlatt Act, passed in the teeth of the unanimous Indian opinion of the country both in and outside the Legislative Council!

## UNSATISFACTORY CHARACTER OF THE BILL.

Coming to the Bill itself, we regret to say that the proposals contained therein are even less acceptable than the unsatisfactory and disappointing recommendations of the Joint Report. We have carefully gone through its provisions and compared them with the recommendations of the Joint Report. A list of points in which the Bill goes back on this Report is attached herewith and marked Appendix II. We invite the special attention of the Joint Committee to a few of the more important of them; they are points Nos. 7, 10, 12, 13, 14, 18, 19, 20, 21, 22, 23, 24, 25, 29, 32, 33, 44, 47, 48, 49, 50 in the list.

## "ALMOST DESPOTIC POWERS."

In concluding this portion of our Memorandum we desire to impress upon the Committee the danger of allowing the Bill as it stands to pass into law. The salvation of India at this supremely critical juncture, both as regards its individual existence and its position, as one of the basic foundations of the British Empire, lies in the transfer of responsibility and control in the government and administration of the country from the hands of the bureaucracy to those of the representatives of the people. The Bill makes generous provision for the transfer of control, not from the bureaucracy to the people, but from Parliament to the bureaucracy, while allowing only a very limited and tentative experiment in "responsible administration" in order that the people of the country may undergo a training in "responsibility," to be carried out by instructors who have had no such training themselves, but whose mental equipment and experience in the working of forms of government and administration make them singularly ill-fitted to be entrusted with such a task. The limited powers to be granted to the popular representatives are to be surrounded by such an effective entanglement of barbed wire, in the form of checks, safeguards and saving clauses as to leave the Governor of a Province, as Sir Donald Maclean aptly pointed out in the debate on the Second Reading, still in the possession of "almost despotic powers." If this is to be the effect of a Bill which, at the same time, removes to a large extent the control of the Secretary of State and Parliament over executive authority in India, the Indian people will have little for which to be grateful. The speech of the Secretary of State on the Second Reading was the strongest justification of the demand of India for the fullest possible measure of Responsible Government. The Bill gives little more than limited responsibility in municipal affairs, and leaves the people still at the mercy of executive authority in all the departments which vitally affect their interests and without the right to the final voice in the spending of the revenues of the country.

The Government of Bombay make alternative proposals to those of the Joint Report, which show that they are in favour of a scheme for the Provinces which approximates more closely to the demands which we put forward than the proposals of the Bill. In view of the accusation that has been freely made in this country that the Congress has made extreme demands at the bidding of "extremist" leaders, we would emphasize that the Congress, generally speaking, is asking for little more than is proposed by the Government of Bombay under Lord Willingdon. However that may be, we urge that our demands are the least which can be described as a "substantial step" of the kind intended by the terms of the Announcement of 1917, or which can be accepted by the people of India as an adequate measure of justice to them.

V. J. PATEL,

*General Secretary.*

## PART II.

## THE GOVERNMENT OF INDIA BILL, 1919.

## PROPOSED PRINCIPAL AMENDMENTS TO BRING THE BILL IN A LINE WITH THE INDIAN NATIONAL CONGRESS PROPOSALS.

**PREAMBLE.**—In the first paragraph for the words "progressive realisation" substitute "establishment within a period not exceeding fifteen years." And omit the word "gradually."

Second paragraph should read as follows:—

"And whereas towards that end it is necessary to provide for devolution of powers and responsibility as between the Parliament and the Government of India on the one hand and the Government of India and the Provincial Governments on the other, subject in each case to a simultaneously corresponding devolution of powers and responsibility to the popular Legislatures and also to secure an increasing association of Indians in every branch of administration."

Third para. should be retained as it is.

The whole of the preamble thus amended should be inserted as a preamble to the principal Act.

**SECTION I, Cl. (1) (a) and (b).** These should be omitted and provision should be made for classification and devolution by schedules attached to the Act.

(c) May be retained.

(d) Should be omitted.

Cl. (2). May be retained, omitting, however, sub-clause (i.) and the proviso at the end, and making such changes as are necessitated by amendments suggested to clause (1) above.

In sub-clause (v.), line 30, omit the words "or transferred subjects," and in line 35, after word "transfer" and before the word "and" "insert in the Central Government"

Cl. (3). Should be omitted.

Cl. (4), para (2). Should be omitted.

SECTION II, Cl. (1), para (1). For the words "in relation . . . subjects" substitute "by the Governor and his Executive Council consisting of Ministers appointed under this Act."  
After "Central Provinces" add "and Berar."

SECTION III, Cl. (1), para. (1). Substitute this by the following :—

"The Governor of a Governor's Province shall appoint Ministers from among the elected members of the Local Legislative Council to carry on the Executive Government and administration of the Province, and the Ministers so appointed shall hold office during his pleasure."

Para. (2). For this whole para. substitute the following :—"There shall be paid to every Minister so appointed such salary as the Governor with the sanction of the Legislative Council may determine, subject to a maximum stated in the second schedule for the members of his Executive Council."

Cl. (2). May be retained.

Cl. (3 and 4). Should be omitted.

SECTION IV, Cl. (1 and 2). Omit these clauses and read instead :—"Section 47 of the Principal Act is hereby repealed."

SECTION V, Cl. (2), para (1). Omit words "and with his Ministers."

Para. (2). Should be omitted.

SECTION VI, Cl. (1). In proviso (a) read "80 per cent." instead of "70 per cent." and "15 per cent." instead of "20 per cent."

At the end add "but any such variation shall not increase the proportion of members elected by communal electorates to those elected by general electorates as stated in the schedule."

Cl. (1). Proviso (b) may be retained.

Cl. (2). Add at the end "provided that a writ shall be issued for filling the vacancy within two months from the date of such vacancy."

Cl. (3). Sub-clause (a), line 26, insert "the nominated" before the word "members."

Sub-clause (c), line 36, before the word "and" insert the following :—"Provided that no residential qualification is imposed upon candidates for election and that women shall have the same rights and privileges as men under the same conditions for being voters and candidates."

SECTION VII, Cl. (1). At the end add :—"Provided that there shall be at least one meeting of the Legislative Council every quarter, and that the Governor shall be bound to convene a meeting of the Legislative Council on a requisition signed at least by one third of the total number of the members of the Council."

Cl. (4). Substitute "three" for "six," and at the beginning of the clause insert "Every Governor's Legislative Council shall continue for three years from its first meeting, but."

SECTION VIII, Cl. (2). Omit all words after "British India."

SECTION IX, Cl. (1). Omit the words "sub-sections (1) and (3) of."

As a consequential amendment also omit insertion of section 80 (A) proposed to be made in the Principal Act after section 80 in amendments provided by Part 2 of the Third Schedule (page 27, lines 29-35 of the Bill).

Cl. (2), para. (1). Substitute "sanction" for "assent" and at the end add :—"and the Council shall have full powers to deal with them in any manner they like."

Para. (2). Proviso (a) should be omitted.

Proviso (b). At the end omit words "or for carrying on any department," and after the word "authorise" add "with the sanction of the Government of India."

Cl. (2), (d). Should be omitted.

Cl. (6). For the words "as to the person to preside over" substitute "as to the election of the persons to preside," etc.

Line 7. Omit the words "and for . . . business in Council," and also the words "prohibiting or" in line 11 of page 9.

SECTION XIII, Cl. (3). Should be omitted.

SECTION XIV. Omit the words "and two chambers namely the Council of State."

SECTION XV. Omit the whole section.

SECTION XVI Cl. (1). Add the word "directly" before "elected."

Cl. (2). Should read thus :—"The Legislative Assembly shall consist of 150 members, the number of non-elected members may be 30, of whom 20 may be official members. The number of the elected members shall be at least 120."

Para. (2). Read "four-fifths" for "two-thirds."

SECTION XVII. Omit all references to the "Council of State" and make consequential changes in the wording of the section throughout accordingly ; and also in proviso (b) after word "extended" insert "for not more than six months."

Sub-clause (c) read "three" for "six."

Cl. (2). Add at the end :—"Provided that there shall be a meeting of the Legislative Assembly at least every quarter, and that the Governor-General shall be bound to convene a meeting of the Legislative Assembly on a requisition signed by not less than one-third of the total members of the Assembly."

Cl. (5). At the end add "that a writ shall be issued for filling the vacancy within three months from the date of the creation of the vacancy."

SECTION XVIII. Omit all references to the "Council of State" in this section.

Cl. (1). Add at the end :—"Provided that for the purpose of this section a Minister shall not be deemed to be an official and a person shall not be deemed to accept office on appointment as a Minister."

Cl. (2). Should be omitted



SECTION XIX. Omit references to the "Council of State"

CL (1) (c). At the end add "provided that no residential qualification is imposed upon candidates for election and that women shall have the same rights and privileges as men under the same conditions for being voters and candidates."

(d) Line 40. Omit the word "final."

Line 41. At the end add "without prejudice to any remedy at law."

SECTION XX, CL (2). Omit references to the "Council of State" and make consequential changes

For "persons to preside" read "persons to be elected to act as president and vice-president."

CL (4). For the words "The Council of State," etc., up to the end substitute—"he shall have the power to pass that law without the assent of the Legislative Assembly, such law to be in force for not more than one year, and not to be renewed unless forty per cent. of the members of the Assembly present and voting are in favour thereof."

After Section XX of the Bill add the following as Section XXA (to be inserted as 67A in the Principal Act):—"The proposals of the Government of India for the appropriation of the revenues of India in any year shall be submitted to the Legislative Assembly for its sanction in the form of resolutions, and the Legislative Assembly shall have full power to deal with them in any manner they like."

"The Governor General in Council shall have power in relation to any such resolution to act as if it had been assented to, notwithstanding the withholding of such assent, if the resolution relates to Army, Navy, foreign affairs or directly affects the public peace or tranquillity of defence of the country, and the Governor-General certifies that the expenditure provided for by the resolution is essential to the discharge of his responsibility for the subject."

"The Governor-General shall also have the power, in cases of emergency, to authorise such expenditure as may be in his opinion necessary for the safety or tranquillity or defence of the country."

SECTION XXI, CL (1). In place of this clause substitute the following:—"Instead of sub-section (3) of Section 36 of the Principal Act, read as follows: Half the number of the members of the Executive Council, if more than one, shall be Indians. In addition to these the Governor-General shall, by notification appoint Ministers to administer subjects other than those relating to Army, Navy, foreign affairs (excepting relations with Colonies and Dominions), relations with Indian Ruling Princes and matters directly affecting public peace, tranquillity and defence of the country."

Such Ministers shall be paid the same salary as that paid to a member of the Council; but no Minister shall hold office for a longer period than three months unless he is or becomes an elected member of the Legislative Assembly."

After Section XXI of the Bill insert Section XXIA as follows—"Between Sections 33 and 34 of the Principal Act insert the following new Section as XXXIII A:—

"The Government of India shall have indisputable authority in matters directly concerning peace tranquillity and defence of the country subject to the following:—

(a) "That all Indians subjects of His Majesty and all the subjects naturalised or resident in India are equal before the law, and there shall be no penal or administrative law in force in India, whether substantive or procedural, of a discriminative nature."

(b) "That no Indian subject of His Majesty shall be liable to suffer in liberty, life, property or in respect of free speech or writing or of the right of association, except under sentence by an ordinary court of justice and as a result of lawful and open trial."

(c) "That every Indian subject shall be entitled to bear arms, subject to the purchase of a licence, and that right shall not be taken away save by sentence of ordinary court of justice."

(d) "That the Press shall be free, and that no licence or security shall be demanded on the registration of a press or a newspaper."

(e) "That corporal punishment shall not be inflicted on any Indian subject of His Majesty save under conditions applying equally to all other British subjects."

SECTION XXII. In line 23 read "shall" instead of "may," and omit at the end "and salary of the Secretary of State, etc."

Als add at the end—"There shall be two permanent Under Secretaries, one of whom shall be an Indian."

After Section XXII add the following:—"The Council called the Council of India is abolished, and provisions relating to such Council in the Principal Act do cease to have any effect. The powers of the said Council under the Act may be exercised by the Secretary of State under rules and regulations made under the Act."

"In Section 67, Cl. (2), sub-clause (a) in the Principal Act shall cease to have any effect."

SECTION XXIV, CL (1). In line 10, after the word "employed," insert "in any of the posts mentioned in the third schedule of the Principal Act."

SECTION XXV. After clause (2) add "Provided that not less than 50 per cent. of the total number of the Civil Servants to be appointed in any branch of service in any year shall be recruited in India."

SECTION XXVI, CL (2). For "five members" read "six members, three of whom shall be Indians elected by the Indian Legislature."

SECTION XXVIII, CL (1). At the end add "Half of whom shall be Indians elected by the Indian Legislature."

CL (2). Omit all words after the words "shall report" as to whether" and substitute the following—"time had not arrived for granting full responsible government to India."

SECTION XXXII. Omit words "Provided that . . . officials."

SCHEDULES I, II, and III of the Bill should be amended in the light of and in conformity with the above amendments.

V. J. PATEL,  
General Secretary.

PART III.  
FUNCTIONS AND FRANCHISE.

I. FUNCTIONS.

As we propose that there shall be no division of functions in the Provinces, we do not feel called upon to offer any detailed remarks on the findings of the Functions Committee Report in this respect. The view of the Congress and the terms of reference to the Committee are diametrically opposed. The Congress holds that the people of India are to-day fit for full Responsible Government and that, at least in the provinces, it should be established at once. The terms of reference to the Committee, on the contrary, left them no option but to divide the provincial subjects into "Reserved" and "Transferred" irrespective of the question whether the people are fit or not. Even then, the Committee could have gone much further than they have done. They have chosen, however, to be ill-liberal. They have sacrificed the interests entrusted to them to the securing of unanimity.

Subject, however, to our fundamental disagreement with the terms of reference to the Committee as regards the division of subjects in the Provinces, it is necessary to refer to some points, which are as follows:—

1. Regarding the list of Provincial and all-India subjects on pp. 19-28, we make the following remarks:—

(a) We do not see the necessity, in the Provincial Councils, for the special standing orders required for the passing of Railway and Tramway legislation. The proposal is, in fact, obviously dangerous to public interests.

(b) The powers of borrowing and taxation need not be subject to Indian Legislation (page 82), but should be subject only to fixed statutory rules.

(c) The establishment and control of new Universities should be left to the Provincial Legislatures without interference by the Central Government.

(d) Co-operative societies need not be subject to Indian Legislation.

(e) The control of newspapers and printing presses should be left to the government of each province.

(f) Prisons and reformatories should be under provincial control.

(g) Franchise and Elections for Provincial Council should be left entirely to the Provincial Governments and Legislatures under the rules laid down under the statute.

(h) Control of Members of the Services, other than All-India, should be left to the Provincial Councils.

2. We consider that the list of new taxes which may be raised in the provinces, given in para. 75, should be mentioned in a schedule to be appended to the Bill.

3. The division between Provincial and Indian Finances suggested in paras. 200 to 208 of the Report on Indian Constitutional Reforms should be given statutory effect.

II. FRANCHISE.

With regard to the report of the Franchise Committee we invite the attention of the Joint Committee to the following points.

1. Although "the Franchise and Electoral Law" has been made a transferred subject, subject to Indian Legislation, the effect of the recommendation is lost by the provision of sub-clause 3 of clause 3, which leaves the determination of questions regarding the Franchise and Election to the rules to be framed under the Principal Act. If the recommendation of the Committee has any meaning, the clause ought to provide that such rules shall be subject to any law made by the Indian or any provincial legislation.

2. We cannot reconcile ourselves to the recommendation which imposes on the women of India sex disqualification. We strongly hold that the disqualification should be removed from the outset. We believe that the vast bulk of informed opinion in India is strongly in support of the removal of sex disqualification in the franchise, and it would appear that the balance of evidence before the Franchise Committee was in favour of it.

3. The franchise could have been made much wider. There is no reason why all those who can read and write should not be allowed to vote. In Madras, Bombay and the Punjab particularly the number of voters should be materially increased. The Bombay Government had estimated figures making up a million voters. The Committee's scheme is for only 653,000. In fact, in the Bombay Presidency as many as three to four lacs of people have been enjoying Municipal and Local Board franchise for the last forty years, and the Committee now proposes the enfranchisement of only six and a half lacs for the Provisional Legislature.

4. The recommendation to treat certain kinds of military services as qualifying for the vote is ill-liberal. There should, in our opinion, be no distinction between one kind of military service and another.

5. The size of the Councils and the proportion of the elected members thereon should be as laid down in the Resolutions of the Delhi Congress. The recommendation of the Committee on this question in regard to Provincial Councils, though it does not go far enough, is fairly satisfactory, but in regard to the Indian Legislative Council it is inadequate and disappointing.

6. The recommendation to constitute the Indian Legislative Council by indirect election is unacceptable, and we are strongly opposed to it.

7. The number of seats allotted to Communal and Special Electorates is more than the necessities of the situation justify. We desire, particularly, to protest against the exaggerated representation proposed to be given to capitalistic and trade interests, chiefly European. We cannot understand why the Calcutta Trades Association, an association of shopkeepers, not confined to British subjects, should be entitled to elect two representatives to the Bengal Provincial Council. We do not know what reasonable claim can

be advanced for their representation outside the general European electorate. The Bengal Chamber of Commerce is to have four members, "Jute Interests," two members, and the Indian Mining Association, Indian Tea Association and Tea Planters one member each on the Provincial Council! The absurdity of this is illustrated when it is seen that the people of the province, through their general and communal electorates, representing a population of 45 millions, will return only 78 members, while 11 members will represent foreign trade and capitalistic interests through a handful of commercial and trading firms; while the representation of capitalistic interests in other provinces, if not on so large a scale, is equally objectionable. The proposal to give the Bombay Trades Association, consisting of thirty or forty shopkeepers, representation in the Provincial Council, who are, again, not all British subjects, is, we venture to say, preposterous. We do not know any country in the world where a parallel can be found to these novel proposals for the special representation of capitalists and traders, and we would ask the Committee to recommend its removal altogether.

8. University seats should not be restricted to the Fellows, but all graduates should be allowed a vote.

9. If landholders are to have special representation, a standard of land revenue should be prescribed as entitling them to vote.

10. Dismissal from Government service or conviction for an offence should not operate as a disqualification for membership of the Legislature. The suggestion that the Governor-in-Council should be allowed to decide whether a person has been guilty of moral turpitude or not, in any circumstances, is highly objectionable and dangerous, especially where the individual has been dismissed from Government service, and we strongly urge the removal of these disqualifications.

11. There should be no residential qualification for candidates in any province. The reasons advanced in the Report for the distinctions proposed are unconvincing.

V. J. PATEL,

*General Secretary*

#### APPENDIX I.

#### RESOLUTIONS, BEARING ON THE QUESTION OF INDIAN CONSTITUTIONAL REFORMS, PASSED BY THE INDIAN NATIONAL CONGRESS AT ITS THIRTY-THIRD SESSION AT DELHI, DECEMBER, 1918.

III. That this Congress re-affirms resolution numbers 2, 3, 4 and 11 passed at the Special Session of the Indian National Congress held in Bombay.

"No. 2. That this Congress re-affirms the principles of reform contained in the resolutions relating to self-government adopted in the Indian National Congress and the All-India Muslim League held at Lucknow in December, 1916, and at Calcutta in December, 1917, and declares that nothing less than self-government within the Empire can satisfy the Indian people, and, by enabling it to take its rightful place as a free and self-governing nation in the British Commonwealth, strengthen the connection between Great Britain and India."

"No. 3. That this Congress declares that the people of India are fit for responsible government, and repudiates the assumption to the contrary contained in the Report on Indian Constitutional Reforms."

"No. 4. The Government of India shall have undivided administrative authority in matters directly concerning peace, tranquillity and the defence of the country, subject to the following:—

"That the Statute to be passed by the Parliament should include the declaration of the rights of the people of India as British citizens."

"(a) That all Indian subjects of His Majesty and all the subjects naturalised or resident in India are equal before the law, and there shall be no penal nor administrative law in force in this country, whether substantive or procedural, of a discriminative nature;

"(b) That no Indian subject of His Majesty shall be liable to suffer in liberty, life, property or in respect of free speech or writing, or of the right of association, except under sentence by an ordinary Court of Justice and as a result of lawful and open trial;

"(c) That every Indian subject shall be entitled to bear arms, subject to the purchase of a licence, as in Great Britain, and that the right shall not be taken away save by a sentence of an ordinary Court of Justice;

"(d) That the Press shall be free and that no licence or security shall be demanded on the registration of a press or a newspaper;

"(e) That corporal punishment shall not be inflicted on any Indian subject of His Majesty save under conditions applying equally to all other British subjects."

"No 11. This Congress places on record its deep disappointment at the altogether inadequate response made by the Government to the demand for the grant of commissions to Indians in the Army, and is of opinion that steps should be immediately taken so as to enable the grant to Indians at an early date of at least 25 per cent. of the commissions in the Army, the proportion to be gradually increased."

IV. (a) That this Congress also re-affirms Resolution No. 5, relating to self-government, passed at the Special Sessions of the Congress held in Bombay, subject to this, that in view of the expression of opinion in the country since the sitting of the said Special Session, this Congress is of opinion that so far as the provinces are concerned full responsible government should be granted at once, and that no part of British India should be excluded from the benefit of the proposed Constitutional Reforms.

(b) That non-official Europeans should not be allowed to form separate electorates on the ground that they represent the mining or the tea industries, and if they are allowed such representation, they should be limited to their proportion compared to the population of the provinces concerned.

"No. 5. That this Congress appreciates the earnest attempt on the part of the Right Honourable the Secretary of State and His Excellency the Viceroy to inaugurate a system of responsible Government in India, and while it recognises that some of the proposals constitute an advance on the present conditions in India, and some directions it is of opinion that the proposals as a whole are disappointing and unsatisfactory, and suggests the following modifications as absolutely necessary to constitute a substantial step towards responsible government."

## GOVERNMENT OF INDIA.

(1) That a system of "reserved" and "transferred" subjects similar to that proposed for the provinces shall be adopted for the Central Government.

(2) That the "reserved" subjects shall be Foreign Affairs (excepting relations with the Colonies and the Dominions), the Army, the Navy and the relations with the Indian Ruling Princes, and, subject to the declaration of rights urged in Resolution IV., matters directly affecting peace, tranquillity and the defence of the country, and that all other subjects shall be transferred.

(3) The allotments required for the "reserved" subjects should be the first charge on the revenue.

(4) The procedure for the adoption of the budget should be on the lines laid down for the provinces.

(5) All legislation shall be by bills introduced into the Legislative Assembly, provided that if in the case of the "reserved" subjects, the Legislative Council does not pass such measures as the Government may deem necessary, the Governor-General in Council may provide for the same by regulations, such regulations to be in force for one year, but not to be renewed unless 40 per cent. of the members of the Assembly present and voting are in favour of them.

(6) There shall be no Council of State; but if the Council of State is to be constituted, at least half of its total strength shall consist of elected members, and that the procedure by certification shall be confined to the "reserved" subjects.

(7) At least half the number of the Executive Councillors (if there be more than one) in charge of the reserved subjects should be Indians.

## THE LEGISLATIVE ASSEMBLY.

(8) The number of the members of the Legislative Assembly should be raised to 150 and the proportion of elected members should be four-fifths.

(9) The President and the Vice-President of the Legislative Assembly should be elected by the Assembly.

(10) The Legislative Assembly should have power to make or modify its own rules of business, and they shall not require the sanction of the Governor-General.

(11) There should be an obligation to convene meetings of the Council and the Assembly at stated intervals, or on the requisition of a certain proportion of members.

(12) A statutory guarantee should be given that full responsible Government should be established in the whole of British India within a period not exceeding 15 years.

## THE PROVINCES.

*The Executive.*

(1) There should be no additional members of the Executive Government without portfolios.

(2) From the commencement of the first reformed Councils the principle of the responsibility of Ministers to the Legislature shall come into effect.

(3) The status and salary of the Ministers shall be the same as that of the members of the Executive Council.

(4) At least half the number of the Executive Councillors in charge of reserved subjects (if there be more than one) should be Indians.

(5) The budget shall be under the control of the Legislature subject to the contribution to the Government of India and to the allocation of a fixed sum for the "reserved" subjects; and should fresh taxation be necessary, it should be imposed by the Provincial Government as a whole for both transferred and "reserved" subjects.

## LEGISLATURE.

(1) While holding that the people are ripe for the introduction of full provincial autonomy, the Congress is yet prepared, with a view to facilitating the passage of the reforms, and to save the time which would otherwise be lost in controversy, to leave the departments of law, police and justice (prisons excepted) in the hands of the Executive Government in all provinces for a period of six years. The Executive and Judicial Departments must be separated at once.

(2) The President and the Vice-President should be elected by the Council.

(3) The proposal to institute a Grand Committee should be dropped. The provincial legislative council shall legislate in respect of all matters within the jurisdiction of the provincial government, including law, justice and police, but where the Government is not satisfied with the decision of the Legislative Council in respect of matters relating to law, justice and police, it shall be open to the Government to refer the matter to the Government of India. The Government of India may refer the matter to the Indian Legislature, and the ordinary procedure shall follow. But if Grand Committees are instituted, this Congress is of opinion that no less than one half of their strength shall be elected by the Legislative Councils.

(4) The proportion of elected members in the Legislative Council shall be four-fifths.

(5) Whenever the Legislative Assembly, the Council of State or the Legislative Council is dissolved, it shall be obligatory on the Governor-General or the Governor, as the case may be, to order the necessary election and to re-summon the body dissolved within a period of three months from the date of dissolution. No dissolution of the Legislature shall take place except by way of appeal to the electorate, and the reason shall be stated in writing and countersigned by the ministers.

## PARLIAMENT AND INDIA OFFICE.

- (a) The Council of India shall be abolished, and there shall be two permanent under-secretaries to assist the Secretary of State for India, one of whom shall be an Indian.
- (b) All the charges in respect of the India Office establishment shall be placed on the British Estimates.
- (c) No financial or administrative powers in regard to the "reserved" subjects should be transferred to the Provincial Governments until such time as they are made responsible regarding them to the electorates, and until then the control of the Parliament and the Secretary of State should continue.
- (d) The Committee to be appointed to examine and report on the present constitution of the Council of India shall contain an adequate Indian element.

## MUSLIM REPRESENTATION.

The proportion of Mohamedans in the Legislative Councils and the Legislative Assembly, as laid down in the Congress-League Scheme, must be obtained.

## FISCAL AUTONOMY.

This Congress is of opinion that, consistently with Imperial interests, the Government of this country should have complete freedom in all fiscal matters, and that the question of provincial contributions to the Imperial Exchequer be referred to the Provincial Congress Committees for opinions to be placed before the next Congress at Delhi.

V. That this Congress re-affirms the resolution No. 6 of the Special Congress demanding that 50 per cent. of the Indian Civil Service should be recruited in India.

IX. *Women's Franchise.*—That this Congress urges that women possessing the same qualifications as are laid down for men in any part of the scheme shall not be disqualified on account of their sex.

VI. *The Punjab.*—That this Congress views with grave apprehension the attempt made in certain quarters to assign an inferior position to the Punjab in the Reform Scheme, and urges that having regard to its political, military and historical importance, its wealth, education, social advancement, and its magnificent services during the last war, the Punjab should be placed on a basis of equality with Bengal Madras, Bombay and the United Provinces.

XX. *Delhi.*—That this Congress strongly recommends that Delhi should be constituted into a Regulation Province, that it should have a Legislative Council to assist the Chief Commissioner and that it should have at least two representatives in the Legislative Assembly

XIV. *Ajmer-Merwara.*—Having regard to the special importance of Ajmer-Merwara and British Rajputana as a model for the Native States, this Congress supports the claim of that Province that its status should be that of a Regulated Province, and that a council consisting of a majority of elected representatives of the people should be provided in the Reform Scheme, and that two elected representatives of the Province should be allowed on the proposed Legislative Assembly.

VIII. *Self-determination.*—In view of the pronouncement of President Wilson, Mr. Lloyd George, and other British statesmen, that to ensure the future peace of the world, the principle of self-determination should be applied to all progressive nations.

Be it resolved :—

I. That this Congress claims the recognition of India by the British Parliament and by the Peace Conference as one of the progressive nations to whom the principle of self-determination should be applied.

II. That in the practical application of the principle in India the first step should be :—

(a) The removal of all hindrances to free discussion, and therefore the immediate repeal of all laws, regulations and ordinances restricting the free discussion of political questions whether in the Press, private or public meeting, or otherwise, so that the legitimate aspirations and opinions of all residents in India may be fearlessly expressed; further, the abolition of the laws, regulations and ordinances which confer on the executive the power to arrest, detain, intern, extern or imprison any British subject in India, outside the processes of ordinary civil or criminal law, and the assimilation of the law of sedition to that of England.

(b) The passing of an Act of Parliament which will establish at an early date complete responsible Government in India.

(c) When complete responsible Government shall be thus established, the final authority in all internal affairs shall be the supreme Legislative Assembly as voicing the will of the Indian nation.

Resolved further—

(d) That in the re-construction of Imperial polity, whether in matters affecting the inner relations of the nations constituting it, on questions of foreign policy or in the League of Nations, India shall be accorded the same position as the self-governing Dominions.

XVI. *Position of Indians in the Colonies.*—That this Congress re-affirms the resolutions passed at previous sessions of the Congress on the subject of the status of British Indians in the self-governing Dominions and the Crown Colonies of the Empire, and once again places on record its sense of resentment and ever-growing dissatisfaction at the continued ill treatment of Indian settlers in the Dominions and Colonies, earnestly hoping that in view of the readjustment of the relations between the component parts of the Empire, the statesmen and people of Great Britain will endeavour to redress the grievances of the Indian settlers.

X. *Industrial Development.*—While generally welcoming the recommendations of the Industrial Commission and the policy that in future the Government must play an active part in promoting the industrial development of the country, the Congress hopes that in the practical application of this principle the object kept in view will be the encouragement of Indian capital and enterprise and exploitation with the sole aim of making India industrially and economically self-contained and self-dependent.

This Congress placed on record its regret at the exclusion of the tariff question from the scope of the Commission's inquiries, and reiterates its opinion that the industrial development of the country is impossible without fiscal autonomy being granted to her.

This Congress agrees with the Commission that industry should have a separate representation in the Executive Council of the Government of India, but it is of opinion that an Imperial Industrial Executive Board is not necessary.

This Congress welcomes the recommendation of the Commission that the Provincial Department of Industries should be constituted at an early date and urges the same on the Government of India.

This Congress urges that Imperial and Provincial Advisory Boards should be constituted for the purpose of promoting industrial development, and that they should consist of Indians elected by Indian industrial and trades associations and by Chambers of Commerce.

This Congress is of opinion that the proposed Imperial Industrial and Chemical Services should be constituted on a scale of salary and with the objects of having them manned fully by Indians, but that Europeans who are experts in each line should be engaged on short term agreements till they can be replaced by duly qualified Indians.

This Congress is of opinion that the Government should invite the Universities to establish Commercial Colleges, and should help them to do so by substantial grants.

This Congress regrets the absence in the report of recommendations for adequate organisations for financing industries, and urges upon the Government the urgent necessity of starting industrial banks on a scale commensurate with the vast and costly machinery recommended in the report.

XII. *Contribution of £45,000,000.*—That having regard to the unprecedented economic strain to which India has been subjected during the period of the war, and considering the injury likely to be caused to the infant or nascent industries of the country by the addition of any further burden of heavy taxation, as well as by the facilities enjoyed by competing foreign industries, and in view of the cessation of hostilities, this Congress urges that the Government will, as indicated by Sir William Meyer in his introductory speech, reconsider the matter and relieve India of the burden of the contribution of £45,000,000 for war purposes.

V. J. PATEL,

*General Secretary,*

INDIAN NATIONAL CONGRESS

## APPENDIX II.

### IMPORTANT POINTS IN WHICH THE BILL FALLS SHORT OF THE MONTAGU-CHELMSFORD REPORT.

(1) Sec. I (1) cl. b. provides for devolution of authority from the Central to the Provincial Governments in respect of provincial subjects; but it does not provide for the limitations on such devolution contemplated in para. 213 of the Report, viz., "We recognise that, in so far as Provincial Governments of the future will still remain partly bureaucratic in character, there can be no logical reason for relaxing the control of superior official authority over them, nor, indeed, would any general relaxation be approved by Indian opinion."

(2) As regards final devolution, the Report clearly contemplated a clear and well-defined separation of all sources of revenue between the Central and the Provincial Government. (Vide para. 202 of this Report.) The Bill leaves everything to the Government of India (vide sec. I (1) cl. b.).

(3) Sec. I (1) cl. d. leaves the admittedly most important question of the division between reserved and transferred subjects to be determined by the Government of India; but the report in para. 238 clearly contemplated that the list for each province should be settled by the Committee to be appointed for the purpose.

(4) In sec. I (2) (i), the Government of India are given power to make rules to "regulate the extent and conditions of such devolution, allocation and transfer." With regard to all those matters, the Report lays down broad principles which do not find a place in the Bill. In fact, the whole thing is thrown into the melting-pot by the Bill, and the Government of India virtually made the final arbiters.

(5) The proviso to sec. I (2) authorises the revocation or the suspension of the transfer of any subject with the sanction of the Secretary of State in Council, any time after the introduction of the Reforms. The Report in para. 260, clearly contemplated that for the first five years at least the list of transferred subjects was not to be altered.

(6) The Report, in para. 240, provided for powers of intervention by the Government of India in transferred subjects only under certain contingencies which were to be defined exhaustively by the Committee to be appointed for that purpose. But sec. I (3) leaves it to the Government of India to determine when and under what circumstances they will interfere with the administration of transferred subjects. Such limitation as is contemplated in the section is vague, and in practice may be made to mean anything or nothing.

(7) Under the scheme of the joint Report, the relation of the Ministers and the Governor, in respect of transferred departments, was defined thus:—"The portfolios dealing with the transferred subjects would be committed to the Ministers, and on these subjects the Ministers together with the Governor would form the administration. On such subjects, their decisions *would be final, subject only* to the Governor's advice and control." . . . . "But we do not intend that he should be in a position to refuse assent at discretion to all his Ministers' proposals."

According to the Bill, however, the whole position is reversed, for in sec. 2 (1) it is provided that in respect of transferred subjects, the administration is to consist of the "Governor acting with the Minister." This is not a mere verbal change, for sec. 3 (3) distinctly says, "In relation to a transferred subject the Governor shall be guided by the advice of the Minister in charge. . . ."

(8) The Report does not contemplate that any of the major provinces, described in the Bill as Governor's provinces, should be administered under the new scheme, without any transferred subjects at all. Yet the Bill says in sec. 3 (1) that even in Governor's provinces the Governor *may* appoint Ministers, thus making it optional for him to appoint or not to appoint Ministers.

(9) Provision in the Bill that one at least of the members of the Executive Council shall be a person who has been for twelve years in the service of the Crown in India seems opposed to the spirit of the scheme (vide para. 271 of the Report).

(10) Provision in the Bill that a Minister may be dismissed by the Governor, and that his salary may be fixed by him (Governor), is opposed to the spirit of the scheme of the Report.

(11) Provision in the Bill that the Governor may appoint any person not being an elected member of the Legislative Council to be Minister for a period of three months is opposed to the recommendation of the Report in that behalf contained in para. 218.

(12) The Report provided in para. 260 that "the Government of India may, after the first five years, direct that the Ministers' salaries, instead of any longer being treated as a reserved subject, and therefore protected in the last resort by the Governor's order from interference, should be specifically voted each year by the Legislative Council, or failing such direction by the Government of India, it should be open to the Councils at that time or subsequently to demand by resolution that such Ministers' salaries should be voted, and the Government of India should thereupon give effect to such request. The Ministers would in fact become Ministers in the parliamentary sense." These provisions do not find a place in the Bill at all.

(13) Sec. 3 (4) introduces a new provision not found in the joint Report. It is not clear what are the circumstances under which the temporary administration of transferred subjects in the absence of Ministers is to be provided for.

(14) Sec. 5 (2), second part, provides that the Governor may make rules and orders for regulating the relations between his Executive Council and his Ministers for the purpose of the transaction of the business of the Local Government. Now this leaves it open to the Governor to keep the Ministers from having anything to do with the administration of reserved subjects. This does not carry out the ideas contained in the Report, para. 218—"They (the Ministers) would be members of the Executive Government, but not members of the Executive Council." And para. 221, "It is our intention that the Government thus composed and with this distribution of functions shall discharge them as one Government. It is highly desirable that the Executive should cultivate the habit of associated deliberation and essential that it should present a united front to the outside. We would, therefore, suggest that, as a general rule, it should deliberate as a whole. . . ."

(15) Proviso (a) to sec. 6 (1) authorises the rule making authority to vary the proportions which the classes of members of Provincial Legislative Councils bear to one another, the only limitation being that at least seventy per cent. of the members shall be elected members. This is against the spirit of the recommendations contained in paras. 227-232 of the Report about Communal representation.

(16) The Report contemplated complete financial devolution to the provinces. In para. 210 it is stated, "We think the best means of freeing the Provincial Governments in this respect will be to schedule certain subjects of taxation as reserved for the provinces. . . ." Sec. 8 (3) (a) leaves it to the rule-making authority, viz., the Government of India, to make the schedule.

(17) In respect of legislative devolution, the Report, in para. 212, specified the purposes for which the Government of India should have a general over-riding power of legislation over the provinces. But sec. 8 (3) (f) leaves it to the Government of India to declare any provincial subject as "subject to Indian legislation," and thus prevent the Provincial Council from legislating on it without the previous sanction of the Governor-General.

(18) Sec. 9 (2) (b) gives the Governor a new power which was not contemplated in the Report. The words are, that "the Governor shall have power in cases of emergency to authorise such expenditure as may be in his opinion necessary . . . for the carrying on of any department."

(19) Sec. 9 (2) (c) provides that proposals in regard to expenditure and declared by rules to be a permanent charge on provincial revenues shall not be submitted to the Council. This is contrary to what was stated in para. 256 of the Report, viz., that the budget as a whole will be laid before the Council.

(20) The Report, in para. 252, gives the Governor power to nominate to the Grand Committee a bare majority exclusive of himself. Sec. 9 (3) authorises the Governor to nominate an unlimited majority.

(21) The same sub-section gives power to the Grand Committee to "reject" laws. This is against the spirit of the recommendations of the Report about the Grand Committee, an institution proposed merely for the purpose of securing to the Executive Government power of affirmative legislation, under certain contingencies.

(22) Sec. 9 (4) authorising the Governor to certify that a Bill is necessary for the discharge of his responsibility for a reserved subject does not provide for the appeal contemplated in para. 252 of the Report. . . . "It will at this stage be open to the Council by a majority vote to request the Government to refer to the Government of India the question whether the certified Bill deals with a reserved subject."

(23) Sec. 9 (5) evidently refers partly to mixed legislation, treated of in para. 254 of the Report. But the powers of the Governor under this sub-clause are much wider than those contemplated in that paragraph. There the Governor was only to certify in case the Bill trenched on a reserved subject. The sub-section may also refer to proposed legislation on a reserved subject where the Governor may certify that it is essential to the discharge of his responsibility for the peace or tranquillity of the province or of any part thereof. But the Bill provides for the Governor certifying under other circumstances also, which were not contemplated in the Report, viz., "The safety or tranquillity of another province," or "The interests of a specified reserved subject."

(24) There is no provision in the Bill that the elected element on the Grand Committee shall be elected ad hoc by the elected members of the Legislative Council on the system of transferable vote, and that not more than two thirds of the nominated members shall be officials. (Vide para. 252 of the Report.)

(25) There is no provision that a certificated Bill, after being debated in the Grand Committee and modified as may be determined, will be reported to the whole Council, who will have a right to pass a resolution recording any objection which refers to the principle or details of the measure, and that such resolution will accompany the Act when it is submitted to the Governor-General and the Secretary of State (vide para. 253 of the Report).

(26) Para. 236 of the Report provided that while the existing rules of procedure should continue to govern the Provincial Councils, they should have the power to modify them, with the sanction of the Governor. But sec. 9 (6) and (7) do not carry into effect this recommendation.

(27) Sec. 10 (1) gives new powers to the Governor which do not find a place in the Report, viz., a power of recommending amendments to the Council, and a power of reserving a Bill for the consideration of the Governor-General (see para. 254 of the Report).

(28) Sec. 10 (3) also gives a new power, not found in the Report, to the Governor-General to reserve a provincial Act for the signification of His Majesty's pleasure thereon.

(29) Sec. 12 (1) and (2) authorises the Governor-General in Council to place any part of a Governor's province under a Deputy-Governor, or to declare any territory within a Governor's province a backward tract, and thus exclude those areas from the operation of the Reforms or parts thereof. This is a much more general power than that contemplated in para. 199 of the Report, which concludes thus:—"The typically backward tracts should be excluded from the jurisdiction of the reformed Provincial Governments, and administered by the head of the province."

(30) Although the Report in para. 218 contemplates that members of the Executive Council shall be only two, the Bill does not propose amendment of sec. 47 of the Government of India Act, which permits the appointment of four members.

(31) Although the Report in para. 234 recommends that the term "Additional Members" as applied to all members of the "Legislative Council other than ex-officio" members should be dropped, the Bill makes no provision to carry out that recommendation.

(32) Although the Report in paras. 235 and 285 recommend the appointment of standing Committees of the Legislative bodies both in the provinces and in the Government of India, the Bill makes no provision to carry out that recommendation.

(33) There is no provision in this Bill extending the right of supplementary questions to any member, whether he be the asker of the original question or not; neither is there a provision restricting the existing unlimited discretion of the Governor to disallow questions and resolutions (vide para. 236 of the Report).

(34) There is no provision in the Bill that the Ministers shall be Indians, as contemplated in the Report.

(35) Sec. 16 (2) does not fix any limits on communal representation in the Indian Legislative Assembly such as are contemplated in the Report.

(36) The Report did not give any power to the Governor-General to require the attendance of the Members of the Legislative Assembly to hear him address them. This power is now given by sec. 16 (3).

(37) Sec. 17 (b) authorises the Governor to extend for an unlimited time the life of the Legislative Assembly and the Council of State. He was to have no such power under the Report.

(38) The Report, para. 286, stated ". . . . We think that the rules of procedure for both bodies should be made in the first instance by the Governor-General in Council. The Assembly and the Council of State should both have power to modify their rules with the sanction of the Governor General. . . . ." Sec. 20 (2) leaves it to the Government of India to make all the rules. And, once they are made, sec. 30 excludes the jurisdiction of the Indian Legislatures to repeal or alter them.

(39) Sec. 20 (3) gives a new power to the Governor-General of returning Bills for re-consideration to the Legislature, which is not found in para. 279 of the Report.

(40) The Report, para. 279, contemplated the passage of laws in the Council of State, without reference to the Legislative Assembly, only in cases of emergency so certified by the Governor-General in Council. But sec. 20 (4) authorises such legislation even in cases other than those of emergency.

(41) Sec. 23 authorises the Secretary of State in Council to divest himself and the Governor-General in Council of the powers of superintendence, direction and control vested in them; but does not give statutory effect to the principles enunciated in the Report, viz., that the devolution should be only in proportion to the development of responsible government in India.

(42) Sec. 28 (2) authorises the periodic Commission to report as to what extent it is desirable to modify the degree of responsible government then existing in any province, without expressing the limitation on that power contained in para. 261 of the Report, viz., that such recommendation should be made only if serious maladministration were established.

(43) Sec. 29 was not contemplated at all in the Report.

(44) There is no provision in favour of the appointment of a Select Committee of the House of Commons on Indian affairs. (Vide para. 295 of the Report.)

(45) Sec. 32 of the Bill gives a new power to the executive in India to treat certain officials as non-officials for the purpose of enabling them to stand as candidates for the Legislative Assemblies.

(46) Sec. 33 (2) gives very wide powers to the Executive not contemplated by the Report

(47) There is no provision, as recommended in paras. 233 and 275 of the Report, that nominated official members shall have freedom of speech and vote except when otherwise directed.

(48) There is no provision in the Bill abolishing all racial distinctions in Acts and Regulations for appointment to public services as recommended in para. 315 of the Report.

(49) There is no provision requiring the establishment of a system of recruitment in India to all public services side by side with recruitment in England, while such a step is recommended in para. 316 of the Report.

(50) There is no provision guaranteeing that in the Indian Civil Service the percentage of recruitment in India shall be 33 per cent. of the superior posts, increasing annually by  $1\frac{1}{2}$  per cent. until the position is reviewed by the proposed Parliamentary Commissions and fixing the definite percentages of recruitment in India with specified rates of increase for all other public services. (Vide paras. 316 and 317 of the Report.)

V. J. PATEL,

*General Secretary,*

INDIAN NATIONAL CONGRESS.



## APPENDIX D.

PAPER handed in by Mrs. *Surojini Naidu* on 6th August, 1919. (See Question 2145.)

A PLEA FOR THE FRANCHISE OF INDIAN WOMEN to the Members of the Joint Parliamentary Committee on Indian Reform, by Mrs. SAROJINI NAIDU, K.I.H., Fellow of the Royal Society of Literature, Great Britain and Ireland; Vice-President of the Bombay Branch of the All-India Home Rule League.

Not without a due sense of my great privilege do I venture to lay before this Committee, in briefest outline, some of the reasons on which the women of India base their claim to equal franchise in the scheme of reforms to inaugurate responsible self-government for India.

I may observe that my sole title to be regarded as an All-India representative of my sex on a question of such far-reaching importance lies in the fact that I am intimately aware of every shade of orthodox and progressive opinion alike, throughout the country, and I am closely associated with all the larger public movements of the day, especially in relation to the vital and delicate problem of the Hindu-Muslim unity.

There are two reasons why I desire to dwell for a moment on the ancient and historic Indian tradition of woman's place and purpose in the civic and spiritual life of the nation, and to recall the versatile and illustrious record of her contribution to the national achievement by her wit and wisdom, her valour, devotion and self-sacrifice, as scholar and statesman, soldier, saint; queen of her own social kingdom and compassionate servant of suffering humanity.

Firstly: To refute the reiterated argument of the illiberal or uninstructed opponent of women's suffrage as being too premature, or too novel and radical a departure from accepted custom likely to offend or alarm a sensitive and stationary prejudice.

Secondly: To demonstrate that the Indian woman is essentially conservative in her impulse and inspiration; and so far from demanding an alien standard of emancipation, she desires that her evolution should be no more than an ample and authentic efflorescence of an age long ideal of dedicated service whose roots are deep hidden in the past.

I do not for one instant deny that the story of her progressive development has suffered severe interruption and shared in that general decline—I had almost said decadence—that befalls a nation with so continuous a chronicle of subjection to foreign rule; but of recent years the woman of the Indian renaissance, largely owing to the stimulus of invigorating Western ideas and influences has once more vindicated herself as not wholly unworthy of her own high social and spiritual inheritance. And already she is beginning to recover her natural place and establish her prerogatives as an integral part of the national life.

It is indeed a curious and startling irony of fate that the trend of a doubtless conscientious, but over-cautious, official decision is to withhold from her a formal legislative sanction for a privilege which is already hers in spirit and substance, tacitly acknowledged and widely exercised, for the power of the Indian woman is supreme and her influence incalculable in the inner life of her own people. I do not exaggerate when I assert that there is no summit to which she might not aspire or attain in any sphere of our national energy or enterprise unhampered save by the limitations of her own personal ambition and ability.

Wherein has her sex disqualified the Indian woman, or disinherited her, from the rich honours she has earned in equal emulation and comradeship with her brother in every field of intellectual or patriotic endeavour?

In our older universities she has won brilliant distinction in the arts and sciences, medicine, law, and Oriental learning. She holds office in the courts and senates of our younger universities, like the Hindu University of Benares and the Women's University of Poonah and the National University, as also in the Bombay University.

She has evinced her creative talent in literature and music; she has proved her consummate tact and resource in administering vast properties and intricate affairs, and demonstrated beyond all question her marvellous capacity to organise and sustain great educational institutions and large philanthropic missions for social service. She has been pre-eminently associated with the political life of the country, uplifting the voice of her indignation against all measures of unjust and oppressive legislation, like the Partition of Bengal, the Press Act, and the Rowlatt Bill; she has accorded her cordial support to all beneficent social and economic measures, like Gokhale's Bill for free and compulsory education, the Civil Marriage Bill of Mr. Basu, the Inter-Caste Marriage Bill of Mr. Patel, and the Swadeshei Movement inaugurated by my friend and leader Mahatma Gandhi, and all efforts to ameliorate the condition of the depressed and afflicted members of our Society.

Moreover, not only has she participated in the programmes of our great periodic national assemblies, like the National Congress, the Muslim League, the Social Reform and Social Service Conferences, but has not infrequently been called upon to guide their deliberations, direct their policies, harmonise their differences, and unite their ideals towards a common goal of self-realization.

Where then lies the logic of their refusal of a franchise to Pandita Ramabai, or Swarna Kuman Ghosal? To Ramabai Ranade or Kamala Sathianadhan? To Kamini Sen or Shireenbai Cursetji? To Nagutai Joshi or Anasuya Sarabhai? To Abola Bose or Cornelia Serabji? To Indira Devi or Saralei Devi? To Mrs. Chandrasekharier, of Mysore, or Mrs. Sadashiviyer of Madras?

And what of that group of women in the seclusion of the Purdah, whose culture and accomplishment rival the golden age of the Saracens Sultan Jehan of Bhopal and Nazli Raffia of Janjira, Abru Begum, Tyaba Begum, Khujista Sultana Begum; Abadi Banu, the lion-hearted mother of the Ali brothers; the courageous young wife of the poet Hasrat Mohani, the late Subarwardya Begum who, from her sequestered corner, set papers in Oriental Classics for the Calcutta University, and Amina Hydari, who won the Kaiser-i-Hind decoration for her selfless services in a time of tragic distress in the Hyderabad State.

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But it is the Purdah which constitutes the chief weapon in the armoury of opposition against franchise for Indian women. I readily concede that it might in its initial stages seriously inconvenience and complicate the electoral system, and perhaps even be attended with temporary danger of fraudulent votes.

Although it is no part of either my mandate or my mission to ask for any concession or preferential treatment for women, I am still constrained to say that I fail to understand, when the interests of small political minorities of men are safeguarded with a scrupulous care, why it might not be possible in course of time to extend a similar chivalrous consideration to the Purdahnashin in those local and limited areas where this custom is rigidly enforced, for I am sure that her vote would usually be exercised with intelligence and discretion and prove a valuable acquisition to the country.

Without discussing the merits or demerits of this old social custom, I am convinced that, like all time-honoured but already obsolete social observances and usages, the Purdah system can no longer remain immutable, but must readjust itself to the needs and demands of a widespread national re-awakening. And after all, the terrors of the polling booth would scarcely daunt the Purdahnashin who in the course of her religious pilgrimages habitually encounters immense multitudes and becomes no more than a casual unit of a heterogeneous pilgrim democracy.

What, however, of the unsequestered women of Malabar and Madras, the Maharashtra and Gujrat; of the enlightened women of the Sikh, Parsi and Christian Communities, of the Arya Samaj of Punjab, and the Brahma Samaj of Bengal? Whether the franchise be one of literacy or of property, their inclusion would in no wise disturb or deflect the normal electoral arrangements.

In the name of the women of India, I make my appeal to the statesmen of a glorious country whose cherished freedom is broad-based upon a people's will. There is not one citadel of Hindu civilization, or one centre of Islamic culture where I have not scattered broadcast my message of India's duty and destiny among the free nations of the world. I have spoken to the youths in their academies, to the women in their walled gardens, to the merchants in the market place, to the peasants in the shade of their fig and banyan trees, but how shall my prophecy be realised and how shall my country take her pre-destined place worthily in the noble world-federation of liberated peoples until the women of India are themselves free and enfranchised, and stand as the guardians of her national honour and the symbols of her national righteousness?

## APPENDIX I.

## WOMEN'S LITERACY IN BRITISH INDIA.

(Statistical Abstract, 1915-1916.)

Community.	Vernacular Proficiency.	English Proficiency.
Hindus - - - - -	814,810	23,596
Muslims - - - - -	135,867	3,940
Parsees - - - - -	31,218	8,347
Christians - - - - -	252,295	112,643
Jains - - - - -	24,120	209
Sikhs - - - - -	17,280	238
Aggregate Literacy - -	1,600,763	152,026

Standard of Education.	Public Institutions.	Private Institutions.
Arts Colleges - - - - -	469	1,873
Professional Colleges - - - - -	131	—
Secondary Schools - - - - -	93,997	—
Primary Schools - - - - -	993,459	73,400
Special School Instruction - -	2,405	—

## APPENDIX II.

## WOMEN'S OCCUPATION IN BRITISH INDIA.

(Census Report 1911.)

Women living on their own Income - - - - -	62,614
Department of Medicine - - - - -	11,298
Department of Instruction - - - - -	25,745
Letters, Arts and Sciences - - - - -	88,471
Aggregate of Women following Professions and Liberal Arts - - - - -	402,586

## APPENDIX III.

## SOME LEADING NATIONAL MOVEMENTS IN WHICH INDIAN WOMEN HAVE TAKEN A PROMINENT PART.

*All-India Movements.*

Indian National Congress.  
 Social Conference.  
 Social Service League Conference.  
 Medical Conference.  
 Music Conference.  
 Industrial Conference.  
 Muslim League.  
 Home Rule League.  
 Mohomedan Educational Conference.  
 One-Language Conference.  
 Temperance Conference.  
 Humanitarian Conference.  
 Arya Samaj Conference.  
 Sikh Conference.  
 Ladies' Conference.  
 Muslim Ladies' Conference.  
 Hindu Sabha Conference.  
 Theistic Conference.

*Provincial Movements.*

Bombay - - - - -  
 Madras - - - - -  
 Sind - - - - -  
 United Provinces - - - - -  
 Panjab - - - - -  
 Bombay Educational Conference.  
 Madras Students' Convention.  
 Beha Students' Conference.  
 Bombay Students' Federation.  
 Depressed Classes Mission.  
 Andhra Library Movement.  
 Satyagraha Movement.  
 Swadeshi Movement.  
 Seva Sadan.  
 Bharat Stree Maha Mandal.  
 of Bengal, Malabar United Provinces and Panjab

## APPENDIX E.

STATEMENT handed in by Sir *Frank Sly*. (See Question 2167.)

I am a member of the Indian Civil Service, and have served for 32 years in India, mainly in the Central Provinces, but I have also been employed with the Government of India and on special duty with several committees. I have consequently visited most provinces on several occasions, and have thus enjoyed opportunities for wider experience than usually falls to the lot of an Indian civil servant. My last employment was as Deputy-Chairman of the Franchise Committee presided over by Lord Southborough. In his evidence before the Joint Parliamentary Committee, Lord Southborough has already given a full account of the work of the Franchise Committee, with which I am generally in full agreement, but I should like to supplement it on some important points.

2. I am doubtful whether it was made sufficiently clear that our proposals, which in most cases received the assent of the local governments, varied frequently in material respects from the first schemes put forward by local governments. The first schemes were tested by us during the examination of the official witnesses; we also gave full weight to the evidence of the non-official witnesses and the views of the added members. It was only after consideration of all the material before us that conferences were held with the local governments, and as a result of which final schemes were prepared generally commanding their approval. An examination of the papers will show that our proposals often vary materially from the first scheme of the local government, for instance in such important matters as the franchise qualifications, the proposed constituencies, rural and urban, the extent of the representation allotted to communal and other special interests, the size of the legislative council and the like. Thus we did not follow blindly the first schemes of local governments, but formulated proposals after full consideration of all the available material and after personal discussion of that material with the local government. The Government of India did not favour us with their views on any of the general questions involved, with the exception of the memorandum on the Indian Legislative Assembly (page 21 of the White Paper).

3. We enquired with a considerable amount of detail into the machinery available for the conduct of elections, both in the evidence of witnesses, official and non official, and in our conferences with local governments. For instance, we enquired into the working of elections to local bodies, municipal and district council; we discussed the classes and numbers of officials suitable for employment as polling officers, the classes and numbers of non-official gentlemen suitable to supplement the official agency, the number of voters that could be polled at each station on the election day, and other similar matters. Not only did we secure the assurance of local governments that elections could be carried out on the franchise proposed by us, but we also satisfied ourselves, so far as we could, that there was a reasonable prospect of this assurance being made good by a suitable election agency.

4. We followed our terms of reference in making the franchise as broad as possible, consistently with the avoidance of any such inordinate extension as might lead to a breakdown of the electoral machinery through sheer weight of numbers. We discussed a proposal for a literacy qualification in addition to a property qualification, but rejected it, partly because we did not see sufficient justification to depart from the principle of a property qualification, and partly because there was no suitable test of literacy. We also endeavoured to find a qualification based on income at a lower level than the income tax limit, but failed except in provinces where there was some form of local taxation on smaller incomes. A qualification based on wages earned would have to rest largely on information supplied by employers under the system of piece-rates usually followed in factories, and under existing conditions such voters would often be at the command of the factory owner. Moreover, much of the factory labour is migratory. It would also involve unfair discrimination in favour of one class of labour.

5. I desire to confirm Lord Southborough's impression that most of the supporters of woman suffrage advocated is more on account of its educative influence for the advancement of women than for its practicability. I also formed the opinion that it was often advocated as a badge of political enlightenment likely to influence favourably India's claim for responsible government. An important point is that before us it was urged mainly by men, and not by women. The women witnesses before us represented the All-India Women's Association only, and I am sure that this Association can claim to represent only a very minute fraction of the women of India. I myself tried to induce several educated women to appear before us in support of the claim, and invariably received the reply that they preferred to leave politics to the men and the home to themselves. And I know that one of my Indian colleagues made the same effort on a much larger scale and also failed. We enquired into the working of female suffrage in elections to some local bodies which admit woman suffrage, and our enquiry showed that it is generally exercised very sparingly, except, perhaps, in Bombay City, where the custom of the seclusion of women is not so prevalent as in most other parts of India. In Madras it prevailed until 1897, but was then withdrawn by a new Local Self-Government Act, without attracting much notice or discussion, which shows how little the right was then appreciated. The effective demand for votes for women was not strong in the provinces first visited by us—Bihar and Orissa, United Provinces, and the Punjab, but increased in volume as our enquiry proceeded, and reached its maximum at Bombay. I am opposed to the suggestion that the right might be conceded in some provinces but disallowed in others. Such a course would result in inequality, and in my opinion the question should be decided on the same lines as other general disqualifications. Most of its supporters urged that it would be necessary to arrange separate polling stations for women, and further that female polling officers should be appointed to visit each woman voter in her home and record her vote. We considered that, apart from the danger of personation and other possible abuses, it was quite impracticable to provide an agency of female polling officers on such a scale.

6. In order to assist the Committee in their deliberations on the very important question of communal representation, I wish to give an outline of how the question has presented itself to me during my 32 years of service, even at the risk of mentioning some elementary facts that must be already well known to several members of the Committee. We all know that the Indian population is composed of communities of diverse races and religions, who generally live on friendly terms with each other, but liable to burst into antagonism at any moment should a course of real dispute arise. The feeling of antagonism still lies near to the surface, as some recent events have shown. Amongst the Indus the dominant factor is the difference of caste, but even caste is not altogether static. I have seen wealthy and influential individuals force their way into a superior caste. I know a Rajah, whose family was aboriginal but has become Rajput in two generations, and accepted as such by at least some Rajputs. Not infrequently lower castes desired to raise themselves in the social scale of the Hindu religion. A caste, or a section of it which has grown in wealth and importance, discards customs considered impure by a higher caste, and forms itself into a new caste or section of a caste, superior to the old. The later growth of national as apart from communal feeling has somewhat obliterated such separatist tendencies. This growth of a national feeling is most prominent amongst the educated classes, but it permeated to other strata, and amongst backward communities and castes expresses itself not so much as formerly in the desire to raise themselves in the social religious scale, but in trying to raise their status by education, and by taking its place in local affairs. As regards political matters, the backward communities were still largely content to rely on the Government for the protection of their political rights. The politicians found that they could not move forward at the pace they desired, unless they carried the masses with them. Much effort has thus been made to enlist the masses in political propaganda, and to improve their position. The general demand for the extension of primary education and the movement for raising the position of the depressed classes are striking instances. The position was abused by some extremists in the sedition movement. Since the publication of the Montagu-Chelmsford Report, separatist tendencies have again become prominent. It is the irony of fate that the publication of this report, with its powerful presentment of the case against communal representation, has evoked the strongest expression of communal feeling that I have experienced throughout my service. Small communities felt that they could no longer rely on Government, but must have separate communal representation, and that not merely in proportion to their numerical strength. This was the position taken up almost without exception by their representatives before the Franchise Committee. Communal representation was opposed in principle by the advanced politicians of the extreme schools whose idealism often seemed to me to overcome their regard for facts, and it must be remembered that they usually belonged to a majority community; but minority communities, backward classes, depressed classes, separate trade interests and associations, all urged their claims to separate representation, often on an extravagant scale. The most striking instance occurred in the Punjab. The Muhammadans, who form 54 per cent. of the population, reiterated their claim for separate communal representation in common with the rest of India. The Sikhs, with only 11 per cent. of the population, claimed one-third of the representation on the plea that they had given one third of the recruits raised in the Punjab; and also demanded the recital of the orthodox Sikh religious creed at the election by every voter claiming to be a Sikh. The Hindus (33 per cent. of the population) urged that they would be squeezed out between the Muhammadan and the Sikh. There were only one or two isolated witnesses who claimed to be Indians with common interests in the Punjab, and ready to entrust them to a general electorate. Another striking instance is the non-Brahman movement in Madras. Although opposed to the admission of their claim for a communal electorate, I fully admit that this seemed to me to be a genuine movement with growing strength behind it, not confined to the principal towns, but extending to some outlying districts. But it is not common to all non-Brahmans. One section appeared before us, and opposed communal representation, although in favour of reservation of seats. Our report states that the non-Brahman exceed the Brahman electors in the proportion of at least 4 to 1. This estimate is taken from the statistics at page 113 *et seq.* of the Blue Book, the exact figures being 4.77 to 1. It must be remembered that this relates to the franchise proposed by the Madras Government, and that the proportion on the much lower franchise proposed by us will be far greater. The statistics also show that the Brahman electors are largely concentrated in five districts (25,541 out of a total of 52,234), so that the voting strength of the non-Brahman will be still more overwhelming in the remaining 20 districts.

7. In regard to the question of direct election to the Council of State, I have examined the outline of the scheme advocated by the Government of India, and find that it results in general constituencies of the average area of 46,600 square miles, or more than one-third of the area of the United Kingdom. It may thus be compared to an arrangement under which England and Wales would return one member, Scotland one, and Ireland one, and that for a country where all kinds of communication are infinitely more backward. The average area of the Mohammedan constituency would be 112,000 square miles, or nearly as large as the whole United Kingdom. The average population of each general constituency would be 15,000,000, which approximates to the combined population of Scotland and Ireland. A scheme under which some 1,500 electors would be scattered over such a large area amongst such a large population is surely a negation of all right principles for direct election. A system under which elections to provincial legislative councils will be conducted under a fairly wide and democratic franchise, whilst election to the Council of State is made by a very restricted electorate, which must be formed on a plutocratic and aristocratic franchise, and under Indian conditions, will be dominated by large territorial magnates, seems to me a dangerous form of political constitution. I also invite attention to the objections of local governments to introducing a system which involves two general elections, and if direct election is also made to the Indian Legislative Assembly, three general elections, at the present juncture in a country where neither the people nor the Government has any experience of even one general election.

F. G. SLY.

1st August, 1919.

## APPENDIX F.

Handed in by Mr. Richard Feetham and Mr. H. L. Stephenson. (See Question 2348.)

MEMORANDUM ON GOVERNMENT OF INDIA DESPATCH, dated 16th April, 1919, commenting on the Report of the Committee on Division of Functions.

*Introductory.*

1. In dealing with the Government of India's criticisms of the Report of the Functions Committee, contained in their Despatch of 16th April, 1919, it seems convenient to take the points in the same order as that adopted in Mr. Dawson's analysis of the Report and Despatch, *i.e.*, to deal first with the more general criticisms, and to leave the alterations proposed in the lists of subjects (All-India, Provincial and Transferred) to the last.

The general criticisms, apart from the points raised on the lists, are discussed in the first part of this Memorandum under the following heads:—

Administrative Control.

Legislation.

Powers of Governor and Governor in Council in relation to Transferred Subjects.

Public Services.

Finance.

PART I.

GENERAL CRITICISMS.

*Administrative Control.*

2. *Para. 10 of Government of India Despatch.*—The intention of the Committee was to avoid any such differentiation between the Ministers and the Executive Council as might be regarded as invidious. It seemed desirable, therefore, to lay down either by instructions or by rule, that personal responsibility is to rest on the Governor for seeing that the orders of the Government of India are given effect to, whether in relation to reserved or transferred subjects.

This recognition of the Governor's personal responsibility is not intended to absolve from responsibility the Members of the Executive Council in the one case or the Ministers in the other. If the Governor's personal responsibility for seeing that the orders of the Government of India are complied with were, by the terms of his instructions or by rule, confined to transferred subjects, this would look like relieving the Ministers of responsibility and subjecting them to a supervision which, if it did not apply also to the other side of the Government, might be regarded as objectionable. In fact, the special personal responsibility of the Governor must in theory be recognised in the case of reserved subjects as well as in the case of transferred, for it would be his duty in the last resort to overrule his Council if necessary in order to secure compliance with an order of the Government of India.

The question as to the Governor's position in this matter was originally raised in connection with the question of the method of communicating the Government of India's orders (*see* para. 12, Annexure II, Functions Report). The question of the method of communicating orders, which is merely a question of form, should not be confused with the question of responsibility for seeing that they are carried out. Presumably all orders would be addressed to the Local Government, or to one of their Secretaries, and would be dealt with by the Governor in Council or Governor and Ministers according as they affected a reserved or transferred department.

*Legislation.*

3. The proposals of the Government of India on the subject of the powers of the Indian and Provincial legislatures are contained in paras. 4, 11-21, 33 and 109 of their Despatch.

4. *Para. 4.*—In para. 4 they deal with the powers of the Central Government to intervene in transferred subjects, and propose to retain as one of the purposes for which the Government of India may intervene in a transferred subject the following:—

“To secure uniformity of legislation where such legislation is considered desirable in the interests of India or of more than one Province.”

It appears, however, from what follows, that, when they speak of “securing uniformity,” they do not contemplate that such uniformity will be secured by requiring provincial Bills on certain subjects to be submitted for previous sanction, but only recognition of the right of the Indian legislature to legislate on provincial matters in respect of which uniformity of legislation is desirable, coupled with the power of protecting such legislation from provincial amendment except where previous sanction has been obtained. This being so, it seems best to keep this proposal with regard to legislation separate from the question of the purposes for which the Government of India may intervene in a transferred subject by administrative action.

5. *Paras. 11-13.*—It is not necessary to recapitulate the proposals of the Functions Committee as to the division of legislative powers as stated in the Report, but some explanation appears to be required on two points which have perhaps been treated with undue brevity.

(A) The first head-note to the list of All-India subjects states the intended effect of declaring any provincial matter “subject to Indian legislation” to be that “legislation regulating that matter and powers reserved by such legislation to the Governor-General in Council are made an All-India subject, and that the provincial legislature is precluded from legislating thereon without previous sanction.” The Government of India remark on the wide powers which might conceivably be conferred on the Governor-General in Council under cover of this provision. It is quite true that the Indian legislature might pass a

Bill on a transferred subject declared to be subject to Indian legislation which would confer on the Governor-General in Council the power of directly administering the subject, but such a proceeding under normal conditions would, of course, be wholly inconsistent with the recognition of the subject as a provincial subject; the real object of the provision is twofold:—

- (1) To secure a reserve of ultimate authority in the Government of India, which in abnormal circumstances could be brought temporarily into play for the purpose of giving effect to the provisions of Acts passed by the Indian legislature, and thus to meet the objection raised as to separation of legislative and administrative powers; and
- (2) to enable the Government of India to exercise limited powers of control in respect of such parts of certain provincial subjects as should be recognised as having more than merely a provincial interest.—For instance, in the case of University legislation certain powers of visitation could be reserved to the Governor-General in Council as is proposed in the Report of the Calcutta University Commission.

(B) With regard to the question of scheduling certain Laws as Laws which may not be repealed or altered by provincial legislatures without previous sanction—the object of this proposal is to prevent tinkering by provincial legislatures with certain Indian Acts of a comprehensive character which, though forming part of or dealing mainly with All-India subjects, also govern or contain provisions affecting provincial subjects.

If the power of the Provinces to legislate on provincial subjects which, though in a sense forming part of All-India subjects, are treated as excluded therefrom for the purposes of the division made, were to be freely exercised in such a way as to alter in its application to these subjects the general framework of the law of the country as laid down in the Indian Codes and other Acts regulating commercial and business relations, serious confusion might result. The reason for the inclusion of particular Acts in the Schedule as proposed by the Functions Committee will appear on reference to the Lists of Subjects; for instance, Civil Law and Criminal Law are made All-India subjects, while the Administration of Justice is made a provincial subject. The Schedule includes the Criminal and Civil Procedure Codes, the Indian Penal Code and the Indian Evidence Act. Again, Commerce (including Banking and Insurance) is an All-India subject, while Industrial Insurance is made a provincial subject. The Schedule includes two general Acts relating to insurance. Trading Companies and other Associations are treated as an All-India subject, while Co-operative Societies (which are also trading companies of a kind) are made a provincial subject. The Schedule includes the Indian Companies Act. Again, Ports are divided between the Government of India and the provincial governments; the major ports being treated as an All-India subject, and other ports as a provincial subject. The Indian Ports Act (which contains the general law as to the management of ports) is included in the Schedule.

The Schedule thus affords necessary supplementary protection to certain important All-India statutes. The bulk of Indian legislation which requires protection will, however, be safeguarded by the general restrictions proposed, namely:—

- (1) By debarring provincial legislatures from legislating on All-India subjects, except with previous sanction, and
- (2) By making certain provincial subjects in whole or in part subject to Indian legislation; and to that extent rendering provincial legislation thereon subject to previous sanction.

The Schedule as proposed by the Committee may require some amplification, but in considering this question, the fact that many Acts of the Indian legislature are already fully protected by these general restrictions should be kept in mind.

6. The Government of India's general criticisms of the proposals made by the Functions Committee on the subject of legislation are:—

- (1) That they are too complicated.
- (2) That, in the case of transferred subjects, the requirement of previous sanction, where applied involves undue interference with the control to be exercised by Ministers over transferred subjects.

The Government of India's alternative proposals are put forward as being at once more simple and more liberal, but it is open to doubt whether this claim to greater simplicity and liberality can in fact be sustained on any single point of importance; while the general effect of these alternative proposals is to blur the line of division between the functions of the Indian and Provincial legislatures, and thus to defeat the main object of the scheme proposed by the Functions Committee.

7. The proposal of the Government of India to retain for the Indian legislature the right to legislate on any provincial subject for the purpose of "securing uniformity" is open to the following objections on general grounds:—

- (1) If this right is recognised, the Provinces will not be able to call any portion of the legislative field their own, because, on the plea of uniformity, the Indian legislature may legislate on any subject. It will always be open to question which are the provincial subjects in which uniformity is desirable, and what is the degree of uniformity to be desired in such subjects.
- (2) It is to be noted that this power is to be reserved not to the Government of India, but to the Indian legislature. The Government of India discuss the matter in para. 12 as if no legislation would be initiated in the Indian legislature except at the instance of the Government itself, and speak as if the power that is being reserved were a power reserved to the Government, instead of to the legislature. The legislature will claim to put its own interpretation on its own powers, which is not likely to be a restrictive interpretation.
- (3) While too comprehensive as applying to all subjects, the power of legislating for the purpose of securing uniformity would be found too narrow when put to the test in respect of particular provincial subjects.

8. *Para. 109.*—Apart from these general objections, it is necessary to consider the effect of the Government of India's proposals with regard to certain subjects specially affected.

The objection of the Government of India to the proposal of the Functions Committee, that certain provincial subjects should be declared subject to Indian legislation, in so far as that proposal applies to subjects which are to be transferred, might seem to involve an extension of popular control over the subjects affected but the tendency of the alternative proposals put forward by the Government of India is in the result to limit rather than to extend the sphere of popular control.

Their proposals are to retain control of Provincial legislation in relation to transferred subjects in two ways:—

- (1) By providing for recognition of the right of the Indian legislature to legislate on any provincial matter in respect of which uniformity of legislation is desirable (para. 12 of Despatch):
- (2) By including in the Schedule of Indian Laws which cannot be amended by Provincial legislation without previous sanction certain laws relating to transferred subjects.

Their theoretical objections to giving the power to the Indian legislature to legislate with regard to transferred subjects, and to previous sanction being required for Provincial legislation on transferred subjects, also apply to the two methods of control which they themselves propose.

To take in detail the transferred subjects with reference to which this question arises:—

(1) *Local Self-Government*.—The Government of India propose that the borrowing power of local authorities shall be regulated by Indian legislation, which will be protected from amendment without previous sanction by Rules framed under the new section 79; and, with regard to taxation by municipal bodies, they propose that the previous consent of the Government of India shall be required for taxation, not included in the provincial schedule, which goes outside the existing scope of local taxation. It is not clear by what machinery effect is to be given to the latter restriction, but it is obvious that the Government of India propose in effect to retain in both these matters the control which, if their objections to the Committee's scheme were well founded, they ought to abandon.

(2) *Education*.—The Government of India get out of the difficulty by proposing that Secondary and University education shall not be transferred. If Secondary and University education are transferred, then the power to legislate for the purpose of securing uniformity could not reasonably be interpreted as covering, e.g., the legislation which will be required for the purpose of giving effect to the recommendations of the Calcutta University Commission. If the pretext of uniformity were to be used for the purpose of justifying any legislation which it might be thought expedient to pass in relation to Universities and Secondary education, the uncertainty of the title of Provincial Legislatures under this arrangement to any part of the field of legislation would be clearly illustrated.

(3) *Registration of Deeds and Documents*.—The Government of India propose to include the Indian Registration Act in the Schedule under section 79, so as to protect it from amendment without previous sanction.

In the case of Co-operative Societies, Registration of Births, and Weights and Measures, it is presumed that the Government of India contemplate that any legislation which it is considered expedient to pass would be covered by the proposed provision as to securing uniformity; but in so far as such legislation is passed, and is protected from amendment without previous sanction, the result will be much the same as under the proposals of the Functions Committee.

9. *Paras. 14 and 15*.—The Government of India object to the proposals with regard to the reservation of Bills as too complex. They seek to simplify them by omitting any provision for compulsory reservation, and propose to give the Governor a general discretionary power of reservation in the exercise of which he is to be guided by his instructions. The reply to this criticism and proposed modification is threefold—

- (1) Very little is gained as regards simplicity by eliminating the provision for compulsory reservation:
- (2) The requirement that certain classes of Bills shall be reserved is in conformity with precedents established in Colonial constitutions, and is a convenient device for securing special supervision over legislation on certain subjects, and for re-assuring interests affected:
- (3) The Government of India recognise that three out of the four classes of Bills which it is proposed to require the Governor to reserve deal with subjects as to which some safeguard is necessary, while they are unwilling to recognise the possible existence of the fourth class.

The Committee's proposal is that the Governor shall be required to reserve—

- (a) Bills affecting religion or religious rites and usages;
- (b) Bills regulating the constitutions and functions of Universities;
- (c) Bills which have the effect of including within a transferred subject matters belonging to reserved subjects;

(d) Bills providing for light railways or tramways other than tramways within municipal areas. As to (a), the Government of India propose that a portion of the ground at present covered by section 79 (3) (e) of the Government of India Act, under which any Bill affecting the religion or religious rites or usages of any class of British subjects in India requires previous sanction, shall in future be protected by a clause requiring previous sanction to any Bill affecting any fundamental (or general) principle of Hindu or Mohammedan law (para. 19); a wide provision which might be so interpreted as to involve almost as much restriction on provincial initiative as is imposed by the present sub-clause (e); and with regard to religious endowments, they propose to invite the Indian legislature to pass a Bill dealing with the subject, and to provide that provincial legislatures shall be debarred from amending this legislation without previous sanction.

As to (b), the Government of India propose to retain their control of University legislation by making University education a reserved subject. Similarly in the case of (d) they propose that light railways and tramways, other than tramways within municipal areas, shall be a reserved subject.

As to (c), the explanation as to the Bills which the Committee had in view when referring, in para. 37 of their Report, to "Bills which shift the boundaries between transferred and reserved subjects" is to be found in the note against local self-government in the list of Provincial subjects for transfer:—

"It is contemplated that other matters will from time to time be entrusted to local authorities by legislation: where such matters form part of reserved subjects the Bill will be reserved for the consideration of the Governor-General."

The Committee contemplated that the powers of local authorities might be extended from time to time so as to enable them to deal in their own areas with matters which at present are included in reserved subjects, e.g., Gambling, Prevention of Cruelty to Animals, Control of Motor Vehicles, Fisheries, and Village Forests. As the subtraction of any part of a reserved subject for the purpose of entrusting such part to the control of a local authority has the effect of making such control a part of the transferred subject of local self-government, the change does, incidentally, involve some shifting of the boundaries between reserved and transferred subjects. Any such change involves a reduction in the powers of the Government of India, owing

to the fact that its control over transferred subjects is to be much more restricted than its control over reserved subjects, and it therefore seemed proper that any Bill effecting such a change should be reserved for the consideration of the Governor-General. It was not contemplated by the Functions Committee that in any larger sense the boundaries between transferred and reserved subjects would be shifted by provincial legislation.

It may be pointed out that, under the provisions embodied in the Bill with regard to the certification of Bills, it will always be open to the Governor to block any proposed measure which would have the effect of making a portion of a reserved subject a transferred subject.

10. *Para. 16.*—The Functions Committee contemplated, as is apparent from para. 36 of their report, that the Governor would always have power to return a Bill to his Council for further consideration, apart from any question of reservation.

With regard to the proposal that where a Bill has been reserved, its subsequent return for consideration by the Provincial Legislative Council should be “by the personal Orders of the Governor-General,” it seemed to the Committee inexpedient to bring the Governor-General into direct relations with a Provincial Legislative Council. The Committee’s proposal, therefore, was that, in the case of a reserved Bill, the Governor himself should be responsible for returning the Bill for further consideration by the Council, with any recommendations as to its amendment, after consultation with the Governor-General, and subject to the Governor-General’s consent being obtained. The Governor will, normally, from his acquaintance with the local situation, be in a better position than the Governor-General for judging whether anything is likely to be gained by returning a Bill for further consideration.

11. The latter portion of para. 16 appears to contemplate the return by the Governor-General of a provincial Bill for further consideration by a Provincial Legislative Council in cases where the Governor himself has not reserved the Bill, but has assented to it. This seems contrary to the whole idea of the process of reservation. Once the Governor of the Province has assented to the Bill, the Provincial Council cannot be invited to alter it. If the Governor-General finds himself unable to assent to a Provincial Bill in the form in which it has been assented to by the Governor, it must either be vetoed or reserved for his Majesty’s pleasure under clause 10 (3) of the Bill. If a Bill could be returned to the Provincial Council for further consideration after the Governor had given his assent, the distinction between assent and reservation would for practical purposes disappear, and with it the responsibility of the Governor of the province for assent to legislation, which the Government of India are anxious to preserve intact.

12. *Para. 17.*—It appears from this paragraph that the Government of India contemplate that, under the power which they wish to reserve to the Indian legislature to legislate upon any provincial subject for the purpose of securing uniformity, general laws will be passed dealing with diseases of men, animals and plants, and the destruction of pests, and that such laws will not be subject to amendment by provincial councils without previous sanction. The proposal of the Functions Committee (para. 40) was that in regard to these matters, “It should be definitely recognised that it is open to the Indian legislature to legislate, notwithstanding that they fall within the limits of provincial subjects which are not classified as subject to Indian legislation. The provinces will, however, retain their own freedom to legislate on these subjects without previous sanction, except that, where the Indian legislature passes a law of general application dealing with these subjects, it will be open to that legislature to prescribe that a provincial legislature shall not be competent to amend such a law without obtaining previous sanction.”

This plan is objected to as involving “an indeterminate treatment of the question” and as “introducing a complication which the circumstances hardly justify.” It may however be remarked that the Government of India’s method of dealing with the matter is at least equally indeterminate. Their proposal—that the Indian legislature should retain the right to legislate on any provincial subject for the purpose of securing uniformity—applies this indeterminate treatment to the whole field of provincial legislation. The difficulty with regard to the proposal of the Functions Committee is really one of form rather than of substance. The proposal in itself is simple enough—to leave the Provincial Councils the power of initiating legislation on these various matters without the requirement of previous sanction, but to keep a door open for intervention by the Indian legislature, by using such terms as will prevent the application to these subjects of the convention as to non-intervention in provincial subjects. All that it is necessary to do in order to give formal effect to this proposal is to insert some reference to the powers of the Indian legislature in the description of the provincial subjects in question. For instance, if the description of provincial subject No. 3.—Public Health, Sanitation and Vital Statistics, is amended to read—“Public Health, Sanitation and Vital Statistics, subject to Indian Legislation in respect to infectious and contagious diseases to such an extent as may be declared by any Act of the Indian Legislature”—the object in view will be attained. The descriptions of the other provincial subjects affected can be similarly amended.

13. *Para. 18.*—In the proposal contained in para. 41 of their report, the Committee simply adopt the suggestion made in para. 212 of the Joint Report, as to the power of the Indian legislature to pass model legislation on provincial subjects, which it should be open to the provinces to adopt. The Committee did not wish to exclude this suggested plan, but they did not attach any great importance to it. There is a precedent for such a provision in the Canadian Constitution (B.N.A. Act, section 94), but it does not appear that any legislation has yet been passed in Canada under this provision. The Committee assumed that a model law passed by the Indian legislature on a provincial subject, not declared subject to Indian legislation, would require a provincial Act to bring it into force in any province; they did not contemplate that it would be open to the Indian legislature to pass laws on any provincial subject, not subject to Indian legislation, which could be brought into effect by executive decision of the local government of a province. Such an arrangement would obviously expose the field of provincial legislation to serious encroachments. The Government of India refer to this subject in terms which might be taken to suggest that such procedure, which has been found convenient under existing conditions, should continue to be available; but the convention against intervention by the Indian legislature in the provincial field should clearly exclude the possibility of its adoption.

14. *Para. 19.*—The question of requiring previous sanction in the case of provincial Bills which affect the fundamental principles of Hindu or Mohammedan Law has already been referred to in dealing with the question of compulsory reservation.

The proposal in the latter part of para. 19—to substitute the word “affecting” for “regulating” in certain sub-clauses contained in the new version of section 79 of the Government of India Act—must have been put forward without realisation of the results which would ensue from its adoption. It is hardly too



much to say that no Secretary of a Provincial Council could ever certify that a Provincial Bill dealing with a provincial subject did not "affect" any All-India subject—the form which his certificate would have to take, if he were made responsible for the application of the rule as to previous sanction in the terms proposed by the Government of India. The substitution of the word "affecting" for "regulating" in the sub clauses concerned would, therefore, practically involve the submission of all provincial Bills for previous sanction.

15. *Para. 33.*—The Government of India take exception to the reference to "Indian Legislation" in items 6 (d), 10 and 20 of the All-India list, and wish the extent of the authority to be exercised by the Government of India in relation to Ports (i.e., the selection of "Major Ports"), inland waterways, and the production and distribution of such supplies as need control by a central authority, to be defined, not by Indian legislation, but by rules made by the Secretary of State, and notifications made thereunder by the Governor-General in Council.

The alternative plan of employing the rule-making power for the purpose of defining the precise extent of the Central Government's authority in the matters referred to may, in some cases, prove preferable, and, when the draft rules are prepared, the extent to which they should include detailed provision on these points will require careful consideration; but the idea that the Indian legislature is to be in no way concerned with this question of division of powers between central and provincial authorities is surely mistaken. The remark of the Government of India that "To require legislation in these cases would not only be inconvenient and productive of serious delays, but would also impose on the Indian legislature a function which has never belonged to it and which it is not well qualified to discharge" seems to betray some failure to recognise the facts of the new situation which the Reforms Scheme will create.

The Indian legislature has in the past had a good deal to do with assigning functions to Local Governments, but under the old system of subordination to the central authority this assignment has not involved any question of constitutional importance.

Under the new condition of things it is inevitable that the Indian legislature should take its share in working out the relations between the central and provincial authorities. Such a share is implied in proposals which the Government of India accepts—e.g., that it shall be open to the Indian legislature to protect its own Acts from provincial amendment, in whole or in part, by requiring that provincial amending Bills shall be submitted for previous sanction, and that Bills shall be introduced in the Indian legislature limiting the references to the Governor-General in Council required under existing statutes.

With regard to the control of supplies, it was contemplated by the Functions Committee, as is indicated by the terms used—"articles in respect of which control by a central authority is declared *by or under* "Indian legislation essential in the public interest"—that a Bill would be passed in the Indian legislature conferring certain powers on the Governor-General in Council with regard to the control of supplies, and enabling the Governor-General to apply the provisions of the law, by notification, to various commodities from time to time as occasion might require: this seems to be a proper matter for legislation, as it is not merely a question of the division of authority between the central government and the provinces, but of the definition and regulation of the authority to be exercised by the central government in an important matter closely affecting commercial and industrial interests.

Similarly the control of inland waterways by the Government of India must inevitably be the subject of legislation by the Indian legislature, so that the constitution and powers of whatever administrative body may be established for the purpose of exercising such control may be properly defined.

On the other hand, the selection of Major Ports, with regard to which there may be some serious conflicts of opinion between different provinces, and between the central and provincial governments, is perhaps a question which can better be dealt with in the first instance by the Secretary of State rather than by the Indian legislature.

#### *Powers of the Governor and Governor in Council in relation to Transferred Subjects.*

16. *Para. 87.*—The Committee contemplated that a power of retransfer would be vested in the Secretary of State, and one of their objects in providing for temporary administration of a transferred subject in an emergency was to prevent the Secretary of State being forced into sudden action, and to secure a reasonable interval for discussion and adjustment of questions in dispute before the extreme step of retransfer was taken.

From the constitutional point of view, the Governor in Council, as the other branch of the local government, seems the proper alternative authority where, owing to a Ministerial vacancy, a transferred subject can for the time being no longer be administered by the Governor and Minister, and from the practical point of view it seems desirable that the Governor should have the assistance of his Council in the temporary administration of a transferred subject at a time of crisis, and that, as the members of Council will become responsible with him for administration of the subject should the crisis end in retransfer, they should also share with him the responsibility for any interim action.

17. *Para. 88.*—This paragraph, which has to be read in conjunction with paras. 103—105 of the first Despatch, deals with the procedure to be followed—

- (1) in cases of doubtful jurisdiction as between reserved and transferred departments, and
- (2) in mixed cases, i.e., cases which affect both a reserved and a transferred department.

It is necessary to keep in mind the distinction between these two classes of cases, which overlap but are not coterminous.

The Committee's proposal is that in "mixed cases," where there is disagreement between the Executive Council and Ministers which joint deliberation has failed to remove, the Governor shall decide the matter. The Government of India prefer that the decision shall nominally be left to the section of the Government which has jurisdiction to take the particular action required, subject to the overruling power of the Governor. Possibly there may not be very much difference between these two proposals in their net result, and it will be easier to judge of the procedure proposed by the Government of India when the draft rules to which they refer are received. It seems clear, however, that in cases where the interests of both reserved and transferred departments are substantially affected—and it is not contemplated that a case would be treated as a "mixed case" unless departments of both categories could claim serious interest in the matter—the real decision must, in case of disagreement, rest with the Governor, who alone is a member of both sections of the Government, and has the responsibility of securing that the two sections work together, and it is desirable that the form of procedure adopted should correspond with the facts of the situation.

18. *Para. 89.*—The Government of India propose certain alterations in the suggestions for the Governor's Instructions contained in para. 67 of the Committee's Report.

The phrase "peace and tranquillity," in the first suggested clause, was taken from the Joint Report (para. 252), but it is clear that "safety and tranquility," which is the phrase used in the Government of India Act, is preferable, and there can be no objection to the suggested amplification of the clause.

As regards the clauses referring to Education—

(1) The Government of India propose that the instruction should be extended so as to ensure that the Muhammadan community get their fair share of all increased facilities; the wording proposed is that "in all extensions of educational facilities adequate provision is made for the special needs of the Muslim and any other minority community." The instruction suggested by the Committee was framed because of the fear expressed by some Muhammadan witnesses that the facilities given them by existing local governments would be withdrawn if Education were transferred, and similar protection was not demanded by any other minority community. The instruction as drafted by the Committee raises a clear issue, and one that can be decided by an appeal to facts; it seems undesirable to alter its scope in the way proposed by the Government of India, because the question of what is "adequate provision for the special needs of the Muslim community" in the case of extension of educational facilities is one that can be hotly contested from different points of view; and the Governor would find himself in a very difficult position if he were bound by a published instruction on which such very different constructions could be placed.

Clause (2) was drafted to meet views expressed on behalf of missionary bodies, whose representatives were anxious at least to secure that the assistance, monetary and other, in reliance upon which they had built up their educational institutions, should not be withdrawn or diminished without an opportunity being given for full consideration of their case. They referred especially to the Despatch of 1854, which is the basis of the Grant-in-Aid system. In para. 89 of their Despatch the Government of India "prefer to lay down that no changes such as those referred to in the clause shall be adopted 'which are inconsistent with educational interests';" but in their draft instructions they do not carry this out. The draft runs that the Governor is to secure "that the interests of existing educational institutions maintained or controlled by religious bodies are duly protected in the event of any changes of educational policy affecting them adversely." The proposal in the body of the Despatch would only protect these institutions from the effects of changes which are inconsistent with educational interests, and it is clearly not wide enough to give the protection which they legitimately desire. The draft instruction, on the other hand, seems too wide; it is difficult to see what "due protection" is to be given when once the change of policy adverse to the interests concerned has been adopted, nor is it right that the interests of particular institutions should stand in the way of the development of a policy which is considered to be in the true interests of education as a whole.

In sub clause (3), the Government of India propose to extend the protection given to backward classes in educational matters in Madras to the backward classes in all provinces, and to widen its scope to include their "advancement and social protection." Madras stands by itself in this matter, and the Committee were reluctant, by extending the provision, to give currency to the view that Indians as a whole are not alive to the interests of the backward classes.

*Para. 90.*—The Committee limited themselves to making certain suggestions for the Governor's instructions on matters directly arising under their reference; they did not attempt to draft a complete instrument, as this would have involved going beyond the task assigned to them.

#### THE PUBLIC SERVICES.

19. *Para. 121.*—The proposal of the Government of India in regard to which the Committee felt difficulty was that every new permanent post created in the provinces must be added to the cadre of the service to which its duties most closely correspond. The object of this proposal was to protect the All-India services against the creation of appointments similar in purpose to those ordinarily filled by those services, but kept technically outside the cadres. Difficulties must arise under this proposal in all services where there are All-India as well as provincial cadres; e.g., in the Educational Service, to which cadre do the duties of a headmaster of a Zilla school correspond? Some of these appointments are actually held by members of the All-India service and some by members of the provincial service. The Committee proposed to attain the desired end by adopting another suggestion made by the Government of India, that their sanction should be required to all new provincial appointments on a salary of Rs. 1,000 or over; these are the only appointments that are likely to affect seriously the interests of the All-India services. The Government of India are in charge of "All-India services," and they have the right to intervene to protect the interests of this All-India subject; the submission of such new appointments for their sanction will afford them an opportunity of exercising this right when they consider that the interests of an All-India service are endangered.

20. *Para. 123.*—The Government of India agree that the posting of Indian Medical Service officers should require the Governor's concurrence, but apparently they do not see any necessity for special provision for these officers, because they expect the Governor to interest himself personally in the posting of all officers of the All-India services. The distinction drawn by the Committee does not appear to have been appreciated. By requiring the Governor's "personal concurrence" the Committee intended that the Governor should take the responsibility of the posting, and satisfy himself that it was right; in the case of other services it would be the duty of the Governor to intervene if a posting was obviously unsuitable or involved an injustice, but otherwise he would normally act on the advice of the Minister. In the case of the Indian Medical Service a posting may involve a continuing loss of emoluments as long as an officer is posted to a particular station, and it may be impossible to remedy the injury done to an officer's prospect by any subsequent alteration of the orders. This is not ordinarily the case with other services, and sufficient protection is proposed to be given to them (a) by imposing on the Governor responsibility for the protection of all members of the public services in the legitimate exercise of their functions, and in the enjoyment of all recognised rights and privileges, and (b) by the individual officer's right of memorialising, and the provision that orders on such memorials require the Governor's personal concurrence, and further provisions as to joint deliberation and right of appeal.

21. *Para. 124.*—The Government of India object to the provision for joint deliberations by both halves of the Government before any order adversely affecting emoluments or pensions, conveying formal censure, or disposing of a memorial is passed to the disadvantage of any officer of an All-India service, whether serving

in a transferred or reserved department. The grounds they put forward are (1) that this provision obscures the respective responsibility of each half of the Government; (2) that in the case of transferred subjects the plan proposed comes near to formal intervention by the Governor in Council; (3) that in the case of reserved subjects there can be no reason for bringing in the Ministers, except as a purely reciprocal arrangement. The first two objections appear to overlook the fact that in joint deliberation there is no voting, and the order issued is the order of the Governor and Minister, or the Governor in Council as the case may be; there is no obscuring of the responsibility, and no intervention by the Governor in Council in a transferred subject. The only effect of the provision is to deprive the Governor of his discretion as to whether he shall summon both sides of his Government for joint deliberation in a particular matter or not. The object which the Committee had in view was to ensure that in all cases the officer concerned shall have the certainty that the facts come before those members of the Government who have been through the mill themselves, and know the difficulties of administration, and are probably better judges of the circumstances; they will place their view of the circumstances on record, and it will be available for the appellate authorities. The Committee have reason to believe that this is a point to which the services attach very great importance. Without this precaution, it would be possible for an officer to be condemned by a Governor new to the country, and a Minister who had no experience of administration; it is true that there would be an appeal, but it would go to men possibly ignorant of the circumstances of the Province, and would, in any case, be weighted by the unanimous adverse verdict of the provincial authorities.

The third objection taken by the Government of India is to the Ministers being brought in when the case arises in a reserved department. But apart from the question of reciprocity, to which some members of the Committee attached considerable importance, there will be cases in which, though an officer's conduct in a reserved department is in question, his conduct in respect of a transferred department may be relevant in explanation or mitigation. There is, further, the important question of unity of policy; it is essential that officers, whether serving in transferred or reserved departments, should be dealt with on uniform principles, and it will be more difficult to obtain this if the Ministers are rigorously excluded from the knowledge of how these questions are dealt with on the reserved side of Government.

The proposal of the Government of India regarding officers serving under both a reserved and a transferred department is that the control for posting, discipline, etc., should vest in one side of the Government only, and that the other side of the Government, if dissatisfied with work done for its department, should represent matters to the Governor, and that for the purpose of deciding which half of the Government should have control, the criterion should be the head under which the officer's salary is provided. The Committee found that for budget purposes an officer's salary is often divided; e.g., the Collector's salary is debited partly to Law and Justice and partly to Land Revenue administration, and the criterion provided might, therefore, prove inapplicable. In any case, it seems necessary to recognise that where both a reserved and a transferred department are availing themselves of the services of the same officer, questions relating to that officer may affect the interests of both departments, and may therefore have to be dealt with in accordance with the procedure provided for mixed cases.

As regards recruitment for the transferred provincial services, the Committee only recommended that alterations in the rules affecting transferred services should be dealt with as mixed cases. The Government of India practically admit that this is necessary, and they only differ from the Committee as to the proper method of dealing with mixed cases, a question which is discussed in paragraph 17 of this memorandum.

#### FINANCE.

22. *Para. 125.*—The Committee wished to give the Governor a discretion as to whether the Finance Department's report should be laid before the Legislature or not, because, while it would clearly be undesirable that the Finance Department should feel itself hampered in its freedom to criticise proposals coming from a transferred department, a very difficult situation might be created in the Legislative Council as between the two sections of the Government, in cases where such criticisms had been disregarded, if the Council had the right to insist on production of the Finance Department's report so as to render its criticisms available for purposes of debate.

The last point, to which the Government of India state that they do not attach much importance, is as to the power of the Governor to override the Finance Department, under section 50 of the Act, if the Department refuses to concur in a transfer of funds, or in unbudgeted expenditure being incurred. The point that the Committee wished to secure was that the Finance Department could not hold up expenditure in a transferred department in opposition to the views of the Governor when the Legislature did not happen to be sitting. The Government of India do not, apparently, contemplate that the Finance Department should have such power, but wish to ensure that where the transfer has been made, or the expenditure incurred, without the concurrence of the Finance Department, the subsequent approval of the Legislature shall be necessary.

#### PART II.

##### LIST OF SUBJECTS.

23.—The Government of India accept the main lines of division as laid down in the lists of All-India and Provincial subjects proposed by the Committee, but put forward a number of detailed criticisms and suggestions for additions and alterations. Had time allowed, the Committee would probably have adopted the course of submitting draft lists for Government criticism; and the Committee anticipated, as appears from paragraph 13 of the Report, that their lists would require some amendment in the light of such criticism when received (*vide para. 13 of Report*). We do not, therefore, wish to appear to claim rigid adherence in detail to the classification as proposed by the Committee, but it is, nevertheless, necessary to examine closely the changes suggested by the Government of India, both with respect to the specific points raised, and for the purpose of seeing how far they are consistent with the Committee's general scheme of division.

Some of the amendments proposed to the lists are drafting amendments only. It is proposed to confine this memorandum in the main to questions of substance, and only to refer briefly to drafting amendments. As to these drafting amendments, one general observation suggests itself—there is a tendency to propose amendments which would have the effect of substituting catalogues of a number of separate items for the general headings contained in the Committee's lists. As a matter of form it seems preferable to use general

headings in the lists themselves, and to leave the catalogues of items to be supplied by way of commentary and interpretation. There is always a danger that, where a definition by catalogue is attempted, it will not be complete, and that room may therefore be left for the inference that items not specifically mentioned were intentionally omitted. As conceived by the Committee, the object of the lists is to make a division on general lines with reference primarily to subjects dealt with rather than to specific acts of administration.

In dealing with the lists we propose to take the items as they appear in Mr. Dawson's summary, which shows the lists as proposed by the Committee with the various additions and alterations recommended by the Government of India introduced in their appropriate places.

*All-India Subjects.*

24. (*Items 1 and 1A of List*) *Para. 28 of Despatch.*—The amendments proposed are drafting amendments. It may be better to introduce the general heading "Defence," and to make the first item read—"Defence of India and all matters connected with His Majesty's Naval, Military, and Air Forces in India, etc." It is not clear what forces are intended to be covered by the term "Armed Forces" which would not fall under the other terms of the definition. The reason for specifically including "Naval and Military Works" in the list was in order to negate the possibility of their inclusion in "Public Works" (Item 5 of Provincial List). 1A is open to objection as an attempted catalogue obviously incomplete, as is shown by use of the term "Etcetera."

(3A) *Para. 41.*—"Political Charges" appears to be an item which deserves separate mention, but, unless usage has attached some special meaning to this term, it is open to objection on the ground of obscurity.

(4A) *Para. 43.*—There can be no objection to the special mention of the Andaman and Nicobar Islands.

(5A) *Excluded Areas.—Paras. 29 and 84.*—On this matter the further proposals of the Government of India must be awaited.

(6 (a)) *Para. 30.*—The Government of India agree that light and feeder railways within the Province should be made a Provincial subject in some form, though railways in general are essentially an All-India subject. The Committee proposed to give the Provinces the "larger voice," admittedly desirable, through their legislatures, while safeguarding the ultimate decision of the Government of India, and the position of the Railway Board as guardian of the general railway policy and the interests of existing railway systems. The Government of India object to the proposed adoption of procedure similar to the private Bill procedure in the British Parliament on the ground that legislation is ordinarily unnecessary, and that such procedure would be dilatory and expensive. Their solution is to provincialise the heading "Light and Feeder Railways," but to reserve it, and make it subject to such general principles as the Governor-General in Council may prescribe. Until these general principles have been formulated, it is impossible to say how far the proposal is an advance upon the present actual practice, which, besides being even more open to the charge of dilatoriness than the Committee's plan, is objected to, in Madras, for instance, very strongly, on the ground that provincial interests and private enterprise are stifled by the dead weight of the existing railway interests represented by the Board. The Government of India do contemplate some provincial legislation on the subject, and would adopt the Committee's proposal that such legislation should be subject to the safeguards of standing orders of the Council, so as to give an opportunity to the Railway Board to inform the Local Government of its views, but the difference between this and the Committee's proposal appears to be that the Government of India contemplate that the Provincial legislature should have no real freedom of initiative, and that its functions should be confined to accepting or rejecting proposals already approved by the Government of India, and that the Railway Board should deal with the local Government, and should not place their case before the Provincial legislature. As regards the first point, the Government of India's proposal seems to conflict, even more than the proposal they criticise, with their unwillingness "to give an unreal appearance of discretion to the Provincial Councils," while as regards the second point, there does not appear to be any reason why the Railway Board should not be prepared to place their case before the Legislative Council for their information and guidance. The Committee fully realised that the final decision must rest with the Government of India (who by the device of compulsory reservation would have an opportunity of securing amendment to the scheme), and assumed that, if there were good reasons for doing so, the veto would be used without hesitation. But they contemplated that these reasons would be published, and publicity was the main object they aimed at. The remark in para. 5 of the Railway Board's note that "the scheme proposed by the Functions Committee would necessitate the same amount of enquiry and would not in any way secure additional regard to local demands" cannot be accepted as expressing a correct view. The advantage of an enquiry by a Select Committee of the Legislative Council is that it gives an opportunity for all interests concerned to be fully heard, and enables the merits of any scheme to be thoroughly investigated in the light of local conditions; it is obvious that this is a procedure which ensures more attention to "local demands" than an enquiry conducted by correspondence. The essential point of the Committee's proposal is this provision for a full local enquiry; the Government of India have not suggested any alternative plan by which such an enquiry could be secured. It is to be noted that, in the form of their proposed entry in the provincial list, the Government of India go further in the direction of provincialisation than the Committee by making all light and feeder railways and tramways a provincial subject; this method of dealing with the point involves the difficult question of definition of what is meant by "light and feeder railways." Are there not railways which might fairly be taken to fall under this description, but which it is, nevertheless, desirable to deal with as part of the general railway system through the Railway Board instead of through provincial authorities?

(6 (b) and 6 (c)) *Paras. 31 and 32.*—There can be no objection to making these more comprehensive.

(6 (d)) *Para. 33.*—See para. 15 of Memorandum.

(8) *Para. 34.*—Drafting amendment only.

(10) *Para. 33.*—See para. 15 of Memorandum.

(11) *Para. 35.*—Drafting amendment only.

(12) *Para. 35.*—The substitution of the term "taxes on income" for "income tax" may raise difficulties owing to the fact that certain municipal taxes take the form of a tax on income; it may be better to mention specifically the Excess Profits Tax or any other tax similar to income tax which is a source of Indian revenue.

(19A and 20) *Para. 36.*—The Government of India, in this paragraph, have taken too narrow a view of the Committee's intentions. The Committee intended this entry with regard to the "control of production, supply and distribution of articles in respect of which control by a central authority is declared essential in the public interest," to cover the control of food supply and fodder in times of scarcity, and also, in the industrial field, to enable the Government of India to control certain materials essential to manufacturing industry, e.g., manganese, wolfram, monazite sand, so that the limited supply available might be distributed to the best advantage. The introduction of a separate heading with reference to food supply, &c., in times of scarcity is a question of drafting. With reference to 20, see also para. 15 of Memorandum.

(20A.) *Para. 45.*—The Government of India propose that Stores, Stationery, and Government Printing should be added to the All-India list after item 20. The Committee considered the question of stores, but came to the conclusion that stores could not properly be made either an All-India or a Provincial subject. It is not a subject in itself, but a matter that is incidental to the administration of every department. To make "Stores and Stationery" an All India subject would be an extreme step in the direction of centralisation, because it would mean that a provincial Government would have no authority of its own to obtain even a lead pencil or a sheet of note-paper, and whatever liberty it possessed with regard to the obtaining of stores for meeting its own requirements would have to depend upon the delegation of power to it as the agent of the Government of India. This would obviously be an absurd position, and no doubt is not the position which the Government of India contemplate.

The question of the Government purchase of stores is dealt with in the Report of the Industrial Commission. In the Statement which Sir Thomas Holland, who was President of that Commission and of the Indian Munitions Board, supplied to the Committee, the following paragraphs occur :—

"A possible source of dispute may arise in the purchase of stores, for local officials will naturally wish to suit their own tastes, and, because of the small size of their purchases, will not realise the degree of economy that may be effected by amalgamating all provincial requirements. By the central purchasing of textiles alone in 1918 the Munitions Board obtained prices which, compared with the average market rates for the year, showed a saving of over Rs. 5 crores. But the delays and want of elasticity due to central purchasing create certain disadvantages, and it would be wise to centralise purchases only in certain standardised lines, or in materials for which the Local Governments cannot provide efficient inspection. In the purchase of stores we want voluntary co operation rather than control, and this will come without effort, for the provincial directors of industries will not face the responsibility of buying articles with which they are not familiar."

"The existing stores rules how permit and even enjoin the purchase in India of anything made or even put together here from imported materials. In actual practice officers almost invariably resort to indenting on the India Office, because the individual officer knows the resources of Indian factories and workshops, and has no means for inspecting his purchases. The Government of India have no stores department to intercept these indents, and the result is a maintenance of the old system of buying at home to the disadvantage of local industries. We want a stores department that is something better than a mere post office; there is no necessity to insist on local governments sending their indents to this department; they will always do so, if only to evade responsibility for price and quality."

Though the Committee did not formulate their views on this question, we think we may state that their intention was to leave it open to the Government of India to establish a central stores agency to be made use of by the provinces in so far as they desired. If such an agency was successfully conducted, it would establish the advantages of central buying, and no province could afford to ignore the opportunities offered. It was understood from Sir Thomas Holland's statement that the establishment of a central agency on a voluntary basis would be in accordance with his views. In special cases, it would, of course, be open to the Government of India to control, under the powers referred to in Item 20, special classes of stores required for Government purposes, and to insist upon Local Governments obtaining their requirements through the central agency.

With regard to Government printing, it seems unnecessary to mention this as a separate subject in the All-India list, as it is a matter incidental to the work of the different departments of Government, in the same way as the purchase of stores. "Government Press" was entered as an item in the Provincial list owing to the necessity of considering whether the control of Government Presses should be "reserved" or "transferred," but it should be understood that this entry was only intended to cover provincial Government presses, and, in order to make this clear, it may be as well to insert "provincial" in the description of the item.

(22A.) *Paras. 66, 116-118, Industries.*—The Government of India say that they cannot accept the position which they think is created by the entry of the subject "Development of Industries" in the provincial list alone. In paras. 117 and 118 the Government of India indicate the powers which they think it essential that the Government of India should exercise in relation to the development of industries. Firstly, they claim a responsibility for the industrial progress of the country, which they propose to discharge by furnishing advice and help to Local Governments, by co-ordinating their efforts and by working concurrently with them, rather than by direct control. Secondly, they propose to give assistance to large enterprises by loans, guarantees or undertakings to purchase products. Thirdly, they wish to be able to undertake experiments, often on a commercial scale, to close up dangerous gaps in the economic armour and to forge essential links in the industrial chain. Lastly, they intend to maintain a central agency equipped with a full scientific and industrial staff to help and advise Local Governments to co-ordinate their efforts and to pool their experience.

The intention of the Committee was to entrust the provinces with sufficient power to secure development of their own industries, while giving the Government of India full scope in matters which could not be dealt with by individual provinces, and in their proposals they were largely guided by the report of the Indian Industrial Commission and a note forwarded to them by Sir Thomas Holland, whose views are expressed in his formula. "For executive functions decentralise to the fullest extent; prompt action on the spot guided by an intimate knowledge of local conditions must ordinarily be better than deferred action no matter how perfect be the advice on which it is based. For advisory functions centralisation in a country like this, which is practically devoid of technologists, is more than usually important." Munition factories are, of course, an All-India subject under heading 1, but the Committee did not intend to shut out the Government of India from such other activities concerning the development of industries as are mentioned in the Despatch.

Under heading 30 of the Government of India list the Committee provided for industrial research, and they considered that this heading was wide enough to cover experiments on a commercial scale and the maintenance of scientific industrial services, and, under heading 20, they provided for the power of the Government of India to take control not only of the supply and distribution, but also of the production of articles in respect of which control by a central authority is declared essential in the public interest, and this would cover pioneer factories for any articles which are the subject of such declaration. The question of finance in this connection was not dealt with by the Committee, but there is nothing in their proposals to prevent the Government of India giving financial assistance to large enterprises, if they have the money to do so, though the "undertakings to purchase products" might be limited by the freedom which the Committee propose the Local Governments should have in the matter of purchasing stores. The Committee agreed with the Government of India that advice and help should take the place of direct control; but it was proposed that the Government of India should rely on the excellence of their staff to ensure that the Local Governments would welcome their advice and help, rather than on definite powers of supervision. To quote Sir Thomas Holland again:—"So long as the Government of India attracts efficient and distinguished officers, administrative interference with the Provinces will not be necessary, and complaints about central control will never arise. So long as the Government of India maintains a staff of technical specialists, Local Governments will always come to them for advice, for the Local Governments will always be nervous about embarking on costly enterprises merely on the advice of their own officers; they have too many other outlets for their limited funds. The risk of their acting against, or without, advice is negligible, and this risk is small beside the evil effect of irritating control."

If it is considered that these intentions of the Committee are not carried out, head 20 or head 30 could be expanded. But the objection to the course proposed by the Government of India is that the addition of the heading "Development of Industries" to the All-India list, even coupled with the proposed safeguard as to the powers of the Local Governments to take up "the development of any industry," would enable the Government of India to exercise wide powers of interference, and might be held to justify them, in the interests of this All-India subject, in claiming to direct the policy, or even the programme, of industrial development in a Province.

(26A) *Para. 47.*—The Government of India propose to include "pilgrimages beyond India" as a separate All-India subject. This is a matter which would appear to fall partly under the head of External Relations (Item 2), partly under Emigration and Immigration (Item 26), and partly under Shipping (Item 7). It seems doubtful whether a separate heading is necessary.

(27A) *Para. 42.*—Special mention of "State Prisoners" appears necessary in order to prevent these prisoners from falling under the general heading of "Prisons" in the Provincial list. Perhaps the matter can most conveniently be dealt with by way of an express exception from the Provincial list.

(28) *Para. 37.*—The Government of India propose that "Railway Police" should be an All-India subject only so far as jurisdiction and cost are concerned; but it does not seem possible to make Railway Police a provincial subject, and leave it to the Government of India to decide questions of jurisdiction and cost, which would apparently also include questions as to the strength of the force to be maintained by each Province. If these matters are left for the Government of India, the real control of Railway Police must be in their hands. The Committee contemplated that the Provinces would continue to act as agents of the Government of India with regard to the local control of Railway Police, and the retention of Railway Police as a central subject, coupled with a wide delegation of powers to the Provinces as agents in dealing with this matter, would appear to be the right method of treatment.

(30) *Para. 38.*—The Committee intended to include Medical Research.

(30A and 30B) *Paras. 48 and 49.*—Records and buildings are matters incidental to administration, and it seems doubtful whether it is necessary to enter them as separate headings.

(36) *Paras. 22 and 40.*—The note in the "Remarks" column against the item "Census and Statistics" was inserted in order to make it clear that the Government of India should have full power to obtain returns and information in such form as they might require, and that they were not to be limited in this matter by their requirements in connection with the census and statistics. Perhaps it may be convenient to make the necessary rule under clause 1 (2) (1) of the Bill as a condition of the devolution of authority to Local Governments in respect of provincial subjects.

(37A) *Para. 52 (see also para. 57).*—The Government of India wish to add as a separate item to the All-India List "Government Servants' Conduct Rules." In connection with this proposal, Item 43 of the provincial list should be referred to:—

"Control, subject to Indian legislation, of members of All-India Services serving within the province and of other public services within the province."

One of the objects of the Committee in providing that this subject should be made "subject to Indian legislation" was to enable conduct rules to be made applicable to all public services. It should be noted that, as stated in the Rules of Interpretation at the head of the lists of All-India and Provincial subjects, "the use of the phrase 'subject to Indian legislation' is not intended to exclude the alternative of a matter being dealt with by Imperial Legislation, *i.e.*, by an Act of Parliament of the United Kingdom or "by rules made under such an Act." Clause 24 (2) of the Bill enables conduct rules to be made applicable to all members of the public services.

(37B) *Para. 51.*—It seems undesirable to make the regulation of higher language examinations a separate heading. Whatever terms are necessary to cover the work conducted by the Government of India in respect of this matter could perhaps be included in heading 30.

(38A) *Para. 44.*—Section 60 of the Government of India Act confers on the Governor-General in Council power to alter the boundaries of provinces. It is obvious that this is not a power which could be exercised by any Provincial Government. It is doubtful whether it requires separate mention in the list, but it may be necessary to deal specially with the question of determining the laws which are to apply in respect to territory affected by alterations of provincial boundaries, in order to prevent the point being raised that the Indian legislature would be invading the provincial field of legislation by legislating on this subject.

(38B) *Regulation of Ceremonials, &c. Para. 50.*—This seems to be a proper item for inclusion in the All-India List.

*Provincial Subjects.*

25. (1) *Paras. 55 and 109.*—Local Self Government. See para. 8 of Memorandum.

(2) *Para. 56.*—The Government of India propose to separate provision for medical education from medical administration, and to include medical education under item 42. This change is proposed in order to enable medical education to be made a reserved subject, while medical administration is transferred. The point raised can more suitably be dealt with in connection with the list of provincial subjects for transfer.

(3) *Para. 17.*—See para. 12 of Memorandum.

(3A) *Para. 57.*—The Government of India propose to make "Pilgrimages within India" a separate provincial subject. It seems likely that confusion may result from making this a separate heading. Administrative questions affecting pilgrimages within India, in so far as they do not form part of the subject of "Inter-provincial migration" (All-India subject, 26), would appear to fall partly under Railways (an All-India subject) and partly under Sanitation (a provincial subject).

(4) *Para. 58.*—The Government of India suggest certain amendments in the description of education as a provincial subject. They propose that in addition to excluding the Benares Hindu University "such other new Universities as may be declared to be All-India by the Governor-General in Council" shall also be excluded from the provincial list. There seems to be no objection to leaving the door open in this way to the foundation of other All-India Universities. They further propose to exclude, in addition to Chief's Colleges, "institutions maintained by the Government of India." It was felt by the Committee that a general phrase of this kind was open to objection, as it would enable the Government of India to establish educational institutions of any kind wherever they thought fit. The Government of India further propose that, if effect is given to the Committee's recommendation as to the transfer of University and Secondary Education, the special provision affecting Bengal, by which legislation with regard to the Calcutta University and the control and organisation of secondary education are made subject to Indian legislation for a period of five years from the date when the Reforms Scheme comes into operation, should be extended to cover the period till the recommendations of the first statutory commission take effect. The Committee thought it desirable to fix a limited period for this exceptional arrangement with regard to Bengal, as they feared that otherwise the necessary legislation might be unduly delayed.

(5d) *Para. 59.*—See comments on proposals with regard to item 6 in All-India list.

(6) *Para. 60. Irrigation, Drainage, and Water Storage.*—The Committee thought it necessary to provide for Indian legislation on inter-provincial questions connected with these matters. The Government of India prefer to rely solely on administrative control, which may prove sufficient as long as the subject remains a reserved subject, but the way should be left open to the Indian legislature to make laws regulating on a uniform basis all water questions in which the interests of more than one province or territory are concerned. The form of the Committee's definition is perhaps open to objection on the ground that it appears to restrict the exercise of the Government of India's powers of control to matters in respect of which such control is expressly provided by Indian legislation. This objection may be met by omitting from the definition special reference to the control of the Governor-General in Council, and substituting "subject to Indian legislation with regard to matters of inter-provincial concern, or affecting the relations of a province with any other territory." The alternative definition proposed by the Government of India is open to objection not only on the ground that it omits all reference to Indian legislation, but also on the ground that it attempts to define in terms the nature of the control to be exercised by the Governor-General in Council independently of such legislation. As irrigation and cognate matters are to remain a reserved subject, no definition of such control is at present required, and to introduce a reference to "financial sanction" in this definition alone would be specially objectionable, as implying absence of any requirement as to financial sanction in respect of all other reserved subjects in relation to which such sanction is not specially mentioned.

(7) *Paras. 20 and 61.*—The proposal in these paragraphs that the general principles with regard to the administration of Land Revenue should be laid down by the Government of India, and that the Governor should be required to take such principles into account in dealing with proposals for legislation on the subject of Land Revenue, is consistent with the Committee's general conception as to the treatment of reserved subjects, and the control to be exercised over reserved subjects by the Government of India.

(7A) *Para. 61.*—The Government of India propose the addition of a new item—"Management of State Properties." It is not clear what kind of State properties are in view, but, presumably, the item is intended to refer to agricultural estates which are Government property. The term requires some definition: "State properties" might be taken as covering forests and land used for departmental purposes by transferred departments such as the Agricultural Department.

(9) and (10) *Para. 62.*—See para. 12 of Memorandum.

(12) *Para. 109.*—The Government of India consider that it is unnecessary to make the subject of Co-operative Societies subject to Indian legislation. (See para. 8 of Memorandum.) As it is proposed to protect the Indian Companies Act by including it in the schedule under 79 (3) (a), it is perhaps unnecessary to retain this provision with regard to Co-operative Societies.

(14) *Para. 63.*—The Committee's proposal was that "Land Acquisition" should be a provincial subject, "subject to Indian legislation" as regards the acquisition of land for public purposes. The Committee considered that, in the case of land required for industrial purposes, it should be open to the parties concerned to promote Bills in the provincial legislatures. The Government of India disapprove of the proposal as to procedure by private Bills, and appear to hold the view that the whole subject of land acquisition should be "subject to Indian legislation." They state, however, that, in the amendments they propose to introduce in the present law, they contemplate providing for bringing applications made on behalf of industrial enterprises "under the cognizance of the legislature." It is not clear what is the exact procedure which they contemplate, and it is difficult to judge of their proposals until fuller particulars are available. It appears that they wish to secure the same object as that which the Committee had in view, but we feel some doubt whether their plan will provide adequate facilities for the acquisition of land for industrial purposes, and will be sufficiently elastic to fit the conditions of the different provinces.

(16) *Para. 64. Administration of Justice.*—The intention of the Committee was to reserve the constitution and powers of High Courts, which are at present regulated by the Government of India Act and by Letters Patent, as an All-India subject, while leaving the provinces freedom to legislate with regard to other courts, subject to previous sanction as regards courts of criminal jurisdiction. The Government of India propose to put Chief Courts and Courts of Judicial Commissioner on the same footing as the High Courts in this respect (a course to which we see no serious objection), and also to make "organisation" as well as the constitution and powers of all these Courts an All-India subject. Organisation of the High Courts, as distinguished from their constitution, would appear to be a matter which should be dealt with by the province which is responsible for their maintenance, but it is probably best to avoid using these terms for the purpose of making a distinction between All-India and provincial powers. The simplest plan would be to make all matters affecting these Courts subject to Indian legislation, and it is suggested that the entry might take the following form:—

"Administration of justice, including the constitution, powers, maintenance and organisation of Courts of civil and criminal jurisdiction within the province, subject to Indian legislation as regards High Courts, Chief Courts, and Courts of Judicial Commissioner, and any Courts of criminal jurisdiction."

There is no intention to affect the provisions of the Government of India Act with regard to High Courts, including those provisions which bring the High Court of Calcutta into special relation with the Government of India; the rules of classification, of which this list will form part, will necessarily be subject to the provisions of that Act, and there does not seem, therefore, to be any need for a special reference to the Act in this entry. To prevent misconception, the point can be covered by a general statement in the rules.

(19) *Para. 65.*—As Judicial Stamps are to be a source of provincial revenue, it seems, *prima facie*, that the provincial legislatures should have freedom to legislate on this subject; the Committee, therefore, proposed that such powers should be conferred, and that the restriction "subject to Indian legislation" should only apply to Court fees levied in relation to procedure in the High Courts under their original jurisdiction, which the Courts themselves have power to regulate.

(24) *Para. 66.*—See paras. 24 and 26 (items 22A, All-India List, and 15, Transferred List).

(26) *Para. 67.*—"Adulteration of foodstuffs and other articles subject to Indian legislation as regards export trade." The latter portion of this entry is objected to on the ground that it is unnecessary to give provincial Governments any power of regulating either export from or import into India of adulterated articles, the customs legislation of the central Government being sufficient on this subject. It is apparent from this comment that the effect of the words objected to has been misconceived. The intention was to restrict the powers of the provinces, so that in dealing with adulteration of foodstuffs and other articles they should not be able to affect export trade unless their measures had been submitted for previous sanction. It may be that a reference to the import trade should have been included so as to make it clear that that was put on the same footing. The object of the entry was to enable the provinces to control adulteration in so far as it was an internal matter affecting the province, while subjecting their measures to supervision in so far as they affected external trade.

(28 and 29) *Para. 33.*—See para. 15 of Memorandum.

(30) *Para. 37.*—See comment on 28, All-India List.

(31D) *Para. 71.*—The Government of India propose that the import of poisons should be subject to Indian legislation. There can be no objection to making provision to this effect, though, apart from specific provision, the matter might be regarded as within the scope of Customs legislation.

(31f) The Government of India wish to make certification of films subject to Indian legislation. The existing powers of the Governor-General in Council under the Cinematograph Act will not be subject to alteration by provincial legislatures without previous sanction, but, as the provisions relating to certification of films may require to be supplemented or amended, it seems advisable to adopt the Government of India's suggestion in substance. As "certification" is an indefinite word, it may be better to substitute some phrase which conveys what is the effect of certification—*e.g.*, "subject to Indian legislation in regard to sanction of films for exhibition."

(32) *Para. 72.*—As it is proposed to give general control over printing presses, there can be no objection to the insertion of the word "books."

(36) *Para. 73.*—The addition of "prisoners" to the heading is a drafting amendment.

(37) *Para. 74.*—The Government of India suggest adding "and cattle trespass" to the subject of "pounds." Pounds provide a means of enforcing the law as to cattle trespass; the addition of "cattle trespass" to this heading will make this item of criminal law a matter for provincial instead of Indian legislation. This may be a desirable arrangement, but the Committee were not satisfied as to the expediency of separating this subject from matters falling under the general criminal law. In any case the administration of the law with regard to cattle trespass will be a provincial matter (items 16 and 30, Provincial List).

(39) *Para. 75.*—There can be no objection to including the Imperial War Museum among the exceptions.

(39A) *Para. 81.*—The Government of India contemplate that some European cemeteries will come under the ecclesiastical administration, and, therefore, will form part of an All-India subject (31 of All-India List); this being so, it will be necessary to distinguish which are the cemeteries to be dealt with by the provincial government. It is possible that the matter might be left to be dealt with under item 47, or the subject may be so defined as to admit of cemeteries which are to be treated as "historical monuments" being scheduled in each province.

With regard to historical monuments and memorials, apart from special mention, these would, presumably, be included among "provincial buildings," and would be maintained and cared for by the Public Works Department of the Province, subject to the advice of the Archæological Department of the Government of India. The Government of India have in view a special class of historical monuments which may be described generally as "European"; if these are to be dealt with separately, some such distinguishing term must be used.



(39B) *Para. 81.*—It is a question whether it is necessary to mention separately "Provincial Records," as these are matters incidental to administration. It may be suggested that the care of Provincial libraries of a general character should be regarded as part of the work of the Education Department, while libraries devoted to special subjects would be the care of the Departments concerned. It seems, therefore, open to doubt whether a separate heading is necessary.

(41) *Para. 76.*—In this comment there is again a misunderstanding as to the effect of the term "subject to Indian legislation." (See head note I., Lists of All-India and Provincial Subjects.)

(43) *Para. 77.*—The same comment applies to the remarks on the effect of the words "subject to Indian legislation." (See note on suggested item 37A, All-India List.) The effect of the Government of India's alternative draft for this heading would be that the Local Governments would have no control over members of the All-India services serving within the province, except in so far as such control may be delegated to them as agents of the Government of India.

The intention of the entry as proposed by the Committee is that the authority of the Local Governments over members of All-India services serving within their province should be definitely recognised, but should be exercised subject to laws made by the Indian legislature and to rules made under any Imperial Act.

(44) *Para. 78.*—This appears to be a drafting amendment only.

(45) *Para. 79.*—The same comment as that made above on item 41 applies.

(46) *Para. 80.*—The objection of the Government of India to this item is apparently an objection as to form rather than substance. As criminal law is made an All-India subject (27 of All-India List), it seems necessary that, in the provincial list, some item should be inserted so as to make it clear that it is open to the provincial legislatures to attach penalties to breaches of the laws passed by them on provincial subjects. Compare the similar entry in section 92 (15) of the British North America Act.

#### TRANSFERRED SUBJECTS.

26. Some of the points raised in connection with the Transferred List have already been dealt with; the questions that remain for consideration are those that relate to the separation of medical education from Medical Administration, with a view to the former being treated as a reserved subject; to the general subject of Education; and the subjects of Public Works and Development of Industries.

(2) *Paras. 92 and 107.*—The Government of India propose to separate "Provision for Medical Education," including both medical schools and colleges, from the subject of "Medical Administration," which includes hospitals, dispensaries and asylums, and to combine provision for Medical Education with Provincial Subject 42—"Regulation of medical and other professional qualifications and standards subject to Indian legislation," making the whole a reserved subject. The proposals of the Committee with regard to medical administration and education were made after hearing a great deal of evidence bearing on these questions, and were the result of very careful consideration. It appeared to the Committee to be impossible to separate medical education from medical administration. The first and most essential task of the Department charged with medical administration is to secure an adequate supply of doctors trained in western medicine for the purpose of carrying on the different institutions controlled by the provincial government. The efficiency of those institutions depends entirely on the adequacy of the staff to which the medical and surgical work is entrusted, and the most important medical institutions in a province are, therefore, the medical colleges and schools, which have the duty of training that staff, and those hospitals with which they are linked. Some of the smaller provinces have no medical colleges of their own, but all the provinces have medical schools in which the training necessary for the purpose of enabling students to qualify as assistant or sub-assistant surgeons is given. In some provinces there is a strong demand for much more generous provision of Government hospitals and dispensaries, but this demand cannot be met without a great corresponding increase of accommodation in medical colleges and schools.

It was represented to the Committee that, owing to the competition of the indigenous systems of medicine and the popular preference in many parts of the country for practitioners who followed these systems, it would be dangerous to transfer the subject of medical education, and that such a course might lead to futile attempts to combine the indigenous systems with the western system, which would not only be fatal to the professional status of Indian students trained in institutions where such a combination was recognised, but would also tend to bring into disrepute other Indian medical institutions, and to cast a doubt on all Indian medical qualifications. In order to safeguard the position as to the qualifications for the practice of medicine and surgery, the Committee decided to separate the regulation of professional qualifications and standards from the control of medical education, and to treat the former subject, which is dealt with under the Medical Registration Acts of the different provinces, as a reserved subject. Under this arrangement any attempt to introduce the teaching of indigenous systems of medicine into Government medical colleges or schools will be checked by the action of the registration authority, which can refuse to recognise qualifications obtained in colleges where any such combination is permitted. The same authority will also be in a position to prevent any lowering of existing standards, which might result from such shortening of the courses of medical training as is sometimes advocated. Apart from the objections in principle to divorcing from the general work of medical administration the control of the institutions upon which the province depends for the training of its medical staff, there is the further objection that these institutions are themselves staffed by members of the Medical Services, and the separation would, therefore, involve dual control of these services in each province, and the removal from the scope of the transferred department of appointments to the most coveted positions. The recommendations of the Committee on the subject of the Public Services include special provisions for safeguarding the interests of members of the Indian Medical Service.

(4) *Paras. 93-108. Education.*—The question of the transfer of the general subject of education will be dealt with in a separate note.

(5) *Public Works. Para. 111.*—The Government of India oppose the proposal that all provincial buildings should be transferred and would limit the transferred head to "buildings connected with transferred department," on the ground that otherwise the provision of funds for reserved buildings would be regulated by the Minister, as provision for expenditure on buildings is made in the Public Works Department

budget, which in case of transfer would be controlled by him. Mr. Stephenson has had experience in the framing of budgets in Bengal, and in so far as that Province is concerned the statement in the Despatch requires qualification. In Bengal the Public Works Department estimates to the Finance Department the amount required in the coming year (a) for establishment, (b) for repairs, (c) to complete works already commenced, for which partial provision has been made in the current year. The Finance Department then decides on the total provision for the Public Works Department, and fixes the grant for establishment and repairs; the cost of completing works already commenced is then deducted, and the remainder of the provision is called "unallotted expenditure." The distribution of this unallotted sum is then discussed by the Secretaries and all Heads of Departments; the allotment suggested by them is placed before the Finance Committee of the Legislative Council, and final orders are passed by the Executive Council after considering the recommendations. The Member in charge of the Public Works Department has no special control over the allotment, which in the first instance is made by the Finance Department after consultation with the other Secretaries and Heads of Departments. Where the Public Works Department does obtain some measure of control is by re-appropriation during the year if there are savings on one work, or if a work progresses so slowly that the estimated amount cannot be spent during the financial year; the Department then re-appropriates to some other work to prevent the grant from lapsing, but the new work must be on the sanctioned list, and the Finance Department should be consulted, though this is not always done.

But, under the Reforms scheme, both in Bengal and other Provinces the arrangements will probably be considerably altered. It is suggested that in future each department will budget for its own buildings, in consultation with the Public Works Department, and after the Budget has been passed will transfer the allotment to the Public Works Department, which will not be able to re-appropriate from it without the sanction of the department concerned. The only money over which the Public Works Department will have any control of its own will be the provision for establishment and probably for repairs. The Member or Minister in charge of the Public Works Department will have no power to regulate the provision of funds for erecting the buildings of other departments: the departments will provide the money for their own work, though, of course, they will have to frame the programme in consultation with the Public Works Department, which can also judge of the amount of work it can undertake. The proposal of the Government of India that only buildings "connected with transferred departments" shall be transferred does not appear to be workable. They contemplate that the staff of the Public Works Department shall be transferred, but that part of their work shall not, so that, under their plan, if the Minister wished to be obstructive, he could always distribute his staff to the detriment of the reserved departments.

*Para. 112.*—The question of the transfer of "light and feeder railways and tramways other than tramways within municipal areas," must be considered in relation to the decision as to the definition of that subject as a provincial subject (*see note on item 6 (a) All-India List*). If the wider definition proposed by the Government of India were adopted, the question of transfer would be effected by considerations which do not arise with reference to the Committee's proposal.

(15) *Paras. 118-120.*—The Government of India dissent from the proposal that "Development of industries, including industrial research and technical education," should be a transferred subject on three main grounds; firstly, because the development of industries is not at present in the provinces an organised department with an established staff and lines of procedure, and it would be impossible for a Minister untrained in administrative work and inevitably devoid of industrial experience to do the initial work of constituting the department on sound lines; secondly, because it is impossible to obtain Indian industrialists practically qualified to fulfil the duties of Ministers of industries; thirdly, because they fear the influence of racial prejudice. In considering the first two grounds it is necessary to distinguish between the position of the Minister as a member of the Government responsible for the policy of the department and that of the Director or Controller of Industries as the head of the department charged with working out that policy in detail, and creating the necessary organisation for the purpose. If this distinction is fully recognised, the weight of the objection based on these two grounds is greatly diminished. In paras. 123-126 of their Report, the Indian Industrial Commission make proposals for the establishment of All India scientific services, and in paras. 333-334 they suggest an All-India industrial service. If these proposals are accepted, the advice of the technical experts maintained by the Government of India will be available to the Provinces, and the All-India industrial service can be indented on for the superior staff necessary to organise and run the department; it does not appear essential that the Minister should himself have had industrial experience. Doubtless it is easier to carry on an organised department, but it may be urged, on the other hand, that it is something of an advantage that if the responsibility for industrial development is to rest upon the representatives of the people, they should be untrammelled by traditions and procedure of which they may not approve, but of which they will find it difficult to get rid. If the Minister disregards the advice of the experts and the Governor does not consider it his duty to intervene, the responsibility for the evil consequences apprehended by the Government of India, if they occur, will rest on the Legislative Council, who have power to control the Minister, and to whom he is responsible for his acts and policy. As regards the third ground of objection, the Committee endeavoured to provide against possible racial discrimination in the field of industrial development by the proposal that the Instrument of Instructions should include a clause making the Governor personally responsible for preventing unfair discrimination in matters affecting commercial or industrial interests.

It would appear, however, from the Government of India's remark at the end of para. 118, "The importance of this postulate (*i.e.*, the practice of co-operation between the local and central governments) will be seen when we come to discuss the next question, namely, the Committee's proposal to transfer the development of industries to the control of Ministers," that the real objection to the transfer of industries is that it limits the influence of the Government of India over the subject. This question has been discussed with reference to the proposal of the Government of India to add a heading "Development of Industries" to the All-India subjects, and it has been shown that the powers which the Government of India desire have been secured to them, and none of these powers involve such interference with the provincial department as would be inadmissible if the provincial department were transferred. In para. 324 of the Industrial Commission's Report, the following list is given of the subjects with which it is proposed that the Government of India Department of Industries should deal:—

- (1) Geology and minerals.
- (2) Salt.

- (3) Indian Explosives Act and the Indian Petroleum Act.
- (4) Stationery and Printing.
- (5) Inventions and designs.
- (6) The collection and distribution of commercial and industrial intelligence.
- (7) Supply of Stores.
- (8) The Indian Factories Act.
- (9) The general encouragement of industries, including the grant of assistance or concessions to industrialists in cases of more than provincial importance.
- (10) Advice to local governments regarding the improvement of industries and the conduct of technical and industrial education.
- (11) The administration of the various Acts relating to steam boilers.
- (12) Electricity.
- (13) Ordnance factories.
- (14) Inspection of Ordnance manufactures.
- (15) General direction and application of chemical research and the control of the proposed chemical service.
- (16) Imperial factors for research and demonstration.

Most of these subjects are included under headings in the All-India List, and in so far as the proposed activities involve control over a provincial subject it will be found that such subject has been reserved, and that the legislative powers of the provinces have been restricted. The Committee were impressed by the strength of the desire that industrial development, on which the future of India so much depends, should be in the hands of the representatives of the people. Industries are admittedly a subject "in need of development" (Joint Report para. 238), for which large sums of money will be required, and the Committee considered that there would be more prospect of the necessary funds being available if industrial development, in so far as it could properly be dealt with as a provincial subject, were placed as far as possible under the control of the Legislative Councils.

27th June, 1919.

RICHARD FEETHAM.  
H. L. STEPHENSON.

*Addendum to Memorandum on Government of India Despatch dated 16th April, 1919, commenting on the Report of the Committee on Division of Functions*

#### EDUCATION.

##### *Paragraphs 93-108 of Despatch.*

1. The proposal of the Government of India is that primary education should be transferred, and that secondary, technical and university education should be reserved. They explain in para. 102 the sense in which they use the terms "primary" and "secondary":—

"We use the words (primary and secondary) for the sake of brevity, in a compendious sense; the former including middle vernacular, and the latter middle English or Anglo-vernacular. But the distinction we draw is not between vernacular and English. It is between types of schools and the purposes of their work. By primary schools we mean schools which cater for the masses of the people, and in which the great bulk of the pupils are not intended to go further than a middle test of some sort. In such schools the teaching is naturally in the local vernacular. There is a tendency, more pronounced in some parts of India than in others, to add instruction in English, but this does not alter the self-contained character of the schools or their purpose, which is to prepare the pupils for the ordinary avocations of their own class of life and not for higher education or professional pursuits. By secondary schools, on the other hand, we mean those which aim at an English education as the passport to the university or to skilled clerical or technical employment. Schools of this type may include primary sections, in order that their course may be continuous; but this does not detract from their character or well-recognised purpose."

2. The Government of India consider that there is already in existence a clear line of demarcation between secondary and primary education, as above defined, and that no "serious administrative complications" are inherent in the proposed division (para. 105).

The difficulty of supporting this position is apparent from the remarks which the Government of India make in the course of their discussion of the subject. The "clear line of demarcation" is stated to rest "on differences of finance and controlling agency" (para. 105); this refers to the existing arrangement whereby primary schools are in most provinces placed under the administrative control of local authorities, while the secondary schools are in direct relations with the provincial government and the university; but it is one thing to divide education for the purpose of entrusting a measure of administrative control to local authorities, and quite another to divide it for the purpose of allotting separate spheres to two Government authorities of equal standing. To-day the provincial government is itself the supreme authority, and is in a position to determine the character of the education to be given in primary schools, and to decide any question which arises as to the limits within which local authorities are to exercise their delegated powers. In order to appreciate the difficulties which are likely to arise when the educational field is divided between two Government education authorities, each supreme within its own sphere, it is only necessary to refer to the definition which the Government of India themselves give of what they mean by "primary schools"—"schools which cater for the masses of the people, and in which the great bulk of the pupils are not intended to go further than a middle test of some sort." This may be a workable definition for the purpose of a provincial government which is itself controlling the whole field of education, but is obviously too indefinite to mark the boundary between two separate fields controlled by different authorities.

3. Apart from this weakness in the theoretical basis of the proposed division, the following practical considerations have to be taken into account:—

(1) Most secondary schools include primary sections. It is contemplated that this arrangement shall continue; to the extent to which it does continue the Governor in Council, as the authority controlling secondary education, will be a permanent invader of the field allotted to the Governor and Minister controlling primary education.

(2) While a large proportion of the secondary school pupils under the present system receive their primary education in the primary section of secondary schools, there is, nevertheless, a steady stream of students from the primary to the secondary schools. Mr. Sharpe, Educational Commissioner with the Government of India, said: "The number of students who go from the private vernacular schools to the secondary schools is remarkable." He added: "A boy of the cultivating class who does not want English education will stick to the middle vernacular school, but if his father wants him to study English, the Local Governments have provided bridges as well as scholarships so that the boys may be able to get English education without any great difficulty. . . . Generally speaking, therefore, there are bridges at various stages to enable boys to pass from one stage to another." The proposed division involves the control of the two ends of these bridges by different authorities." Mr. Ritchie, Director of Public Instruction, Punjab, said: "I think the majority of boys in this province are taught in vernacular schools and proceed to Anglo vernacular schools afterwards, and therefore you must co ordinate." Mr. De La Fosse, Director of Public Instruction, United Provinces, laid emphasis on the contact between the technical schools and the vernacular schools which supply a large number of their pupils, and said that it would be necessary to adapt the course in the vernacular schools to meet the needs of the technical schools.

It is apparent from these quotations that it is impossible to regard the system of vernacular primary schools as a self-contained unit which can be separately dealt with in isolation from the rest of the educational system. It may be added that most of the secondary schools are in the towns, and failure to provide for the passing on of pupils from vernacular schools to secondary schools would be bound to have a serious effect on the opportunities of higher education available to the country boy.

(3) Under existing arrangements local authorities do not control the schools for the training of teachers. It is recognised, however, that any division of education which allotted primary education to Ministers without enabling Ministers also to control the training of teachers for primary schools, would be meaningless and absurd; but this involves—or should involve, unless the training of primary teachers is to be kept within very narrow limits—the establishment of higher educational institutions for their benefit, which would be controlled, not by the Governor in Council as the authority responsible for higher education, but by the Governor and Minister.

(4) A great deal turns on the question of the teaching of English. English is taught in the primary sections of secondary schools, but, generally speaking, is not taught in primary schools; there is, however, a strong movement in some provinces for the introduction of English in vernacular primary schools (see para. 284 of the Seventh Quinquennial Review of the Progress of Education), and this movement has received support from those who regard a knowledge of English as essential to the education of the voter. The introduction of English into vernacular schools will involve important changes in the primary system, especially as regards staff requirements, and will almost inevitably bring the primary schools into much closer contact with secondary schools, and obscure the line of demarcation.

4. Enough has been said to show that the difficulties of drawing any clear line of demarcation between primary and secondary education are very real. These difficulties will serve as some indication of the "administrative complications" involved in the proposed division. The Government of India contemplate, apparently, a separate directorate and a separate inspecting organisation for primary schools (see para. 105). Under the existing arrangement, the Director of Public Instruction is responsible for all the educational work of the provincial government, and the Inspectors and Deputy Inspectors deal both with English and vernacular schools; the Sub-Inspectors, on the other hand, deal only with vernacular schools, but they are drawn from the same cadre as teachers in secondary schools. A very considerable change, therefore, would be involved in the creation of a completely separate organisation for primary schools, and it is difficult to see how such a change could be made without involving both a substantial increase in expenditure and a serious loss of efficiency. The extra officials necessary for the purpose of separate administration of primary education can, of course, be provided if sufficient money is forthcoming, and "administrative complications" may thus, in a sense, be removed, but it can hardly be contended that education will benefit by the resulting isolation of primary schools.

5. The Government of India remark on the "discriminating treatment" of the subject of education, and say that this treatment "shows that the Committee realised the great risks involved in transferring higher education entirely to the control of Ministers at this critical stage in its history" (para. 93). The Committee listened to a great deal of evidence on the subject of education—it would probably be correct to say that the evidence on this single subject equalled in bulk the evidence on all the rest of the subjects put together. It was the one subject which almost every non-official witness selected as that to which he attached most importance. The vast majority of the non-official witnesses were strongly in favour of transfer of the whole subject of education; the principal dissentients were representatives of the more conservative section of the Muhammadan community. Generally speaking, the non-official witnesses who urged the transfer of education were not prepared to recognise the necessity for limiting the transfer by reserving powers to the Government of India or to the Indian Legislature, and wished University legislation to be entrusted entirely to the Provincial Councils. Official opinion on the subject of education was much divided. Objections to transfer, similar to those quoted by the Government of India, based on the grave risks involved were urged at length before the Committee. On the other hand, some educational experts of high standing expressed opinion in favour of transfer of the subject as a whole. The Committee did not recommend transfer without full appreciation of the risks involved, but they came to the conclusion that in this case the course which apparently involves less risk at the outset will not in fact prove the safest.

6. There are three points in the Committee's recommendation on which stress should be laid :—
- (1) In accordance with the advice of the Calcutta University Commission, the control of University legislation is reserved to the Government of India and the Indian legislature. This control is secured :—
    - (a) by making the foundation of new Universities subject to Indian legislation, and
    - (b) by requiring compulsory reservation in the case of Bills altering the constitution of existing Universities.
  - (2) The case of Bengal is specially dealt with so as to enable the Indian legislature to pass the legislation, both with regard to the Calcutta University and secondary education in Bengal, which is recommended by the Calcutta University Commission.
  - (3) Under the proposals with regard to the Public Service the position of the Indian Educational Service is safeguarded.

The existence of an All-India Educational Service, recruited and controlled by the Secretary of State, and in charge of the Government of India as an All-India subject, must have a steadying effect on the administration of education. It is from this service that the Minister's principal advisers will be drawn, and also an important portion of the academic body in each University, to which, if effect is given to the recommendations of the Commission, the control of the University's educational policy will be entrusted.

In the view of the Committee these are important limitations on transfer. The Committee throughout recognised that the question of the control of education was the most critical question to be dealt with under the second part of their reference (as to the division of subjects into reserved and transferred categories), and succeeded in arriving at their unanimous conclusion only after prolonged discussion.

7. In putting forward their case for the reservation of University and secondary education, the Government of India take little account of the political effect of reservation; they dismiss as an "extreme presentation of the case" the suggestion that political conditions generally may be seriously altered for the worse by a decision in favour of reserving higher education; they ignore the difficulty in which an official government, dealing with secondary education as a reserved subject, is certain to find itself in attempting to resume control over secondary schools, which has for long been in great measure deliberately abandoned, but without which any Government will be powerless to effect reforms; and no reference is made to the fundamental question of finance. How is an official government to get the money it wants for carrying out the essential reforms of University and secondary education, and financing the new institutions which are recognised as necessary for the purpose of development? Unless it is able to command large additional funds, its work will be hampered and its policy doomed to failure. Will Ministers support, and legislative councils vote, increased taxation for the purpose of financing reforms of higher education as long as the control remains in the hands of official governments?

16th July 1919.

R. FEETHAM.  
H. L. STEPHENSON.

LISTS OF CENTRAL AND PROVINCIAL SUBJECTS PROPOSED BY FUNCTIONS COMMITTEE, AS REVISED BY INDIA OFFICE REFORMS COMMITTEE, 31ST JULY, 1919.

*Note.—In order to facilitate reference the numbering of subjects as in the Report of the Functions Committee has been retained, additional subjects being distinguished by a number followed by a capital letter, e.g., 20A.*

CENTRAL SUBJECTS.

1. Defence of India, and all matters connected with His Majesty's Naval, Military, and Air Forces in India, including Royal Indian Marine, volunteers, cadets and armed forces other than military and armed police maintained by provincial Governments.
  - Naval and military works and cantonments.
2. External relations, including naturalisation and aliens, and pilgrimages beyond India.
3. Relations with Native States.
6. Communications—to the extent described under the following heads :—
  - (a) Railways and tramways, except tramways within municipal areas, and except in so far as provision may be made for construction and management of light and feeder railways and tramways other than tramways within municipal areas, by provincial legislation enacted in accordance with procedure to be prescribed by standing orders of the provincial Legislative Council.
  - (b) Such roads, bridges, ferries, tunnels, ropeways, causeways, and other means of communication as are declared by the Governor-General in Council to be of military importance.
  - (c) Aircraft and all matters connected therewith.
  - (d) Inland waterways, to an extent to be declared by rule or by or under Indian legislation.
7. Shipping and Navigation (including shipping and navigation on inland waterways in so far as declared to be under Indian control in accordance with 6 (d)).
8. Light-houses (including their approaches), beacons, lightships, and buoys.
9. Port quarantine and marine hospitals.
10. Ports declared to be major ports by rule or by or under Indian legislation.
11. Posts, telegraphs and telephones, including wireless installations.
12. Customs, cotton excise duties, income tax, salt, stamps (non-judicial), and other sources of All-India revenue.
13. Currency and coinage.
14. Public debt of India.
15. Savings banks.
16. Department of the Comptroller and Auditor-General.
17. Civil law, including laws regarding status, property, civil rights and liabilities, and civil procedure.
18. Commerce, including banking and insurance.
19. Trading companies and other associations.
20. Control of production, supply and distribution of any articles in respect of which control by a central authority is declared by rule or by or under Indian legislation essential in the public interest.
- 20A. Development of industries in cases where such development by a central authority is declared by order of the Governor-General in Council expedient in the public interest.

- 20B. Control of cultivation and manufacture of opium, and sale of opium for export.
21. Control of petroleum and explosives.
22. Geological survey.
23. Control of mineral development, in so far as such control is reserved to the Governor-General in Council under rules made or sanctioned by the Secretary of State, and regulation of mines.
24. Inventions and designs.
25. Copyright.
26. Emigration and immigration and inter provincial migration.
27. Criminal Law, including criminal procedure.
28. Central police organisation.
29. Control of possession and use of arms.
30. Central agencies and institutions for research (including observatories) and for professional or technical training or promotion of special studies.
31. Ecclesiastical administration.
32. Survey of India.
33. Archæology.
34. Zoological Survey.
35. Meteorology.
36. Census and Statistics.
37. All-India Services.
38. Legislation in regard to any provincial subject, in so far as such subject is stated in the Provincial List to be subject to Indian legislation, and any powers relating to such subject reserved by legislation to the Governor-General in Council.
- 38A. Territorial changes, other than intra provincial, and declaration of laws in connection therewith.
- 38B. Regulation of ceremonial, titles, orders, precedence and civil uniform.
- 38C. Immovable property acquired by, or maintained at, the cost of the Governor-General in Council.
39. All matters expressly excepted from inclusion in the Provincial List.
40. All other matters not included in the list of provincial subjects.

#### PROVINCIAL SUBJECTS.

1. Local self-government, that is to say matters relating to the constitution and powers of municipal corporations, improvement trusts, district boards, mining boards of health and other local authorities established in the province for the purpose of local self-government, exclusive of matters arising under the Cantonments Act, and subject to Indian legislation (a) as regards powers of such authorities to borrow otherwise than from a provincial government, and (b) as regards the levying by such authorities of taxation not included in the schedule of provincial taxation framed under section 79 (3) (a) of the Act.
2. Medical administration, including hospitals, dispensaries and asylums and provision for medical education.
3. Public health and sanitation and vital statistics, subject to Indian legislation in respect to infectious and contagious diseases to such extent as may be declared by any Act of the Indian legislature.
4. Education (excluding—
- (1) The Benares Hindu University, and such other new Universities as may be declared to be All India by the Governor-General in Council.
- (2) Chiefs' Colleges and any institution maintained by the Governor-General in Council for the benefit of members of His Majesty's Forces or other public servants or their children.)
- subject to Indian legislation—
- (a) controlling the establishment and regulating the constitutions and functions of new universities; and
- (b) defining the jurisdiction of any university outside its own province;
- and, in the case of Bengal, for a period of five years from the date when the reforms scheme comes into operation, subject to Indian legislation with regard to the Calcutta University and the control and organisation of secondary education.
5. Public works included under the following heads:—
- (a) Construction and maintenance of provincial buildings used or intended for any purpose in connection with the administration of the Province; and care of historical monuments, with the exception of monuments and burial places included in Schedule;
- (b) Roads, bridges, ferries, tunnels, ropeways and causeways, other than such as are declared by the Governor-General in Council to be of military importance;
- (c) Tramways within municipal areas; and
- (d) Light and feeder railways, and tramways, other than tramways within municipal areas in so far as provision is made for their construction and management by provincial legislation in accordance with procedure to be prescribed by standing orders of the Provincial Legislative Council.
6. Water supplies, irrigation, and canals, drainage and embankments, water storage and water-power, subject to Indian legislation with regard to matters of inter-provincial concern or affecting the relations of a province with any other territory.
7. Land Revenue administration, as described under the following heads:—
- (a) Assessment and collection of land revenue;
- (b) Maintenance of land records, survey for revenue purposes, records of rights;
- (c) Laws regarding land tenures, relations of landlords and tenants, collection of rent;
- (d) Court of Wards, incumbered and attached estates;
- (e) Land improvement and agricultural loans;
- (f) Colonisation and disposal of Crown lands and alienation of land revenue;
- (g) Management of Government estates.
8. Famine relief.
9. Agriculture, including research institutes, experimental and demonstration farms, introduction of improved methods, provision for agricultural education, protection against destructive insects and pests and prevention of plant diseases, subject to Indian legislation in respect to destructive insects and pests, and plant diseases, to such extent as may be declared by any Act of the Indian legislature

10. Civil Veterinary Department, including provision for veterinary training, improvement of stock, and prevention of animal diseases, subject to Indian legislation in respect to animal diseases to such extent may be declared by any Act of the Indian Legislature.
11. Fisheries.
12. Co-operative Societies.
13. Forests, including preservation of game therein, subject to Indian legislation as regards disforestation.
14. Land acquisition, subject to Indian legislation as regards acquisition of land for public purposes.
15. Excise, that is to say the control of production, manufacture, possession, transport, purchase and sale of alcoholic liquor and intoxicating drugs, and the levying of excise duties and licence fees on or in relation to such articles, but excluding, in the case of opium, control of cultivation, manufacture and sale for export.
16. Administration of justice, including constitution, powers, maintenance and organisation of Courts of civil and criminal jurisdiction within the province, subject to Indian legislation as regards High Courts, Chief Justices, and Courts of Judicial Commissioners, and any Courts of criminal jurisdiction.
17. Provincial law reports.
18. Administrator-General and Official Trustee, subject to Indian legislation.
19. Judicial stamps, subject to Indian legislation as regards amount of court fees levied in relation to suits and proceedings in the High Courts under their Original Jurisdiction.
20. Registration of deeds and documents, subject to Indian legislation.
21. Registration of births, deaths and marriages, subject to Indian legislation for such classes as the Indian Legislature may determine.
22. Religious and charitable endowments.
23. Development of mineral resources which are Government property, subject to rules made or sanctioned by the Secretary of State, but not including the regulation of mines.
24. Development of industries, including industrial research and technical education.
25. Industrial matters included under the following heads :—
- (a) Factories ;
  - (b) Settlement of labour disputes ;
  - (c) Electricity ;
  - (d) Boilers ;
  - (e) Gas ;
  - (f) Smoke nuisances ; and
  - (g) Welfare of labour, including provident funds, industrial insurance (general, health and accident) and housing ;
- subject as to (a), (b), (c) and (d) to Indian legislation.
26. Adulteration of food-stuffs and other articles, subject to Indian legislation as regards import and export trade.
27. Weights and measures, subject to Indian legislation as regards standards.
28. Ports, except such ports as may be declared by rule or by or under Indian legislation to be major ports.
29. Inland waterways, including shipping and navigation thereon so far as not declared to be under control of the Governor-General in Council, but subject as regards inland steam vessels to Indian legislation.
30. Police, including railway police, subject in the case of railway police to such conditions as regards limits of jurisdiction and railway contributions to cost of maintenance as the Governor-General in Council may determine.
31. Miscellaneous matters :—
- (a) regulation of betting and gambling ;
  - (b) prevention of cruelty to animals ;
  - (c) protection of wild birds and animals ;
  - (d) control of poisons, subject to Indian legislation ;
  - (e) control of motor vehicles, subject to Indian legislation as regards licences valid throughout British India ; and
  - (f) control of dramatic performances and cinematographs, subject to Indian legislation in regard to sanction of films for exhibition.
32. Control of newspapers, books and printing presses, subject to Indian legislation.
33. Coroners.
- 33A. Excluded Areas.
34. Criminal tribes, subject to Indian legislation.
35. European vagrancy, subject to Indian legislation.
36. Prisons, prisoners (except State prisoners) and reformatories, subject to Indian legislation.
37. Pounds and prevention of cattle trespass.
38. Treasure trove.
39. Museums (except the Indian Museum, Imperial War Museum and the Victoria Memorial, Calcutta) and zoological gardens.
40. Provincial Government Press.
41. Franchise and elections for Indian and provincial legislatures, subject to Indian legislation.
42. Regulation of medical and other professional qualifications and standards, subject to Indian legislation.
43. Control, as defined by rule, of members of All-India services serving within the province, and control, subject to Indian legislation, of other public services within the province.
44. Sources of provincial revenue not included under previous heads, whether (a) taxes included in the schedule of provincial taxation framed under section 79 (3) (a) of the Act or (b) taxes not included in such schedule imposed by or under provincial legislation which has received the previous sanction of the Governor-General.
45. Borrowing of money on the sole credit of the province, subject to Indian legislation.
46. Imposition by legislation of punishments by fine, penalty or imprisonment, for enforcing any law of the province relating to any provincial subject, but subject to Indian legislation where that limitation otherwise applies to such subject.
47. Any matter which, though falling within an All-India subject, is declared by the Governor-General in Council to be of a merely local or private nature within the province.

LIST OF PROVINCIAL SUBJECTS FOR TRANSFER PROPOSED BY FUNCTIONS COMMITTEE, AS REVISED BY  
INDIA OFFICE REFORMS COMMITTEE 31ST JULY 1919.

Serial No.	Number in Provincial List.	Subjects.	Provinces in which transferred.
1	1	Local self-government, that is to say, matters relating to the constitution and powers of municipal corporations, improvement trusts, district boards, mining boards of health and other local authorities established in the province for purposes of local self-government, exclusive of matters arising under the Cantonments Act, and subject to Indian legislation (a) as regards powers of such authorities to borrow otherwise than from a provincial Government, and (b) as regards the levying by such authorities of taxation not included in the schedule of provincial taxation passed under section 79 (3) (a) of the Act.	In all provinces.
2	2	Medical administration, including hospitals, dispensaries and asylums and provision for medical education.	In all provinces.
3	3	Public health and sanitation and vital statistics, subject to Indian legislation in respect to infectious and contagious diseases to such extent as may be declared by any Act of the Indian legislature.	In all provinces.
4	4	Education, other than European and Anglo-Indian education (excluding— (1) The Benares Hindu University, and such other new universities as may be declared to be All-India by the Governor General in Council; (2) Chiefs' Colleges, and any institution maintained by the Governor-General in Council for the benefit of members of His Majesty's Forces or other public servants or their children) subject to Indian legislation— (a) controlling the establishment, and regulating the constitutions and functions of new universities; and (b) defining the jurisdiction of any university outside its own province; and, in the case of Bengal, for a period of five years from the date when the reforms scheme comes into operation, subject to Indian legislation with regard to the Calcutta University and the control and organisation of secondary education.	In all provinces.
5	5	Public Works included under the following heads:— (a) Construction and maintenance of provincial buildings used or intended for any purpose in connection with the administration of the province on behalf of the departments of Government concerned, save in so far as the Governor may assign such work to the Departments using or requiring such buildings, and care of historical monuments, with the exception of monuments and burial places included in Schedule; (b) Road, bridges, ferries, tunnels, ropeways and causeways other than such as are declared by the Governor-General in Council to be of military importance; (c) Tramways within municipal areas; and (d) Light and feeder railways and tramways, other than tramways within municipal areas, in so far as provision is made for their construction and management by provincial legislation in accordance with procedure to be prescribed by standing orders of the provincial Legislative Council.	In all provinces except Assam.
6	9	Agriculture, including research institutes, experimental and demonstration farms, introduction of improved methods, provision for agricultural education, protection against destructive insects and pests and prevention of plant diseases, subject to Indian legislation in respect to destructive insects and pests and plant diseases to such extent as may be declared by any Act of the Indian legislature.	In all provinces.



LIST OF PROVINCIAL SUBJECTS FOR TRANSFER PROPOSED BY FUNCTIONS COMMITTEE, AS REVISED BY INDIA OFFICE REFORMS COMMITTEE 31ST JULY 1919—*continued.*

Serial No.	Number in Provincial List.	Subjects.	Provinces in which transferred.
7	10	Civil Veterinary Department, including provision for veterinary training, improvement of stock, and prevention of animal diseases, subject to Indian legislation in respect to animal diseases to such extent as may be declared by any Act of the Indian legislature.	In all provinces.
8	11	Fisheries - - - - -	In all provinces, except Assam.
9	12	Co-operative Societies - - - - -	In all provinces.
10	13	Forests, including preservation of game therein, subject to Indian legislation as regards disforestation.	In Bombay only.
11	15	Excise, that is to say, the control of production, manufacture, possession, transport, purchase, and sale of alcoholic liquor and intoxicating drugs, and the levying of excise duties and licence fees on or in relation to such articles, but excluding, in the case of opium, control of cultivation, manufacture and sale for export.	In all provinces, except Assam.
12	20	Registration of deeds and documents subject to Indian legislation.	In all provinces.
13	21	Registration of births, deaths and marriages, subject to Indian legislation for such classes as the Indian legislature may determine.	In all provinces.
14	22	Religious and charitable endowments - - - - -	In all provinces.
15	24	Development of industries, including industrial research and technical education.	In all provinces.
16	35	Adulteration of food-stuffs and other articles, subject to Indian legislation as regards import and export trade.	In all provinces.
17	27	Weights and measures, subject to Indian legislation as regards standards.	In all provinces.
18	39	Museums (except the Indian Museum, Imperial War Museum, and the Victoria Memorial, Calcutta) and Zoological Gardens.	In all provinces.

## APPENDIX G.

MEMORANDUM addressed to the Committee by Sir *Claude Hill*, K.C.S.I., C.I.E.,  
received on 8th August, 1919. (For Evidence, see Question 612.)

There are certain recommendations of the Government of India, to which I was not a consenting party, and which were decided upon after I had left India in April, in which I am unable to concur.

The more important of these are the following:—

(a) Their recommendation that the proportion for Mahomedan representation fixed in accordance with the Congress Moslem League agreement, and adopted by the Southborough Committee with the consent of the local Governments concerned, should be modified in the case of Bengal. The Government of India, rightly as I think, endorse the wisdom of the policy of adopting the general proportions agreed upon between the League and the Congress; and they claim that, in advising a slight departure from the percentage fixed in the case of Bengal, they must not be understood as desiring to throw aside the compact. It is this claim which I am unable to follow. It is quite true that, in arriving at the Lucknow agreement, the contracting parties failed to satisfy the whole of Mahomedan opinion in Bengal—especially Eastern Bengal. But the agreement then subscribed to by the Mahomedan representatives aimed at making good this deficiency in Bengal by securing a stronger representation of Mahomedan interests in other provinces than was otherwise permissible on a population basis. This, it is true, does not satisfy Muslim opinion in Eastern Bengal, nor does it meet the claims which they consider just. But, if we are going to make good the deficiency inherent in the contract in relation to one province, we ought to make a corresponding change in other provinces in reduction of Mahomedan representation. In other words, it seems to me that it is impossible for the Government of India to ignore the general settlement in relation to one province, without revising it throughout. It seems to me impossible, then, to contend that we are adhering to the

principles of an agreed policy, admittedly based upon compromise in relation to the whole of India, if we ask for a modification of that policy in any given part of India. The pact may be right or wrong; but it has at least the merit claimed for it by the Southborough Franchise Committee; and we must either accept it *in toto* or discard it *in toto*. I prefer—as the Government of India evidently also prefer—to abide by it; but if so it must be accepted as it stands.

(b) In respect of Education, the Government of India advise, differing from the Subjects Committee's conclusions, that education be a divided subject, higher, technical, and University education being reserved, while primary education is transferred. I am unable to agree in this conclusion. I was in charge of the education portfolio for three years in Bombay, and officiated as Member-in-Charge of the department of education in the Government of India for three months in 1915. My experience in Bombay convinces me that the subdivision of education, under which a portion would be administered by a member of the Executive Council, while the remainder would be in the control of a minister, is impracticable and could only result in divided policy and unco-ordinated effort. That experience is fortified by what I learned of the condition of education in Bengal during three months in 1915. The Calcutta University is not under the control of the local Government, while the rest of the provincial education is in the local Government's hands. One result of this was, not unnaturally, an indifference on the part of local Government to University affairs, while another was to fix a gulf between University interests and the interests of school education. It was a realisation of this, to my mind, hopeless condition of affairs, which led me to suggest an investigation into the organisation of University administration in Bengal—a recommendation which the Viceroy approved and Lord Chelmsford wisely expanded into the Commission presided over by Dr. Michael Sadler which has recently submitted its report.

I feel therefore that the whole field of education, being inextricably interwoven, must be the care of one undivided authority. The Government of India have given strong reasons for holding that in view of admitted mistakes and shortcomings in the past, that authority, in respect of University and higher education, should be the official side of the Government. On the other hand, there are admittedly equally urgent reasons for the transfer of vernacular education. Therefore if it be admitted, as I hold strongly, that the whole field of education is impartible, it remains to face the issue and determine which side of the Government is to be responsible for the whole field of education. On this issue, the arguments advanced by the Government of India in favour of the reservation of higher education seem to me to be double edged. If the errors of the past are so frankly admitted, then there is some force in the claim that the experiment should be made of transferring; and although my own preference would be to reserve the whole field of education, with a view to its transfer at the earliest possible opportunity, reorganised and more efficiently planned, I am frankly doubtful whether the official side of the Government could guarantee the attainment of such reorganisation within a reasonable period. Accepting, therefore, as very cogent the argument (universally agreed in) that primary education must be transferred, and being persuaded that the whole field of education is one and indivisible, I am, somewhat reluctantly, driven to the conclusion that it must all be transferred. I would only add that I hope such transfer will be accompanied by steps, on the lines recommended by the Sadler Commission, designed to secure co-operation of all sections of the community, official and non-official, in future development.

(c) There is one other matter upon which I am not in complete accord with the later views of the Government of India. I refer to the question of the Joint or Separate Purse. I refer to this matter with great diffidence. I have already said in my evidence that I have had no experience of the administration of the Finance Department; and there are several rather technical considerations bearing upon the decision of this question with which I am not closely familiar. Another reason for diffidence lies in the fact that I was party to the decision come to in March 1918 on the advice of the then Finance Member, Sir W. Meyer, to advise the adoption of the Joint Purse system; while I was also a signatory of the Despatch of the Government of India dated 5th March 1919 in which the contrary counsel is given. In such circumstances I feel that my final views in favour of the Joint Purse system may not be entitled to special weight. But the reasons for my present view are partly political and have been arrived at after consideration of the criticisms which have been levelled at both schemes.

The Joint Report scheme (joint purse) was, as Sir J. Meston has observed, criticised, especially at first, on the ground that Ministers would only get the "crumbs that fell" from the reserved table. I believe that criticism, partly at least, suggested Sir James' alternative. But the chief reason for the change was, as the Committee has already been told, that under the Joint Purse scheme there would be an annual wrangle as to allotment, while this could be avoided by periodic settlement under the separate purse scheme. The latter scheme also claims, rightly, the virtue that it places upon both halves of the Government an interest in developing their own sources of revenue.

On the other hand the Separate Purse scheme, as outlined and described by the Government of India Despatch, contemplates depriving the Legislative Councils of the power to pass resolutions, other than purely advisory, in regard to budget allotments; while the Joint Report scheme recognised the validity of such resolutions in relation to the budget, subject only to the Governor's powers of veto and replacement. To my mind there is, in practice, little difference between the two sets of powers in point of practical effectiveness; but on paper, and in relation to the great principle of responsibility, there is a very important distinction. And it is mainly because, on a full consideration of the criticism which has been levelled at the two schemes, I feel that the powers of the Legislative Council, contemplated under the Joint Purse scheme, should *not* be reduced, that I prefer that scheme. I am inclined too, to the opinion that what has been described as the annual wrangle will be preferable to possible discontent, the causes of which will only be removable at longer intervals. If the budget procedure, contemplated in the Joint Report, can be restored and applied to the Separate Purse scheme, then I should regard the issue as between the two schemes as one purely for financial experts; but if the separation of purses necessitates a departure from the procedure in the Legislative Council which was agreed upon in 1918, then I am strongly of the opinion that the Joint Purse scheme should be adopted. Sir James Meston can give a more authoritative opinion than I can as to the feasibility of adopting the budget procedure of the Joint Purse to the case of the Separate Purse system.

29th July.

CLAUDE H. HILL

## APPENDIX H.

MEMORANDUM on Communal Representation, handed in by *Rai Bahadur K. V. Reddi*, on 12th August, 1919. (See Question 2816.)

The Province of Madras, more than any other Province in India, presents the most glaring instance of the truth of the observation of the distinguished authors of the Joint Report that "there runs through Indian Society a series of cleavages—of religion, race and caste—which certainly threaten its solidarity, and which any wise political scheme must take serious heed." The conditions obtaining in that Presidency are in a sense peculiar, and perhaps without a parallel in any other part of India. The spirit of Sectarianism among certain castes is greatest there. This Presidency has given birth not only to the Home Rule Movement, which the joint authors have noted in their Report, but also to another movement, which they have not noted, styled the Varnashrama Dharma Movement, which seeks to re-establish the ethics of the Code of Manu, and to aggravate the influence of the highest caste, the Brahmins. There is also the fact that most of the politicians connected with the Home Rule Movement are closely associated with this new socially reactionary movement, that the organising secretary of the Home Rule Movement was also at one time the secretary of the Varnashrama Dharma Movement, and that the political conferences of the Home-Rulers in Madras were followed by the conferences of the Varnashrama Dharmists, at both of which the delegates were composed mostly of the same members. The Non-Brahmins of the presidency have generally kept aloof from both movements.

2. In Madras, therefore, the cleavage between the Brahmins and the Non-Brahmins is widest. They belong to different castes which make it impossible for them to interdine or intermarry—an impossibility which has all the sanction of the law of the land. Their customs and manners are essentially different, and even in the matter of food the two classes differ widely. Their interests are often not identical. Over and above all this there is the fundamental difference which goes to the root of the whole problem—the two people belong to two different races. The Brahmins claim to be the Aryans while the Non-Brahmins claim to be, and are treated as, Dravidians. There is only one thing in common between these two vitally different and vitally hostile races—their religion, if that sacred appellation could be given to a set of inflexible and unjust customs and usages, culminating in a system of social tyranny. The Brahmins, as a class, are clever and well-educated, while the Non-Brahmins are almost entirely illiterate. The one class is politically minded, while the other has not so far shown any aptitude for politics. To quote the joint authors of the Report "the enormous masses of the population have little to spare for more than the necessaries of life" (Para. 135). "They form an enormous country population, for the most part poor, ignorant, non-politically minded, and unused to any system of elections—immersed indeed in the struggle for existence. They are poorly equipped for politics, and do not at present wish to take part in them." Where the average Ryot does take part in politics, "his mind is made up for him by his landlord or banker, or his priest or his relatives, or the nearest official," and yet these "rural classes have the greatest stake in the country because they contribute most to its revenues." We do not desire to dwell at greater length on the social inequalities and injustice that prevail in the Presidency—a fact which everyone connected with it is well aware of.

3. The population of the Madras Presidency, amounting to 41,405,404, very nearly the same as that of the United Kingdom, is distributed as follows :—

Agency Tracts ... ..	1,577,519
European British subjects ... ..	12,692
Anglo-Indians ... ..	25,965
Indian Christians ... ..	1,137,208
Mohammedans ... ..	2,735,673
Depressed Classes ... ..	6,377,168
Brahmins... ..	1,221,907
Non-Brahmins ... ..	27,716,306
Others ... ..	600,966
Total ... ..	<u>41,405,404</u>

4. It will be seen that the Brahmins form a very small percentage—about 3 per cent.—of the population; but owing to a variety of causes almost all the power and influence has, under the present system of administration of the province, become concentrated in their hands. We shall show how this single community has secured a power and an influence out of all proportion to its strength or intellectual ability. In appreciating these conditions it must be borne in mind that in the Madras Presidency, in spite of the influence of Western education, and of more than a century of benign British rule, the rigour and exclusiveness of the caste system has not weakened to any appreciable extent, with the inevitable result that there is little in common between those who chiefly wield the power at present, and others who are now left behind in the race. We shall show first how the Brahmin occupies a unique position in the Legislative Councils of the country, and then show what his place is in the public services. Time and space forbid us to give more than a few glaring instances of Brahmin monopoly in the Councils and services.

5. As the joint Authors of the Report point out, it was in 1892 under Lord Cross's Act that the elective system was first introduced in India, though in an indirect form. Twenty seven long years have rolled by since that Act was passed, and during all this time, in spite of several elections, not a single Non-Brahmin has been returned to the Madras Legislative Councils from the six coast districts known as the Northern Circars by the General or Territorial electorates. These districts contain a population of 11,736,744, of which the Brahmins form only 345,071 against 7,585,035 Non-Brahmins, and yet a series of Brahmin candidates has been returned for over a generation without any interruption or intrusion on the part of the Non-Brahmins.

In the last Legislative Council Elections held in 1916, out of ten seats thrown open to General or Territorial electorates (Local Boards and Municipalities) in the whole Presidency, nine seats were captured by the Brahmins, and only one went to a Non-Brahmin. In the Finance Committee of their Council not a single Non-Brahmin member is to be found. In the Imperial Legislative Council all the three seats open to Indians of the Province are at present held by Brahmins. Two of these members were elected by the non official members of the local Legislative Council, while the third member was elected by the landholders of the Province. Such, in short, is the position, so far as the Legislative Councils are concerned. Let us draw the attention of the Committee to the exact state of affairs, so far as the public services are concerned, and show how the Brahmin has monopolised all the important posts.

6. The following table is an analysis of the latest Madras Civil Service List.

Departments.	Brahmins.	Non-Brahmins	Mohamedans.	Europeans, Anglo Indians and Indian Christians.	Total.
Population ... ..	1,221,907	27,716,306	2,735,673	1,175,865	—
Revenue Department, Superior ...	111	42	23	31	207
ditto Inferior ...	169	84	9	16	278
ditto Survey ...	20	6	—	9	35
	300	132	32	56	520
Agriculture ... ..	10	7	—	13	30
Forest ... ..	14	9	4	57	84
Customs ... ..	35	14	4	78	131
Posts and Telegraphs... ..	18	16	5	58	97
Civil Veterinary ... ..	4	—	—	4	8
Co-operative Credit ... ..	8	1	0	1	10
Finance ... ..	13	0	0	3	16
Judicial ... ..	173	48	7	19	247
Jail ... ..	1	0	0	8	9
Registration ... ..	13	5	4	2	24
Police ... ..	18	16	12	70	116
Educational ... ..	310	35	5	74	424
Medical ... ..	81	54	5	38	178
Public Works ... ..	73	13	0	105	191
Local Fund ... ..	68	20	0	21	109
Industries ... ..	8	3	0	9	20
Total ... ..	1,147	373	78	616	2,214

7. The figures speak for themselves. "When in the years 1893 to 1905," says Sir Alexander Cardew, the first member of the Executive Council of Madras, "Deputy collectors were selected by open competition 15 out of 16 appointments went to Brahmins. . . . In the Madras Public Works Department, where one appointment is given annually by competition, there have been 17 successful Brahmins out of 21 appointments, a ratio of 81 per cent." Nor is this excessive preponderance of the Brahmin confined to appointments recruited by a competitive test. We find exactly the same result in branches of the public services which are recruited from candidates possessing certain general qualifications. To quote Sir Alexander again, "Out of 390 higher appointments in the educational department, 310 are held by Brahmins; in the Judicial Department 118 out of 171; in the Revenue Department 394 out of 679." We note that Sir Alexander remarks that this result has ensued in spite of all efforts of the Government to secure a due representation of all castes in the public services. We may be permitted to enter a caveat against this statement. We can show by facts and figures that if the Government had taken sufficient trouble to bring about an even distribution of official patronage it could have done so. There are qualified candidates among the Non-Brahmins and Indian Christians who could have filled the appointments in Government service many times over, with credit to themselves and advantage to the Administration. The policy of the Government in the past has been such that no other result was possible. We are not, however, concerned with an investigation of the past causes, nor in apportioning the blame. We take note of the solid fact that the control of the services by the Brahmins is out of all proportion to their numbers or intelligence. It is impossible to find a parallel to this state of affairs in any civilised country.

8. The above facts clearly show how the Brahmins have taken advantage of the existing conditions, and secured for themselves a predominant place in politics, in the public services, and in the councils of the country out of all proportions to their numbers or intelligence. It has already been pointed out that their population is about 3 per cent. of the total population, while the Non-Brahmins form nearly 70 per cent., that is, excluding the Panchamas. The Brahmins own considerable property, some landed, but mostly personal. Almost the entire land held by the Brahmins, however, is either Agraharam land or Inam land, both of which are Revenue free. They do not pay even the irrigation cess, because their lands are, to a great extent what are known as "mamul wet." They do not thus contribute anything worth mentioning to the coffers of the State. The Non-Brahmins, who are the landholders, farm proprietors, and producers, pay almost the entire taxes of the country. The annual expenditure of the Madras Presidency is about 2 crores of rupees, and the land revenue alone of the Province, including the irrigation cess, is over 6 crores of rupees, nearly the whole of which is paid by Non-Brahmins alone. In other words, almost the entire cost of the Administration of the Province is borne by the Non-Brahmins. One of the Madras Representatives in the present Imperial Legislative Council—a Brahmin, of course, elected by the non-official members of the Madras Legislative Council—made the following admission in a speech in the Council Chamber: "I do not

represent the landed interest, and what other interest I represent it is difficult even for me to say. I own land and pay no land tax. I have no income which comes within the honourable, the finance members keep. I pay no income tax, I contribute, so far as I can see, nothing to the State, except a certain amount of agitation which I am firmly persuaded is entirely wholesome." Many Brahmins do own land, but pay taxes. Thus owning property, but paying no Taxes to the State, and being only 3 per cent. of the population, the Brahmins still occupy 80 per cent. of the places in the public services and the Councils of the country.

9. So long as the non-official members of the Legislative Council had no practical control over the executive body, and could only indulge in "the habits of irresponsible criticism, which have been the bane of the Minto-Morley councils," the Non-Brahmins generally were not very much perturbed at the ascendancy which the Brahmins had secured in these Councils. They felt the inequality, but they tolerated it; they saw the injustice, and they resented it. But the inequality and injustice not being armed with power, did not provoke them to open revolt. Above the Brahmin, who exercised only influence, was the Britisher in India, who wielded power. After all, the Britisher ruled till now. He has been at the top of the public services, and in the majority in the Legislative Councils. Not that this is a desirable state of affairs in itself, but that "his integrity, fair play and detachment" qualities, which are essentially and absolutely lacking in the Brahmin, enabled him to hold the scales even between Indian and Indian. The Non-Brahmin need not, and did not, apprehend much danger. "The country people have, and always have had, confidence in the English official. He has given them peace and justice, and made life easier for them, and the vast majority of people ask for little more." But such a state of affairs is no longer to continue. A great change is impending. That the scheme of reforms now promulgated is a "colossal enterprise," and that "the welfare or misery" of 250 millions of the people "hangs upon its success or failure" is admitted by the eminent authors of the Report. That "it is one of the greatest political experiments ever undertaken in the world's history" is clear to every student of politics. That the system of administration proposed is "unfamiliar to Oriental ideas" is conceded. There is no doubt that there will be an entire change. From the sphere of influence, Indians will be lifted to the field of power, and the impartial Britisher will occupy a place of minor importance in the public services, and will be in a minority in the Legislative Councils, eventually to be effaced out of any appreciable existence in India.

10. When Non-Brahmin leaders in Madras contemplated these changes, when they remembered what the Brahmins have hitherto been, how they monopolised all the places of influence in the public services and the Councils of the country, how they utilised that influence for their own ends, for their own aggrandisement, to broad-base their own power and position to the entire detriment and exclusion of the Non-Brahmins they naturally apprehended danger ahead. When a self-seeking hand secures influence, danger is serious enough, but when that influence is converted into power, disaster can be the only consequence.

11. It is an apprehension based on the above facts and logical conclusions that induced the confederation of the Non-Brahmins of South India, which met in Madras in December, 1917, and was attended by over 1,500 delegates from all parts of the Presidency to unanimously pass the following resolution:—

"This Confederation emphatically urges upon the Viceroy and Secretary of State for India that any step taken for introducing responsible government in this country which does not provide for the full representation of the Non-Brahmins on a communal basis, having regard to their numbers, their tax-paying capacity and their property qualifications, is bound to end in failure and disaster, and this Confederation would strongly oppose the introduction of any reforms in which such provision is not made."

12. At the Extraordinary Session of the South Indian Non-Brahmin Confederation, held in October, 1918, for considering the Joint Report, the following resolution was unanimously passed:—

"This Confederation is emphatically of opinion that any scheme of constitutional reforms which does not provide for the separate representation through communal electorates of Non-Brahmin classes will arrest the progress and irretrievably injure the interests of these classes, which form the bulk of the population, besides effectually undermining British rule, which is so essential to India's welfare, and for that reason this Confederation does not consider it necessary to express any opinion at present on the proposed scheme of reforms."

13. At the Six Coast Northern Districts' Non-Brahmin Conference held at Bezwada in November, 1917, at which some two thousand non-Brahmins were present, the following resolution was unanimously passed:—

"That the strength of the Madras Legislative Council should be so enlarged as to provide due representation of all communities and interests, regard being had to (a) the numbers of the several communities; (b) the aggregate of taxes paid by them; and (c) the extent of property owned by them. In view of the fact that power and influence are at present chiefly centred in a single community, and that the other communities have only a slender chance of securing due representation in the Councils, unless proper safeguards are provided, and in view also of the fact that in the near future the powers of the Councils are expected to be enhanced, this Conference declares that any scheme of reforms either of the Councils of the country or of the public services in which due and adequate representation is not provided for the large Non-Brahmin communities of this Province on the three bases above mentioned, is bound to result in failure, and consequent discontent and disharmony."

14. Non-Brahmin Conferences all over the Presidency have expressed the same opinion. It would weary the Committee if we were to give the resolutions passed at these Conferences, but they are all to the same effect. We give below a short list of some of the more important of these Conferences:—

- The Coimbatore Non-Brahmin Conference held at Coimbatore in August, 1917.
- The Godavary District Non-Brahmin Conference at Biccavole in October, 1917.
- The Madura, Ramnad, Tinnevely Group Conference held at Tinnevely in November, 1917.
- The Ceded Districts Non-Brahmin Conference at Pulivendla in November, 1917.
- The Salem Non-Brahmin Conference in December, 1917.
- The Tanjore Trichinopoly Non-Brahmin Conference in March, 1918.
- The Chittore District Non-Brahmin Conference in March, 1918, at Kalahasti.
- The Guntur District Non-Brahmin Conference held in May, 1918, at Kollur.
- The Sivaganga Zanindary Non-Brahmin Conference in August, 1918.
- The Godavary District Special Conference at Rajahmudy in September, 1918.

The Trichinopoly District Special Conference in September, 1918.

The Coimbatore District Non-Brahmin Special Conference at Palladam in October, 1918.

The Coimbatore Second Non-Brahmin Conference at Udumalpet in 1918.

The Kistna District Non-Brahmin Conference at Masulipatam.

And the Second Session of the South Indian Non-Brahmin Confederation held at Madras in January, 1919.

These form a short list of the more important Conferences of Non-Brahmins in the Madras Presidency.

The latest Non-Brahmin Conference was held at Trichinopoly so late as the 22nd June, 1919, when the following resolution was unanimously passed :—

“That this Conference regards the equal distribution of political power among the different classes of the people as the first necessary substantial step towards responsible Government in this country, and while expressing gratification at the special representation of the Mohammedans, Sikhs, Indian Christians, Europeans, Anglo-Indians, and the depressed classes, urges the creation of a Non-Brahmin Hindu electorate as the indispensable foundation for popular Government, in the absence of which any Constitutional Reform will be unreal, dangerous, unworkable and sure to give rise to grave discontent.”

15. The state of feeling among the Non-Brahmins and the condition of the community was correctly gauged by the Government of Madras, when in their letter No. 1146, dated 31-12-1918 to the Government of India (Home Department) they observed as follows :—

“In the case of the Non-Brahmin Caste Hindus, to which category the great majority of voters will belong, there is a general feeling of apprehension that under any scheme of purely territorial electorates, most of the seats would be captured by Brahmins, as the exclusive spirit of the Brahmin would secure a solid Brahmin vote in favour of Brahmin candidates. Their experience and their educational superiority would give the Brahmins great advantages in canvassing, while their traditional, social and religious pre-eminence and their talents for organisation would be utilised to extend their political influence outside their own class. While it is difficult to predict how the electorates of the future, if territorially constituted, will behave in respect of choosing their representatives, the Governor in Council cannot ignore the fact that the apprehensions above referred to are honestly entertained.

“In any case so long as these apprehensions are widely and strongly felt, as at present, it is impracticable to constitute territorial electorates, which will be generally acceptable, and will ensure representation of all important sections of the population.

“The method of achieving this end that is most likely to meet the apprehensions above referred to, though it is recognised to be open to theoretical objections, will be to provide communal electorates freely wherever this can be done, nomination being resorted to only where such electorates cannot be constituted.”

Sir Alexander Cardew, in an enclosure to the despatch referred to above, states as follows :—

“With such predominance in most walks of life, it is not surprising that the Brahmin has easily secured control in politics. . . . This experience strongly suggests that the political machine in the future, as in the past, will be under the control of the Brahmins, unless special measures are resorted to, to secure adequate representation of other classes.”

Sitting on the Committee on Division of Functions, Mr. M. E. Couchman (Member of the Madras Board of Revenue :—

“After examining the proposals of the Franchise Committee for Madras, which were supplied to him on the 22nd February, feels unable to recommend the transfer of any subject in Madras. He feels that without :—

- (1) Communal Representation for Non-Brahmin Caste Hindus ;
- (2) Adequate Representation of Panchamas and Rural Areas, and
- (3) Residential qualifications for Candidates ;

it is inevitable that the Brahmin minority will capture a large majority of the seats, and that the interests of the masses will not be safe in their hands.” (Para. 51 of the Report on Division of Functions).

16. It is impossible to find greater authorities than those quoted above. The whole of the Madras Government have supported our claim. That Government had long been known to have encouraged Brahmins in every department. Examine the Civil List again, and you will find that numerous appointments have been conferred by the Government on Brahmins. There are numerous instances in which Non-Brahmins of approved ability and unblemished character have been passed over by the Government. If ever the Government of Madras was partial it was all on the side of the Brahmins. There never was any question of over-tenderness towards the Non-Brahmin classes. The opinion of such a Government, therefore, must carry special weight when it happens to be favourable to the Non-Brahmins. At the time the memorandum referred to above was submitted, the Government of Madras was presided over by Lord Pentland, who spent a longer time in the province than any other Governor. Sir Alexander Cardew had only a few months to complete his long term of office, the whole of which he had spent in the Province. Mr. Davidson, the other European Member, had also served nearly 30 years in the Presidency. The Indian Member of the Executive Council, himself a Brahmin, did not think it necessary to submit a dissenting note, or contradict any of the statements of facts mentioned in the despatch, or in Sir Alexander's separate note. It must, therefore, be presumed that he has acquiesced in the opinions of the Madras Government above quoted. That opinion, I may be permitted to add, was not merely the result of long experience, but was also the consequence of a heated debate of full two days between the picked representatives of the Brahmins and of the Non-Brahmins at an informal, private, Franchise Conference, called by the Madras Government, and presided over by the Governor. The opinion of the above high and impartial authorities ought not to be lightly cast aside. They are the men on the spot who have followed closely the political and social conditions of the people, and we appeal to the Joint Committee to treat this mass of unimpeachable testimony as beyond cavil or criticism, and to accept it whole-heartedly.

17. Having brought to the notice of the Joint Committee the Non-Brahmin opinion and feeling in the matter, and the views of the Authorities on the spot, we shall now proceed to discuss the views of the Government of India, and the Secretary of State. Before doing so, however, we may be permitted to submit,

with great respect, that these two high functionaries have treated the Non-Brahmin, most unkindly. Immediately after the declaration of the 20th August, and at the very commencement of the enquiry, they wanted to attain a calm atmosphere in India. To achieve that end they had to pacify the extremists. The people, the real people, the people that formed the backbone of the country, did not count. These never gave any trouble, and were not expected to give any trouble at any time. Nothing need be done for them. At a time when the very foundations of the Empire were tottering, when German gold was on its way to India from San Francisco, when extremists in India thought that England's danger was India's opportunity, the Non-Brahmins in that country were splendidly responding to the call of the Empire by subscribing liberally to the war funds and war loans, and recruiting themselves in thousands and tens of thousands. The rich Non-Brahmins were contributing beyond their might, and the poor peasants were pouring into the recruiting camps. I was a member of the recruiting board, and I and my friend know who it was that came to be recruited to the Army and to the several Labour Corps. Examine the recruiting registers and you will find that 9,999 out of every 10,000 recruits that were enlisted in our Province were Non-Brahmins. Examine the lists of those who fought in Mesopotamia, or of those who were taken prisoners in Kut-el-Amara, and see if there is a single Brahmin therein. Examine the lists of the several thousands who joined the Labour Corps from Madras, and see if you can find a Brahmin there. And yet these Non-Brahmins counted for little. It looks as if it never occurred to the authorities that those who rendered such valuable services, those who pay almost the entire taxes that go for the maintenance of the administration of the country, might feel the great injustice done to them. Read the Joint Report as casually as you like, you cannot fail to be impressed at every turn of a constant and irresistible desire to pacify the limited intelligentsia, the politically minded classes. It is also said that during his stay at Delhi, the Secretary of State gave private interviews to Brahmin politicians. No leader of Madras—not even the late Dr. Nair—was accorded that privilege. On the publication of the Joint Report, Mrs. Besant openly boasted in her daily paper that she had the privilege of seeing “an earlier draft” of it at Delhi, and it is commonly believed in Madras that Mr. C. P. Ramaswami Iyer, the Brahmin Home-ruler of Madras, was shown the draft. No Non-Brahmin had even the slightest inkling of what the Report was likely to be, and certainly none were shown any drafts at all. In the Joint Report itself a whole chapter is devoted to a criticism of the Congress-League Scheme, but save for a very casual and passing reference the joint authors have not dealt with the Non-Brahmin movement and their demands. On the other hand, elaborate arguments have been found to defeat the claim for communal representation. But the question was vital to us, and on its solution depended the welfare or misery of vast millions, and so thanks to the agitation in England, the Secretary of State left the question open to be decided by the Franchise Committee, which he proposed to appoint. But unfortunately he added, if we remember right, that speaking for himself, he was still against it, and that he would not withdraw an hair's breadth from the position he had taken up.

His Excellency the Viceroy, in an important speech in the Imperial Legislative Council, assured the Mohammedans and the Civil Service that their interests will be protected, but had not a word of sympathy or encouragement to offer to the Non-Brahmins. When our great leader, Dr. Nair, landed in England last year he was promptly muzzled, though the extremist politician, Mr. Baptista, was enjoying freedom of speech in Free England. It was only after the matter was made a subject of discussion in Parliament that he was unmuzzled. But the crowning act of injustice had yet to come. It was in the constitution of the Franchise Committee. So much has been said about the impartiality of this Committee, and so many claims have been put forward on its behalf, and so vitally important are its recommendations that we may be excused if we were to dwell shortly on its constitution. The Committee was composed of six members besides the President who was, of course, new to India, and its conditions. The three European members were strangers to the conditions prevailing in Madras, and so was the Mohammedan member. We have nothing to complain against these four members. We have and have always had the highest respect for them and the Chairman. Our objection was to the remaining two. These two other members were Brahmins, and Brahmins who were known to be hostile to our interests. Mr. Srivivasa Sastri, the Madras Brahmin, had in fact used his position in the Imperial Council to level an attack against us and our movement, and had the boldness to declare that Non-Brahmins would prefer a Brahmin oligarchy to a British bureaucracy. As against these avowed opponents there was not a single Non-Brahmin to counteract their views, and to interpret correctly to the other members of the Committee the wishes of the people.

The announcement of the composition of the Committee spread consternation among the Non-Brahmins. In almost every district meetings were held protesting against the constitution and praying that a Non-Brahmin might be appointed to the Committee. Over twenty-five protest meetings were held, and the resolutions were communicated to His Excellency the Viceroy, or His Excellency the Governor, by wire. Finally the gathering of all the Non-Brahmins of Madras—the Extraordinary Session of the South Indian Non-Brahmin Federation—was held on the 20th October, and a lengthy resolution was unanimously adopted requesting the personnel of the Committee to be altered. The resolution was communicated by wire to His Excellency the Viceroy, and by cable to the Prime Minister, the Secretary of State for India, and other Cabinet Ministers. A Memorandum was prepared by the South Indian Liberal Federation, and sent to His Excellency the Viceroy. We are sorry to point out that these wires, cables and Memoranda were not even acknowledged, that we were not vouchsafed even the short reply that “the matter will receive due consideration.” Our cry was a cry in the wilderness. It was under these circumstances that the Second Non-Brahmin Confederation held at Madras in January, 1919, passed a resolution enjoining its members not to appear or give evidence before the Franchise Committee, and resolving to appear directly before the Joint Committee and ask for justice at its hands. We accordingly found ourselves unable to give evidence before the Lord Southborough's Committee.

18. We mention these facts not as a complaint before this High Tribunal, but to make our own position clear and to show that the Authorities connected with India are not championing the cause of the Non-Brahmins. If, therefore, a favourable opinion comes from such a quarter, the very greatest weight should have to be given to it. Let us now see what the Government of India have to say on this important question of communal representation to the Non-Brahmins of Madras.

In the fifth despatch on Indian Constitutional Reform they say: “We confess to the greatest difficulty in accepting their (the Franchise Committee's) proposals in regard to Non-Brahmins in Madras. If, contrary to theoretical principles, communal electorates are to be conceded to three communities in addition to the Mohammedans and the Sikhs, then it appears to us that there is a very strong practical need for finding some means of dealing specially with the Non-Brahmins also. . . . If the reforms scheme is not to start under a very heavy handicap in Madras, the bitter feelings which have been aroused by this controversy

must be allayed. We cannot expect co-operation and good will from the Non-Brahmins so long as no provision is made to secure their interests. . . . Our own responsibility for the contentment of the country makes it incumbent upon us to make every attempt to arrive at a settlement which will satisfy the reasonable claims of both parties before reforms are introduced. . . . Recent experience in Madras has shown how inadequately Non-Brahmins are likely to be represented in the Council, unless some special provision for them is made. Numbers count for little in India at present against social, educational and especially religious superiority, which has behind it the sanction of centuries. We shall find it hard to meet the charge that we are acquiescing in the establishment of an oligarchy in Madras, unless something is done to secure to the Non-Brahmins a fair share in the legislature." The need for communal representation for Non-Brahmins cannot be put in stronger or more convincing language.

19. So far we have pointed out that all the Non-Brahmin Conferences of Madras, the Government of that Province, and the Government of India support our claim to separate representation. We shall next show that even associations organised and controlled by Brahmins, associations in which Brahmins are in an overwhelming majority, could not, and did not, oppose our claims, and practically admitted them.

(1) The Andra Conference, a political organisation of the people of the Andra or Telugu districts of the Madras Presidency, in which the Brahmins have a deciding voice and which is organised and controlled by Brahmins, passed the following resolution at its session held on the 30th September, 1917:—

"This Conference approves of the principle of communal representation to the Legislative Councils on the following lines:—

- (i.) The Non-Brahmin Hindu communities should have an irreducible minimum of representation fixed, having regard to their numbers, wealth and tax-paying capacity.
- (ii.) The Brahmins should have a representation fixed, having regard to their education, culture and population.
- (iii.) Similar representation should be given to (Indian) Christians.
- (iv.) The interests of the Panchamas should be safeguarded.
- (v.) Voting should be direct.
- (vi.) Franchise should be extended.
- (vii.) Non-Brahmins should have a fair share in the public services."

—*The Hindu*, 2nd October, 1917.

(2) We find that the Mahajana Sabha, of Madras, supposed to represent the political aspirations of the people of the Presidency, but almost exclusively composed of Brahmins, in the address which it presented to the Secretary of State, and the Viceroy in December, 1917, practically admitted the need for communal representation for all communities.—*The Hindu*, December, 1917.

(3) The Madras Provincial Congress Committee, another political organisation, whose members are the Congressmen of Madras, and mostly Brahmins, also, in the address presented to the same high functionaries, in December, 1917, practically admitted the need for communal representation for Non-Brahmins of the Presidency.—*The Hindu*, December, 1917.

(4) Nor did the matter stop here. Some time after the Non Brahmin movement was started, and its daily organ, *The Justice*, began to be published, the Brahmins felt the necessity of counteracting the influence of the movement for their own sake, and began to manipulate the formation of a rival organisation of the Non-Brahmins. Many Brahmin leaders took an active part in bringing into existence an association styled the Madras Presidency Association (vide correspondence published in the *Hindu*, 10th and 12th September, 1917). Even this Brahmin controlled organisation, in the address which it presented to the Secretary of State and His Excellency the Viceroy in December, 1917, demanded Communal representation. Further, when on the 21st December, 1917, this Association held a joint session with the Madras Provincial Conference, the Madras Branch of the Congress and a Brahmin body (a further circumstance showing the control of the Brahmins over the Association), and when a few Brahmins wanted to avoid the passing of a resolution on the question of Communal representation, the following speech was made by Mr. V. Chakkarai, B.A., B.L., a Non Brahmin, of that Association: "The Madras Presidency Association joined the Provincial Congress Committee in convening this Special Conference on the express understanding that communal representation would be embodied in the self-government resolution as an integral part of the Congress scheme. Otherwise the Madras Presidency Association would not have come in. The Madras Mahajana Sabha and the Madras Provincial Congress Committee had given their adherence to the principle of communal representation. At this juncture of their national history they should not go back upon the resolution placed before the Conference. If they did so, they would wreck the Congress on this very platform." (*The Hindu*, 22-12-1917.) The demand of the Madras Presidency Association for Communal representation to the Non-Brahmins could not have been put in stronger terms. The resolution above referred to "insists on adequate representation of all communities other than Brahmins."—(*The Hindu*, 22-12-1917.)

(5) Finally, the All-India Conference of the Moderate Party at its first session held in Bombay, on the 1st and 2nd of November, 1918, under the Presidency of the Honble. M. Surendranath Bannerjee, passed the following amended resolution: *Resolution viii. (c)*: "The Franchise should be so broad and the electorates so devised as to secure to all classes of taxpayers their due representation by election, and the interests of those communities or groups of communities in Madras and the Bombay Deccan and elsewhere; who at present demand special electoral protection, should be adequately safeguarded by introducing a system of plural constituencies in which a reasonable number of seats should be reserved for those communities."

(6) The following two extracts from two pamphlets, published by the Honble. Mr. V. Sreenivasasastri, one entitled, "Self Government for India under the British Flag" (pp. 36, 37), and the other, "The Congress League scheme—an Exposition" (p. 13), respectively, though somewhat coloured light by a facile pen will give an idea of the extent of the injustice done to Non-Brahmins and of their feeling in the matter, and also of the recognition thereof, even against their will, by the Brahmins themselves:—

"In Madras and parts of the Bombay Deccan the Brahmin class has created a feeling of jealousy and distrust against itself. The Non-Brahmin, though in an overwhelming majority finds his class



without adequate representation in the Services or in the professions, and believes that this result is due to the caste instinct of the Brahmin, who, having selfishly monopolised the advantages of education and social precedence in the past, is now equally selfishly enjoying its fruits by keeping members of other castes from approaching all modern avenues to preferment and distinction. . . . The sense of injustice and *long-continued wrong rankles* equally. . . . The ill-feeling came out in an ugly form when the Public Services Commission visited Madras and has since passed into an *acute phase*. . . . One duty rests on the Brahmin, as being the party having the advantage at present. He must recognise that the attitude of the Non-Brahmin is not only the *natural but inevitable consequence* of the past, and must be ready and willing in social relations to pay tender heed to the feelings of the Non-Brahmin."—December, 1916.

"It is unusual to make special arrangements for the protection of an immense and overwhelming majority, but it is also unusual for a numerically small caste to enjoy a *decisive ascendancy* over most other classes in culture and social and *political* influence. The framers of the Congress League scheme failed to foresee this contingency. But some *way must be found* of overcoming it. So far the proposals that have been made for the purpose aim at securing a minimum representation for the majority and as a special electorate. It would seem easier and more natural to fix a maximum for the Brahmin minority."—November, 1917.

It will thus be seen that every shade of Non-Brahmin opinion in our Province demands Communal representation, that the Brahmins themselves have agreed to it though in a modified form, and that even the "moderate" leaders of all India have recognised the need for it and that both the Local and India Governments support it.

20. In para. 24 of the joint Report it was observed :—

"The speeches of English and American statesmen proclaiming the necessity for destroying German militarism and for conceding the right of self-determination to the nations, have had much effect upon political opinion in India, and have contributed to give new force and vitality to the demand for self-government, which was making itself more widely heard among the progressive section of the people."

If this was advanced as one of the grounds for granting a substantial measure of self-government, it is impossible to conceive how Communal representation could be refused to the Non-Brahmins of Madras, when all the representative members of that community without a single exception demand it, when the Local Government and the Government of India support it, and when the Brahmin associations themselves could not but concede it. If Ulster, representing a minority in Ireland, could be excluded from the operation of the Government of Ireland Act (which, if nothing happens meanwhile, will come into operation in a few months) because Ulster wanted it, it seems to be an irony of fate, that what is wanted by all the Non-Brahmins in Madras, should be refused to them. Ulster was excluded against the will of Nationalist Ireland. Communal representation is not to be given to Non-Brahmins even though all Non-Brahmins clamour for it, most of the Brahmins conceded it, and the Local and India Governments support it.

21. Having brought to the notice of the Joint Committee the concensus of opinion in India, on this all-important question, we shall now meet the objections raised against the grant of Communal representation. In dealing with this question we desire it to be understood that the advocates of Communal representation do not put it forward as an end in itself, but only as a means to an end, the end or object being the adequate representation of all important communities in the councils of the country. We desire it to be further understood that the principle ought to be applied under the present conditions of society, that, like the reforms suggested, it is also a tentative measure, subject to revision by the periodic commissions which may set aside the principle when and if they find that it has worked injury to the State or has outgrown its period of usefulness. It is under these limitations and with this understanding that we approach the question.

22. The objections raised to the grant of Communal representation are contained in paragraphs 228 to 230 of the Joint Report. We would not have troubled this Committee with the discussion of these objections and the principles enunciated, considering that they are more honoured in the breach than in the observance, in the Southborough Report, which gave Communal representation to four communities besides the Mohammedans. But we find from the evidence before this Committee that these principles and objections must have weighed a good deal with the Southborough Committee. Lord Southborough in one place (Q. 758) said "But the Madras question is one of those things where the onus is still left upon us," and made that a ground of a somewhat long statement on the subject. Later on (813), his lordship was pleased to shift the onus on to us. We confess we were not able to follow his lordship, but Sir F. Sly made the question clear when he said (1020), "We had as Committee, you will recollect, some onus thrown upon us to justify—peculiarly justify—Communal representation in consequence of the terms of the Montague-Chelmsford Report, telling the world through the Cabinet here, that Communal representation was a thing to be shy of. That pronouncement, although it was relaxed to a great extent by the Viceroy's speech, was bound to tincture our method of dealing with the subject, because we had really to show that in India the thing could only be dealt with otherwise." It is thus clear that these objections and principles have weighed a good deal with the Southborough Committee, and have a bearing on the question of "onus." We shall therefore deal with them at some length.

23. It is said that "Communal electorates are opposed to the teachings of history," and that they involve a "divided allegiance," which the State cannot admit. It is not clear what history is referred to. Nor can there be any historic parallel, for the simplest of reasons, that in no country in the world is there such a social system of caste as that which exists in India, and especially in Madras, where its rigour is of the utmost. There are no Brahmins in Austria or Cyprus or in the smaller German States. The Magyars of Hungary are nothing when compared with the Brahmins of Madras. The only precedent, so far as we could see, is furnished by India alone. Communal representation was granted to the Mohammedans under the Minto-Morley Scheme. Prior to that the Mohammedans were hostile to the Hindus. When it was granted the Hindus in their Congress met, agitated, resented and protested year after year, and passed lengthy resolutions against it, condemning the principle most passionately. But within a few years not only did they reconcile themselves to it, but actually entered into a defensive and offensive alliance with the Moslems in 1916. This was the Lucknow Agreement, which was—according to the Joint Report—"a beginning of which note must be taken, and which marks a change in the situation." The *rapprochement* of

the two communities has become possible only because the interests of the Mohammedans were safeguarded, and they were given equality of political status with the Hindus by the grant of Communal representation. The only instance available therefore shows that Communal representation is not opposed to the teachings of history.

24. It has also been urged in the joint report in this connection that by the granting of Communal representation, the allegiance of the citizen is divided between the State and the community, and that no State can admit it. By the grant of Communal representation to Mohammedans, Sikhs, Indian Christians, Europeans and Anglo-Indians, and to various interests, it will not be admitted, we expect, that there was any such division. If not, why should there be such division if it be granted to a sixth community, after five communities are granted. Let us leave alone this invidious distinction. It is impossible, at the very outset to understand the objection itself, except on the hypothesis that the allegiance to the community is necessarily opposed to the allegiance to the State, and that the interests of the community are antithetical to those of the State. We fail to see the correctness of the hypothesis. Communal representation is required to protect the interests of one community as against another community. Where the State is concerned all communities owe equal allegiance, and there cannot arise any question of divided allegiance. The question of national citizenship does not at all arise in the matter of elections and the electorate. All the world over every voter goes to the polling booth just to vote for a particular party or a member of a particular community or interest, and even the member that is elected goes and votes for his party. To-day, the Mother of Parliaments is divided here on the important question of the Nationalisation of the Coal Mines, the Labourites demanding it and the Government, with its vast majority, opposing it. Is there any divided allegiance to the State, of the Labourites or of the supporters of the Government? What about the Irish Nationalists and the Ulsterites. What about the Republicans, Democrats or Populists of America? Do they vote or do they not vote for a party? And wherein does the question of national citizenship come in, except, of course, in the face of a foreign crisis or a great war, like the one just closed? Can we not say with equal reason that, to whatever party or caste we may belong in our country, whether Brahmins or Non-Brahmins, Hindus or Mohammedans, Anglo-Indians or Sikhs, Indian Christians or Panchams, when a national crisis occurs we all would join together. Can anyone think that a member of a Legislative Council would not be able to sink his caste or private differences into the national cause simply because he is come from a particular electorate? The objection of divided allegiance, therefore, has no force in it.

25. We are perfectly willing and prepared to abide by the "crucial test" prescribed by the illustrious authors in the paragraph (228) of the Joint Report, in which the above objection is stated. That test is "whether they (all proposals) will or will not help to carry India towards responsible Government." Responsible Government, as we understand, means that an executive Government shall continue to exist so long as it carries out the will of the representatives, and through them of the electorate or the people at large. Now, our contention is that if our Legislative Council is not constituted on a Communal basis our Councils will be largely filled with members of only one community, or with their creatures. An executive, responsible to such a body, can never be said to be responsible to the electorate or the whole people. The will of the electorate is not carried out. It is the will of a particular community that prevails. In other words, the proposed constitution creates an Indian Oligarchy in the place of a British Bureaucracy. The reforms whose only result is such, cannot claim to introduce responsible Government. The object of the reforms is lost; an exactly contrary result will be produced.

26. The second objection raised in the Report (229) against communal representation is that it "perpetuates class division" and that if it is granted, the charge will be leveled against the British Government "of dividing men in order to govern them," and "of hypocrisy and short-sightedness." This objection also loses its force when Communal representation is to be granted for five communities. The first portion of the objection is also put forth by some Brahmins in Madras in different language, viz., that Communal representation stands in the way of "Indian Nationality." We all know, and we freely admit, that it is very desirable to have one nationality for our great land. Nationality, like patriotism, however, is a mere catch word. And, like the cant of Patriotism, the cant of Nationality is the worst of its kind. In that vast Indian Continent there is nothing like one nationality, or one people. In a country where there are several races of people, speaking innumerable languages and belonging to countless castes and professing conflicting religions, the ideal of nationality, however desirable, is not easily attainable. Where the Brahmin does not dine with a Non-Brahmin, nor in his own house if a Non-Brahmin is within sight, and where there are no inter-marriages between the one caste and the other, where it is pollution to touch a fifth of the population, there can be no question of a unity of race. So long as the present inequality based on the accident of birth continues in India, a common race and a single nationality seems an impossibility. By a system of Communal representation and by the gradual evolution of responsible Government we expect to create equality, which in its turn renders inter-marriage possible and feasible, and with it in fullness of time a common race and perhaps a nationality. If Communal representation be not granted the Non-Brahmins will continue to be where they are, or more likely will be driven further into the background; the Brahmins concentrating their power more and more and weakening the resources of the Non-Brahmins. It is the refusal of Communal representation, in my humble opinion, that tends to perpetuate class divisions. This answers the first part of the objection above referred to.

27. As regards the apprehensions entertained regarding the charge of dividing men in order to govern them, and of being hypocritical or short-sighted, the answer is equally plain. It is, perhaps, best answered by, what I may be permitted to call, a process of inversion. Suppose the Non-Brahmins turn round and say "The Government are against Communal representation because they see that that way lies the possibility of a United India. They saw that prior to the Minto-Morley scheme of reforms the Hindu and Mohammedan were at arm's length, that the rival organisations bitterly disliked each other, that the Congress was anathema to the League, and there was no fusion possible between the two. Every election added its own bitterness, and the rivalry between the two communities was perpetually kept up. Lord Morley, by a political blunder, gave the Mohammedans Communal representation through Communal electorates and made a steady *rapprochement* possible between the two parties, so that to-day, with their interests severally safeguarded, with no danger of the one community swamping the other in any election, they are one in their politics, one in their objects and aims. Their deputies meet together and draw up schemes which are binding on both communities, and it is no longer possible to treat them as mutually antagonistic classes. With this object lesson before them, the Government do not wish to bring a *rapprochement* between the Brahmin and the Non-Brahmin, and would rather keep them apart by refusing to them

Communal representation by Communal electorates. If they are so kept, every election will see the spectacle of the candidates appealing to the communal instincts and asking the elector to vote for him on the plea that he is a Brahmin or Non-Brahmin, and whether a candidate succeeds or fails, intense caste hatred will be fostered as against the rival caste. It will be easy, then, when the castes are so divided to govern them all." Supposing Non-Brahmins were to argue thus, what answer could be reasonably given to it. Will the Government be afraid of any such charge, even though it may come from 27 millions of people, while the charge referred to in the Joint Report could come only from 1½ millions. If, therefore, we are to consider unhesitatingly say that their position would be more vulnerable when they decline to grant Communal representation to Non-Brahmins.

28. The third objection mentioned in the Report (para. 230) is that Communal representation will encourage communities "to settle down into a feeling of satisfied security," and that it will stereotype existing conditions without scope for emulation and improvement. The objection is stated in dealing with minorities. It was evidently not meant to apply to vast majorities. In any case this objection, like the first two, has lost its force when five communities are already granted separate representation by the Southborough Committee, and provision is made for it in the Bill. We would, however, prefer to meet it on the merits. Rivalry is possible only as between communities which have more or less the same advantages, and to ask the Non-Brahmin communities to compete with the highly organised, highly equipped and highly influential Brahmin community, is like asking a child to race with an adult. We need only quote the parallel of the industries of our country which, it is conceded, need protection at present, so that they may live, and thrive before they can be called upon to compete with foreign industries. The Non-Brahmin communities ought, therefore, to be first nurtured politically, and must acquire political influence before they can be expected to compete, otherwise it is not a healthy rivalry that will be the result, but the practical extinction in the political field of the communities concerned. Nor is there absence of scope for rivalry between different communities (with an aggregate population of nearly 28 millions) in the Communal system. The different sub-sects amongst the Non-Brahmins themselves which are more or less in the same stage of development will have ample opportunities for healthy competition, not to speak of the part that is likely to be played by individual ambition. There is thus no force in the third objection of the Joint Report.

29. Having met the objections mentioned in the Report, I may proceed to meet one or two other objections that were put forward in India. It is said that Communal representation may be claimed by a minority, with some show of reason, but that it is unthinkable that a majority and that a vast majority should demand it. The obvious answer to this kind of objection is that the Mohammedans in the Punjab and in Bengal had already been given Communal electorates, though they happen to be in the majority. In the Punjab even the number of Mohammedan voters is larger than that of the Hindus, especially so if Sikhs are excluded. But we wish to place it on a higher ground, and in doing so we may be permitted to revert to an argument already advanced, viz., that Communal representation is not an end in itself, but only a means to an end. That end is to secure by a special device, an adequate share to those who cannot by ordinary means receive their due share of representation. This, no doubt, frequently happens in the case of minorities, who, being liable to be swamped by majorities, require special protection. But why should there be any objection to extend the principle to majorities—even vast majorities—where, by the peculiar circumstances of the country, and the extraordinary conditions thereof, those majorities find themselves unable to successfully compete with a minority therein? After all, the object is to protect those who, for certain well-known reasons, cannot secure their due share of representation. What difference does it make whether they are in a minority or in a majority?

30. The same objection is sometimes urged in other words. It is said that in the proposed electorates, the Non-Brahmins will be in a vast majority, and as such they are sure to secure the majority of seats. This argument is sufficiently met by the Government of India, when they said "Recent experience in Madras has shown how *inadequately* Non-Brahmins are likely to be represented in the Council, unless some special provision for them is made. *Numbers count for little in India* at present against social, educational, and especially religious superiority, which has behind it the sanction of centuries. We shall find it very hard to meet the charge that we are acquiescing in the establishment of an Oligarchy in Madras, unless something is done to secure to the Non-Brahmins a fair share in the Legislature." That the Brahmins in Southern India possess all the advantages of social, educational and religious superiority can never be disputed. That the Public Services and the Bar are almost entirely manned by the Brahmins has been shown in an earlier portion of this Memorandum. The voting qualification is based upon payment of land tax, or in other words, the voters will be mostly small peasant proprietors. That litigation is at its height in the Madras Presidency is notorious. These peasant proprietors cannot, therefore, easily get out of the clutches of the Vakils, of the Magistrate and Civil Judges, Subordinate Judges and District Munsiffs, 80 per cent. of whom are Brahmins. Even in the Revenue Department the Brahmin preponderance is supreme; out of 160 Deputy Collectors in the Presidency, 84 are Brahmins and only 34 are Non-Brahmins coming lower down to Tahsildars and Revenue Inspectors, the proportion is by no means appreciably reduced. At the bottom we have the village Curman and the village priest, without whose assistance a village ryot cannot get on even for a single day. It is a notorious fact that almost all the Brahmin officers take part in legislative elections, and naturally support the Brahmin candidates. It is impossible to get evidence of this undue official interference, if we go to Courts. The same reason which makes one yield to official wishes and pressure operates as a deterrent to give evidence against such officials. The average ryot is illiterate. He has his own weaknesses which constantly place him under obligations to officials. He does not know the value of the right to vote which you propose to confer upon him. He thinks that if a Revenue Officer should excuse or promise to save him a few rupees by not bringing a little encroachment or a little bit of unauthorised cultivation to the notice of the higher authorities, and by thus avoiding any penal assessment, it is a greater benefit to him than the election of one of his community, who, with identical interests, is expected to best represent him; for he knows not the importance of a Seat in the Legislative Council. I can assure the Committee that 75 per cent. of the voters in the new lists are of that type. I saw it asked in this Committee (Q. ) that these peasants are substantial men. I beg respectfully to state that they are not. Under the Southborough Scheme a payment of Rs.20 gives a vote. In the districts of Godavery, Krishna and Gunter, a man with two acres of land pays Rs.20. These districts contribute the largest number of votes. To my knowledge no two-acred man is a substantial peasant. In municipal areas, even poorer men are voters, for they have only to pay Rs.3 as a local rate. It is no use asking Non-Brahmins

leaders to get themselves elected against such odds and resources which the Brahmins can command and bring into operation.

31. We are very often asked to educate these illiterate voters, and bring them into line, and make them understand the value of the vote. We are asked to concentrate our attention and energies in that direction. We shall do our best in the matter. It is the duty of every patriotic Non-Brahmin who loves his motherland and his community to undertake the task. But past experience clearly shows that a very long time will be required to realise all the expectations in this matter. One hundred and fifty years of benign British rule has not been able to make the Non-Brahmins produce 15 per cent. of the graduates turned out by the University, with equal facilities and opportunities. While centuries of inherited aptitude for receiving education have enabled the Brahmin to progress daily under British administration, centuries of denial of education and social tyranny have created a state of stagnation and despondency among the Non-Brahmins, which is not easy for anyone to get over within the space of a generation. Meanwhile, the Brahmin Oligarchy, which will surely be created, if Communal representation is denied to the Non-Brahmins, will concentrate the power which the reform scheme will place in their hands, and long before the Non-Brahmins are educated and come to understand the value of their vote the Brahmins will increase the distance between themselves and the Non-Brahmins in the race for political power. That power the Brahmins naturally, and as proved by previous experience, will utilise for their benefit and aggrandisement of their own community, and begin to oppress and tyrannise over those below. The days of Mann may not return and Mann's code may not be re-enacted, but a stage is sure to be reached, it may be not long before the goal of ultimate self-government is attained, when the only way to equalise power and to secure equal justice may be something unthinkable.

32. If instead of making calculations upon the entire body of literate and illiterate voters we take into account only the English educated voters, we find from the table given on page 119 of the Southborough Report that there will be 10,396 voters literate in English. These really are the persons who are most interested in the elections in the near future. These are the politically-minded classes. These are the limited intelligentsia. These will naturally bring into play all their resources at every election. The result of elections will surely depend upon the will and exertions of these 10,396 men. A closer examination of the same table will show that amongst these there are only 3,387 Non-Brahmins against 6,405 Brahmins, the remaining few being Indian Christians and Anglo-Indians. These numbers give the crucial test or index to show where the real power lies. For every intelligent Non-Brahmin voter who understands the value of his vote there are two Brahmins. These are the numbers that count. Mere illiterate voters and voters who do not know English we may have in lakhs. So long as the Brahmins preponderate amongst voters literate in English, the Non-Brahmins can have no chance of securing their due share in the Legislatures of the country. Our only hope lies in Communal representation through Communal electorates.

33. The argument that a separate electorate for Non-Brahmins would force the Brahmins into a separate electorate against their will has been sufficiently met by the Government of India's observation that "this argument may be discounted by the fact that in the eyes of many Hindus, this is what has already been done in the case of the Hindus." Under the Minto-Morley Reforms a separate electorate was given to the Moslems. In December, 1909, when Congress met in Lahore, in the Bradlaugh Hall, the following resolution was moved by no other than Mr. Surendranath Bannerji:—"That this Congress, while gratefully appreciating the earnest and arduous endeavours of Lord Morley and Lord Minto . . . deems it its duty to place on record its strong sense of disapproval of the creation of separate electorates on the basis of religion, &c. In particular, the regulations have caused widespread dissatisfaction throughout the country by reason of (a) the excessive and unfairly preponderant share of representation given to the followers of one particular religion; (b) the unjust, invidious and humiliating distinctions made between Moslem and Non-Moslem subjects of His Majesty in the matter of the electorates, the franchise and the qualifications of candidates." This was reiterated in more or less similar language in the Congress of each year till 1914. Yet the separate electorate for the Moslems continued. The plea that the Hindus were forced into a separate electorate did not count then. Why should it count now?

34. There is a strong argument which naturally suggests itself to us in this connection. It is noticed that the Brahmins in the Madras Presidency constitute a very small minority, not being more than 3 per cent. of the total population, the Non-Brahmins forming nearly 80 per cent. It is also seen from the statement given on page 119 of the Southborough Report, that the total number of Brahmin voters comes to only 39,865, against 206,760 Non-Brahmin voters. In the Southborough scheme each district is allotted one or more seats. Now, the figures for each district are also given at page 119. If we examine the figures for each district closely, and compare the figures in column 16 with those in column 20, it will be found that in every district, except South Canara, the Non-Brahmin majority of voters is overwhelmingly large. If the theory that because Non-Brahmin voters are in vast majority therefore the Non-Brahmins are sure to secure most of the seats be correct, then the Brahmins can secure only one seat, that provided for South Canara (please see page 25 of the Southborough Report), out of the 61 seats allotted for the so-called general electorates, and all the rest, that is, 60 seats, must go to the Non-Brahmins. Now, are we to understand that the Brahmins will be satisfied with a single seat out of 61 seats. Why, then, do they not ask for Communal Representation on the ground of their being in a small minority, when almost every other community is asking for it at this juncture? Where in history do we find a small minority not merely satisfied with, but actually enthusiastic about merging itself in a very large electorate, and content to take the off chance of securing one, and only one, seat out of 61? Can it be that it wants to efface itself in the interests of nation building, or is it that it is content to be represented by candidates from other communities? To those who would like to answer these questions in the affirmative our reply is that the days of millennium are not yet come. The true reason is merely this. The Brahmins are opposed to Communal representation, because they feel certain that with the influences at present at their command they can capture more seats than they can hope to get through Communal representation. They know that they can conveniently put their finger in other people's pie. It is in these baneful influences in the Brahminical power to fetter the discretion of the general voter that the disability of the Non-Brahmin candidate consists. Even in the existing electorates, in which 9 seats out of 10 were secured by the Brahmins, the Non-Brahmin votes preponderate in the proportion of two to one.

35. We find that a point seems to have been made on the alleged ground of the Non-Brahmin movement being new. The allegation, however, is not true. The relations between Brahmins and Non-Brahmins have never been cordial. Apart from the racial antagonism between the two, the great predominance of the Brahmins in the public services had long ago excited the jealousy of Non-Brahmins, and complaints were made on their behalf to the authorities on the spot. It has always been smouldering and never dead. Of course, owing to the lack of organisation amongst the Non-Brahmins and the platform being entirely in the hands of the Brahmins, the disabilities and the grievances of the former could not find adequate expression. But the authorities on the spot knew it. There is a standing order of the Board of Revenue of Madras (B.S.O., No. 128, Cl. 2) which laid down that in making appointments in the subordinate services care should be taken that all communities are fairly represented. This rule was more honoured in the breach than in the observance, owing to the influence wielded by the Brahmins in the headquarters of each district and in the Metropolis. But the fact remains that nearly twenty-five years ago it was noticed that Brahmins preponderated in the public services, and that something should be done to check it.

36. We are really surprised to find that Mr. Surendranath Bannerjia has deposed before you that the Non-Brahmin movement dated only from the discussion about the Montague-Chelmsford Report. The facts mentioned above will prove the contrary. But the wonder is that Mr. Bannerjia could not have known it. The South Indian Liberal Federation itself was started in 1916. Mr. P. Theagaroyachetty's manifesto was issued in November, 1916. Our daily newspaper *Justice* first came out in February, 1917. Mr. Bannerjia, as the editor of the *Bengalee* must have been receiving *Justice* in exchange for the *Bengalee*. From the very first Leader in the *Justice* of the 27th February, 1917, he could have seen that our grievances were many, and long remained unredressed. The Montague-Chelmsford Report was published in India only on the 7th of July, 1918. How, then, can it be said that we came into existence with the Joint Report. Again there were numerous Non-Brahmin Conferences held in different places in the Provinces, long before Mr. Montague arrived in India. The well-known Coimbatore Non-Brahmin Conference was held on the very day on which the famous declaration of August 20th was made by him. It is absolutely incorrect to say that we came into existence with the Joint Report, whereas it was his Liberal League (whose witness he was) that came into existence with the Joint Report, until the publication of which Mr. Surendranath was known to hold the Congress League Scheme as his irreducible minimum. Again the Public Service Commission, on which Lord Islington presided, took evidence in Madras in the year 1913, and though the evidence was confined to the services, sufficient material was placed before the Committee, which clearly brought out the "Non-Brahmin trouble," and proved its existence by that time. I need only refer to the evidence of Rao Bahadur P. Theagaroyachetty, Rao Sahib (now Rao Bahadur), T. Balaji Rao Naidu, Mr. Kumaraswami Tampoe, I.C.S., and Dewan Bahadur L. D. Swamikannu Pillai, for some time Home Secretary to the Government of Madras. The last two gentlemen are Indian Christians by birth and faith, and Mr. Tampoe is a native of Ceylon. Their evidence is unquestionably disinterested and impartial. I do not propose to quote it here. It is found printed in Vol. II., Appendix to the Report of the Royal Commission on the public services of India. It is impossible to understand why Mr. Bannerjia thought that the Non-Brahmin trouble in Madras dated from the Montague-Chelmsford Report. The quotation from Mr. Svinivasa Sartri's publication also proves our contention. (At the end of Para. 19 supra.)

37. But assuming for a moment, without in the least admitting it, that the Non-Brahmin trouble dated since the Joint Report, we fail to see why it should be belittled on that account. The domination of a majority by a minority has long been there. Several acts of the Brahmins will be found mentioned lower down—acts which are calculated to place the Non-Brahmins at a disadvantage, and to advance the position of the Brahmins. Their own overwhelming preponderance in the public services and in the Councils of the country is injurious enough in the existing state of things. But till now, as has been pointed out elsewhere, the Brahmins are only in a sphere of influence. Under the Reform Scheme, however, power—actual power—will be given to Indians, and if this power also is captured by Brahmins (as they are sure to do if Communal representation is not given) as they managed to secure all the influence hitherto, where will the Non-Brahmins be, and what will be their fate? The Brahmins will become ministers with great powers. The councils will have vast powers in the Reform Scheme. Apart from the control of the administration of transferred subjects, the Brahmin minister and his Brahmin Legislative Councillors will have the great power of raising taxation. It is a notorious fact that Brahmins do not pay any appreciable amount of taxes. The admission of a Brahmin member of the Imperial Legislative Council has been quoted in a previous paragraph of the evidence. These therefore, need not hesitate to increase taxes in any direction. Now it is the grant of powers such as these that created an impression in the minds of the Non-Brahmins that if this power is wielded by Brahmins (as past experience has shown when they were wielding only influence) bad days are in store for Non-Brahmins. Is it wrong then to wake up not merely to defend oneself against possible and probable dangers, but to a sense of one's own rights even? Up till now the European element is in the majority in the Legislative Councils. The non-official Indian members were only in the position of mere advisers. They could indulge in, as it is admitted they did, "the habits of irresponsible criticism, which have been the bane of the Minto-Morley Councils." Their resolutions were not binding on the Government. It was very rarely that resolutions were ever allowed to pass. The en bloc vote of the official very often backed up by the nominated non-officials, was there. No serious harm, even if they attempted, could have been done by the elected Brahmin Legislative Councillors. They did attempt on several occasions, but their attempts were easily foiled. The European members, including the bureaucracy, whatever be their faults, and they had many, could hold the scales evenly between Indian and Indian. It will be ungrateful on the part of the masses of India if they do not acknowledge the protection which they have received from the British Civil Service in India. "The country people," to quote again from the Joint Report, "have, and always have had, confidence in the British official, because of his integrity, fair play and detachment." We deny that the Brahmins in Madras have any of these qualities. Past experience proves the truth of my statement. Now under the new scheme this British element will be wanting there. They will be in a microscopic minority. The power hitherto held by them will be transferred to the Brahmins, who will naturally use it to their own advantage, and to the detriment of the Non-Brahmins. No wonder that the Non-Brahmin leaders should wake up, organise themselves as well as they could with the limited resources at their command, and make genuine attempts to protect their own interests and

those of whom they are the natural and accredited leaders. Again the slight increase in wealth and intelligence among the great Non-Brahmin communities, the assembling of Communal conferences, the natural, though imperceptible, combination of these various communities against the monopoly of power and influence of a particular caste, the spread of Democracy, the unfolding of new ideas and hopes, all these and many more causes of a like nature, while forming the fundamental motives and objects of social and political growth in our Province, have at once made the Non-Brahmin leaders try to rise equal to the occasion. The social and political conditions of to-day resulting from changes of years of benign British rule and chastened by the all-embracing influence of the recent world-war, have made thoughtful Non-Brahmin leaders ponder over the situation and brought them to the conclusion that Communal representation alone can save their community from stagnation, neglect, political depression, excessive inequality and domination by a minority. No wonder that Non-Brahmin leaders had to cast off their sloth and be up and doing. It is no reproach to them. It would have been criminal on their part if they did not awake and do their duty by themselves, and by the great masses to which they belong by birth, association and existence. What does it matter, then, that our movement as at present organised is new?

38. I see an attempt made by some of the witnesses before this Committee to belittle the magnitude of the power and influence of the Brahmins and the consequences thereof. Elsewhere it is even asked, "How have the interests of the Non-Brahmins been injured by the Brahmin representatives in the councils in the past to claim and desire Communal representation for themselves." In the first place, the question really does not arise. For if that were the criterion on which popular representation is to be based, the Government cannot find any reason for granting more of popular representation except on the hypothesis that their representatives have injured directly or indirectly the interests of the people of India. I shall illustrate my meaning by a counter-question. Suppose the British officials in India repeat the question, substituting themselves for the Brahmins, and ask my countrymen, "Who gave you peace and order, who guaranteed the safety of your person and security of your property, who constructed your anicuts and gave you the canals and irrigation systems which account and account so much for your present prosperity. Who gave you the telegraph, the post and the railway? We, the Britishers, never injured your interests; we are the best representatives of Indians in the councils of the country. Why do you Indians demand elected majorities of yourselves therein." Now, I ask, would any Indian approve of such arguments. He is immediately reminded of what one of your great Prime Ministers, Sir Henry Campbell-Bannerman, once said, and would reply by saying "Good government is no substitute for Self-government, and no European can represent the Indians in the Councils." May we not in our turn repeat the argument that if good government by the British is no substitute for self government by Indians, any good government by the Brahmins is no substitute for self government by Non-Brahmins. How can the substitution of Brahmin rule for the British rule be welcomed by classes who received so many benefits from the latter? Again, when separate representation was given to the Mohammedans in 1909, and when it was proposed to be given to the Sikhs, Indian Christians, Anglo-Indians and Europeans, it is not because the existing Hindu representatives in the Councils did in any way injure the interests of those five communities, but because ordinary fair play and justice demand that all communities shall have a fair and reasonable share in the councils of their country. So far I have assumed that the Brahmin representatives in the existing councils conducted themselves in a most impartial manner, never attempting to advance the cause of their own communities, but always with an eye towards the national advancement. That is by no means a fact. Apart from the fact of many of their relatives being given decent appointments and promotion to the detriment of Non-Brahmins seeking service and already in service, there are numerous instances in which they tried to benefit their community to the disadvantage of the Non-Brahmins. The resolution moved in 1911 by the Honble. Mr. L. A. Govindaraghava Iyer in the Madras Legislative Council, regarding the recruitment to public services by open competition, the same resolution moved by the Honble. Mr. Ramachandra Kan Pantulu in 1912, the resolution regarding the recruitment of sub-magistrates from the Bar, which is almost exclusively monopolised by the Brahmins, moved by the Honble. Mr. B. V. Narasinha-Iyer; the resolution regarding the amendment of the Civil Courts Act, so as to transfer to the High Court (where three out of the four Indian Judges were Brahmins, the fourth being a Mohammedan) the power of appointing sub-judges and small cause Court judges, from the Government, moved by the Honble. Mr. T. Rangachariar; and the resolution, notice of which was given by the Honble. Mr. V. K. Ramanujachari regarding the deletion of the Board Standing Order No. 128 cl. 2, which provided for the representation of all communities in the appointments within the power of that Board and of their subordinate officers, are only a few of the instances which I could bring to your notice. All the above five gentlemen are Brahmins. When the newspaper *Justice* was started by the Non-Brahmins, a story was invented and freely circulated that the Madras Government subsidised the paper, and was purchasing hundreds of copies. Five Brahmin Members of the Legislative Councils simultaneously gave notice of interpellations regarding the newspapers subsidised by the Madras Government. Notice was also given by another Brahmin member of a resolution demanding the Government to publish a list of the journals subsidised by them. It was found after all that not only did the Madras Government not subsidise anything to the paper *Justice*, but as a matter of fact subscribed to a fewer number of copies than *The Hindu* of the Brahmins. The late Dr. Nair, in whom our community lost its ablest leader, had to publish an editorial, in which he not only contemptuously denied the charges, but pointed out how such false stories were invented and circulated by the Brahmins, and also how the Madras Government did not give facilities which they were affording to other newspapers. To come back to the instances we were pointing out, there were several resolutions moved by a Brahmin representative of Madras Presidency in the Imperial Legislative Council regarding the report of the Public Service Commission. The Madras Government took up and has been maintaining at public cost a Brahmin widows' home in Madras, to which none but Brahmins are admitted. Not a little finger was raised, not a voice whispered at this special treatment, but when a grant was made to the proposed Rajkumar College, a great noise was raised. A Brahmin Member moved, and the Government of Madras accepted, a resolution to appoint more Indians as District Board Engineers, with the result that within the space of a few years 18 Indian engineers were appointed, of whom 15 are Brahmins and only three are Non-Brahmins. This result is complacently accepted with supreme satisfaction, and not a voice was raised protesting against the inequality and injustice involved. The injury to non-Brahmins can be due to acts of both omission and commission. The Brahmins could not do much injury to us as members of the existing Legislative Councils, for they have only influence but no power, and they are in the minority as against officials. At present they could not harm us much, though I am certain they would have done if they could. Government recently appointed four non official Indians as Presidents of District Boards, three out of whom are Brahmins. Within the jurisdiction of one of the Brahmin presidents there is a big choultry founded by ancient non-Brahmin Zamindars, at which pilgrims are freely fed. A rule was passed

that in this choultry ghee (clarified butter) and buttermilk should be served only to Brahmins and not to the Non-Brahmin visitors. A complaint was made to the Brahmin president, and he decided that butter could go so far as that, further comment seems to be superfluous. The immense funds of the Timpati Temple were diverted to a Sanskrit College, where a dead language is to be taught for the benefit of the Brahmins. Several temples and charitable institutions, too numerous to be mentioned, were founded by Non-Brahmins, and are now under the management and trusteeship of the Brahmins. The Pachaiappas College in Madras was founded with the funds devised by a non-Brahmin gentleman, has till recently been almost exclusively under the trusteeship of Brahmins, and to this day Panchamas are not admitted into the college. The most notorious recent incident is, perhaps, what is known as the Kallada-Kurichi affair. In that place there is a charitable institution founded by a Non-Brahmin intended to feed the poor. It was being managed by the Taluq Board (corresponding, perhaps, to a County Council) within whose jurisdiction the village lies. Quite recently a Brahmin I.C.S. officer happened to be the Revenue Divisional Officer, and ex-officio he was also the president of the Taluq Board. A resolution was proposed and carried in the Taluq Board, resolving that the funds of the charitable institution should be diverted to convert a local Sanskrit school into a big Sanskrit college open only to Brahmins. As the president happened to be a Brahmin and also the Revenue Divisional Officer, no Non-Brahmin member of the Board dared to raise a voice against it. But outside a huge cry was raised, and the matter had to be taken up by the South Indian Liberal Federation. Meanwhile the Brahmin president was transferred and a European I.C.S. appointed in his place, and the Taluq Board promptly cancelled its own resolution. The difference between the position when a Brahmin presided and that when a European presided can easily be seen by this one single instance. It is unnecessary to give more instances. The above ought to suffice to convince you that the Brahmins are not so good and altruistic as they might have been represented to be, and show how they can injure the Non-Brahmins by acts of commission and omission from their place in the Legislative Council and in the public services. All this, be it remembered, under a benign British Government, in which the Brahmins can claim only an indirect influence and wield no power. What it will be when actual power is conceded to them is a thing which can easily be imagined and estimated by the Committee. So far as the non-Brahmins are concerned, and we can speak with authority for them, they feel that danger is ahead; that tyranny and oppression will be the only result if Communal Representation is not granted to them.

39. Having met the objections raised against communal representation, I shall now proceed to submit what kind of electorates we need. The Government of India in their fifth Report recommend the reservation for Non-Brahmins of thirty seats out of sixty-one, in non-Mohammedan constituencies, though it is not clear whether these thirty members are to be returned by Non-Brahmins alone or by Brahmins and Non-Brahmins together. A plural constituency is recommended in the amended resolution of the All-India Conference of the Moderate Party, held at Bombay in November, 1918. At this Conference only one Non-Brahmin from the Province of Madras was present. This, in our humble opinion, is a half-measure, and, like all half-measures, it is unsatisfactory. The only reason assigned by the Government of India for this kind of system is the undesirability of forcing a separate electorate on the Brahmins against their will. In the same paragraph in which this reason is found is also given how it is discounted. It is observed that "this argument may be discounted by the fact that in the eyes of many Hindus this is what has already been done in the case of the Hindus." When separate electorates were granted to Mohammedans in 1909, separate electorates were forced upon the Hindus. We have already pointed out by referring to various resolutions of the Congress that it was against the will of the Hindus, and even against their vehement protests (please vide para. 33 supra). Now we fail to see why such a thing could not be done to protect majorities when it was done to protect minorities. It is another matter when any protection is refused to majorities on the ground that majorities should protect themselves. But when once it is conceded that these majorities require protection and provision is actually made to reserve some seats to them, it is impossible to understand the refusal to grant separate electorates on the solitary ground stated.

40. This reservation of some seats to Non-Brahmins in plural constituencies cannot at all be regarded as granting Communal representation. It may be anything, but it is not Communal representation. To be called a representative of a particular community, and yet to be elected not merely by that community, but also by another community, is a position which has neither logic nor reason to support it: it is an insult to the candidate as well to the voter. We can understand the singular constitution which is to be conferred on us, we can understand the "hybrid executives" which we shall have hereafter, but it is impossible to understand this "hybrid" constituency in which a particular community will be asked to vote for a member of another community, not as a representative of themselves, but as a representative of others. For when once a candidate is recognised as a representative of a particular party, it is unreasonable to ask others who do not belong to the party to vote for that candidate. In the proposed plural constituencies a Brahmin voter knows beforehand that all the candidates for a particular seat are Non-Brahmins intended to represent Non-Brahmins and not to represent Brahmins, and yet he is required to go to the booth and vote for one who professedly does not represent him or his community. Suppose we take a concrete example. The Europeans in Madras Province are given a seat in the proposed constitution. How would they like the idea of a European of Madras being elected by a plural constituency of Hindus and Europeans? The fact that in that case the Hindus, being in a vast majority, would return a European, who is not liked by the majority of Europeans, does not reduce the anomaly I am trying to point out. In such a case Mr. Avondale or Mrs. Besant will be elected (assuming also that Woman Suffrage is granted) to represent the European Community in Madras. How would the European Community in Madras like such an election?

41. Let us leave alone these theoretical objections for which, perhaps, there is no place in the novel constitution that we are going to have. Let me point out the practical difficulties in the working of these so-called plural constituencies. It is a device invented by the genius of Brahmins to avoid the real representatives of the people, the people that form the backbone of the country from being returned to the Legislative Council. You could see the origin of it in the resolutions of the All-India Conference of Moderates, held at Bombay in November, 1918. That was their first Conference. They had no existence as such until that date. That movement was organised by two Brahmin gentlemen, both members of the Imperial Legislative Council and afterwards members of the Southborough Franchise Committee. How their appointment on the said Committee has been received by the Non-Brahmins, and how they found

themselves unable to give evidence before that Committee, has been submitted in another place (please see para. ). The Committee heard only the evidence of our opponents and had the advice of the Brahmin members thereon. The Committee, while making mention of plural member constituencies, did not actually recommend them because "such evidence as we were able to obtain went to show that whilst such a proposal might be accepted by the Brahmins, if it were the price of an enduring peace and might, if the number of seats were substantial, be accepted by one section of the Non-Brahmins, the leaders of the other section were prepared neither to submit to such a solution nor to accept it as a settlement of the controversy." The "other section," referred to is ourselves, who have unquestionably the largest following, the "one section" being the Non-Brahmins of the Madras Presidency Association. That Association was started on September 20, 1917, by Brahmins, a month after the famous declaration and nearly a year after ours was formed, in order to create a split amongst the great Non-Brahmin communities. How it was working under Brahmanic influence has already been pointed out (please see para. 19). The followers of that Association are known as Pro-Brahmin, Non-Brahmin, and are few in number.

42. Now, the object of the Brahmin leaders in consenting to the reservation of seats for Non-Brahmins in plural constituencies, in which they (Brahmins) themselves will also be voters, is to see that the real leaders of the Non-Brahmins are not returned to the Councils, but that the nominees of the Brahmins, like the members of the Presidency Association, are returned.

43. The Brahmins can enter into a compact with the Pro-Brahmin Non-Brahmins and thus arrange that the former are returned to the non-reserved seats and the latter to the reserved seats. I shall illustrate my meaning by a concrete example. It is pointed out in the Southborough Report that the proportion of the Brahmin votes to the Non-Brahmin will be 1 to 4. Suppose we take a constituency with 5,000 voters; 1,000 voters of it will be Brahmins and 4,000 Non-Brahmins. The Brahmin candidate can say to the Pro-Brahmin Non-Brahmin candidate "There will be 1,000 Brahmin votes. We shall give all our votes to you; you secure 1,600 votes out of the 4,000 Non-Brahmin votes. You will then get a total of 2,600 and your rival will get only 2,400, and you are sure to succeed." We have to take account of not only the 1,000 Brahmin votes, but of the Brahmin influence over the Non-Brahmin votes, explained in an earlier part of this Memorandum. So a Pro-Brahmin Non-Brahmin, with only 1,600 Non-Brahmin votes, will defeat a true non-Brahmin with 2,400. This is so far as the reserved seat is concerned.

The process can be repeated in the election for the unreserved seat. Here a Brahmin stands against a true Non-Brahmin, and with his own 1,000 together with the 1,600 of his friend and nominee, whom he was helping, will easily defeat the real representative of the Non-Brahmin, though the latter may have 2,400 votes. It is not our wish that these Pro-Brahmin Non-Brahmins should not be returned. We quite welcome them to the new Councils. But we do not want them to come in as Brahmin nominees. We do not want them to be under electioneering obligations to Brahmins, obligations which are inconsistent with those which they owe to their own community whose representatives they are.

44. The Pro-Brahmin Member elected under the above circumstances will have a great many conscientious difficulties in his own turn. Suppose a question like the "Kalladikurichi affair," referred to in a previous paragraph, arises. Suppose a question arises in which a charitable fund, hitherto utilised for all people, is proposed to be diverted to a Sanskrit College about to be started and intended for the sole benefit of Brahmins. Dare this member vote against the proposal, having been elected with the help of Brahmins? If he does not, will he not be voting against the wishes of his own community? Take again a case like the one now agitating the public mind, and which is likely to be before the Legislative Council ere long, for a Bill is under contemplation. It is the case of abolishing the hereditary right to the village Karnam's office. At present the Karnams hold office by hereditary right. The Government have now proposed to abolish this hereditary right. The proposal has large Non-Brahmin support. Will the future Pro-Brahmin member of the Legislative Council above referred to venture to vote for the proposal if he cares to be elected a second time? If not, will he not be voting against the wishes of those whom he is supposed to represent? Is not such a representation unreal?

Question regarding Agraharams, mostly owned by Brahmins, in which troubles concerning the permanent rights of occupancy in the tenants (Non-Brahmins) are just now the subject matter of litigation to a large extent, and are sure to come up before the future Legislative Councils. Is the Pro-Brahmin Member to vote for the Agraharamdar, with whose help he was returned or is he to vote for the tenants, whose representative he is supposed to be. And then there are the religious endowments founded by Non-Brahmins and now solely managed by Brahmins. There are so many other questions. It is unnecessary to multiply instances.

45. The next objection to this system is that a citizen when he is a voter in a constituency certainly has influence to a degree which he cannot have if he is not a voter in that particular constituency. In other words, Brahmins as voters in a constituency will have an influence over the other voters in the same constituency which they cannot so easily and freely exercise if they are not voters in it. It will afford them greater opportunities for unwholesome interference. It is unnecessary to labour the point further. If once it is conceded that Non-Brahmins deserve and require protection from the Brahmins, the only logical and workable scheme is that of separate electorates for them.

46. In the Bill the expression "general electorates" is used for the electorates in which Brahmins, non-Brahmins and Panchamas will take part; in other words, it is a Hindu electorate. When each of the separate electorates given to the Mussulmans, Europeans, Anglo-Indians and Indian Christians is called a Communal electorate, why the Hindu electorate alone is called a general electorate is not clear. I take exception to this expression because an argument is based on it. It was urged in India, it was urged in Madras in the informal Franchise Conference presided over by Lord Pentland in December last that if all the electorates are communal, our constitution would contain no general electorate at all. The obvious answer to that is that this so-called general electorate is no less a Communal constituency than the one given to Mussulmans or Indian Christians. If one more community—viz., Brahmins—be separated from this, the remaining electorate can as well be called a general electorate. If numbers is a test of a general electorate, the reduction of  $1\frac{1}{4}$  millions more out of 37 millions does not make much difference when already  $4\frac{1}{4}$  millions have been taken away from the main body of 41 millions. If there is any point in having as large a number as possible, then please separate the Brahmin  $1\frac{1}{4}$  millions from us, and include the equal number of Indian Christians, to whom the three seats already promised may be guaranteed by reservation in our general constituency. There is greater affinity between Non-Brahmins and Indian Christians, who are mostly Non-Brahmin and Panchama converts to Christianity. One can count the Brahmin converts



and their descendants on one's fingers. In the southern portion, the customs, manners and method of living of Indian Christians do not at all differ from those of our community.

47. The Brahmins are to be grouped with the Non-Brahmins because the Franchise Committee does not wish to force a separate electorate on Brahmins (1½ millions) against their will. This "will" of Brahmins sounds like "self-determination." What about the will of the Non-Brahmins (27 millions)? Let alone that. What is this "will" of the Brahmins? Is it that they wish to take part in electing Non-Brahmins, or is it only that they (Brahmins) wish to get themselves elected by a general constituency composed of Brahmins and Non-Brahmins and Panchamas, to call themselves, it may be, the representatives of a large body. If it is the latter there can be no objection. By all means give a certain number of seats to Brahmins, taking into account their population, their education, and their political mindedness. Let the Non Brahmins, Brahmins and Panchamas be voters in that constituency and vote for them. But if they mean the former, it is exactly what we oppose, exactly what has been described as "putting one's fingers into other people's pie." One can certainly claim to be elected in a particular way. But no one can have the right to prescribe the method of electing others, especially by interposing himself into the bargain.

48. This leads me naturally to submit what number of seats should be given to the Brahmins. They form only 3 per cent. of the population. On that score they cannot expect more than three seats. The population of the Indian Christians is almost the same as that of the Brahmins, and the Southborough Committee gave the former only three seats. On that score also the Brahmins deserve only three seats. The Mohammedans, who are nearly double the number of Brahmins, are given 13 seats. If that were the basis, the Brahmins may claim half that number. That is six or seven seats. The Madras Government thought that ten seats should be allowed to Brahmins. Now, taking the largest number yet mentioned or capable of being mentioned, the Non-Brahmins will be perfectly willing to set apart 12 seats for the Brahmins "as the price of an enduring peace," for that peace is as much desired by the Non-Brahmins as by the Brahmins. Twelve seats out of 61 bear the proportion of one to four, which is the same as the number of Brahmin voters bears to the number of Non-Brahmin voters. I have to add that, in addition, the University seat will be theirs very often. Past experience has shown that at least two of the Zamindari seats will always be theirs. In other words, 14 or 15 seats out of 61 will be Brahmin seats. Shall that not satisfy the Brahmins when their population justifies only three seats? If it does not, there must be something behind their professions. Our humble suggestion is that a separate constituency may be formed having 12 seats for Brahmins only. The remaining seats may be given to the Non-Brahmin constituency, in which the Panchamas will be included. That will be for 34 millions. It may be called the general electorate if so desired. If the Brahmins still insist upon a general electorate let their 12 members be elected by any constituency consisting, if they want, of Brahmins, Non-Brahmins and Panchamas, and perhaps, Indian Christians, etc.

49. I have read it reported that some witnesses before this Committee wanted to belittle the Brahmin-Non-Brahmin trouble. It is said that the two communities are making up past differences, that politics are transcending caste. Travesty of truth cannot go further. We humbly assert that the trouble is increasing every day. The Franchise Committee itself admitted that it was "raised in a *very acute* form" (para. 20). The Madras Government speaks of "a general feeling of apprehension" by Non-Brahmins "widely and strongly felt" at present. The India Government speaks of the "bitter feelings which have been roused by this controversy in Madras," and says that the reform scheme itself will be "heavily handicapped," and the contentment in the province disturbed, if the question is not satisfactorily solved. Sir Sankaran Nair, in his dissenting minute, while supporting our claim for communal representation, made some remarks which cannot be left unchallenged in this connection. To us Non-Brahmins it is impossible to understand the position taken by him. But, perhaps, the explanation lies in the fact that having moved so long in the Congress groove it became impossible for him to get out of that groove. He has not been in Madras during the last four years, during which our movement received a great impetus. His statement that "Mrs. Besant in particular brought over the whole of her Brahmin party to discard the Brahmin restrictions which stood in the way of the hearty co-operation of the Non-Brahmins" is most inaccurate. It is true she has a Brahmin party. In fact, 99 per cent. of her Indian followers are Brahmins. It is also true that there are Brahmin restrictions which stood in the way of any hearty co-operation with Non-Brahmins. But it is absolutely incorrect that Brahmins have discarded them, and that Mrs. Besant has ever attempted to get them discarded. On the other hand, she always flattered the Brahmins, and believed that everything connected with them was sacred, found a scientific explanation for every custom and habit of the Brahmins, and told them that they should adhere to their time-honoured customs and restrictions. Whatever was ancient in India was justified by her, and she tickled the pride of the Brahmins by telling them that they are far superior to the rest of mankind. In fact, she threw her whole weight of support in upholding the tyranny of the lower classes by the Brahmins. To say that she brought the whole of her Brahmin party to discard restrictions is anything but a fact.

50. I shall now try to summarise what I have said. I have shown:—

- (1) How 9 out of 10 seats allotted to general electorates were captured by Brahmins in the Madras Legislative Council.
- (2) How all the 3 seats in the Imperial Legislative Council have been taken by Brahmins.
- (3) How in the Public Services of the country Brahmins preponderate.
- (4) How a small minority is dominating over a large majority.
- (5) How all Non-Brahmins (the majority Party) want Communal electorates.
- (6) How even the Non-Brahmins of the Madras Presidency Association (the minority Party) want Communal representation.
- (7) How almost all the Brahmin organisations conceded the need for Communal representation.
- (8) How the All-India Conference of Moderates at Bombay agreed to give Communal representation.
- (9) How the Government of Madras has shown that Communal electorates are necessary.
- (10) How the Indian Government would concede Communal representation and how whatever comes from that source favourable to the Non-Brahmins should be given special weight.

(11) How there is no force in the objections raised in the Joint Report against Communal representation.

(12) How the other objections—such as Non-Brahmins being in the majority in population and amongst the voters—raised elsewhere, do not stand the test of criticism, and how numbers do not count.

(13) How the future Councils rise from the sphere of influence to that of power in the new reforms scheme, and how if that power is not distributed, it will work danger.

(14) How reservation of seats in plural constituencies is wrong in theory, and how it is fraught with practical difficulties and how it does not serve any useful purpose, and why Brahmins want this “hybrid system.”

(15) How such a constituency itself first came to be proposed.

(16) And how Communal electorates are the only means of saving Non-Brahmins and of preventing the creation of a Brahmin Oligarchy.

51. No one can foretell with certainty what the consequences will be if the reforms are introduced without Communal representation to the Non-Brahmins. But so far as these communities are concerned they believe that evil days are in store for them. They apprehend that the majority of the seats will be captured by Brahmins and the rest by their nominees, and that the Public Services will likewise be monopolised by the same; that the Brahmins will rise in power and concentrate it before the voters can learn to understand the value of their vote: that that power will be utilised for the aggrandisement of the Brahmins and to the detriment of the Non-Brahmins; that a Brahmin Oligarchy will be substituted for a British Bureaucracy; that the dial of progress will be set back; that justice, on which the British power in India has been founded, will be cast to the winds; that nepotism and jobbery will be the order of the day; that responsible Government in Madras will be a failure, and that the Brahmin Oligarchy will never be responsible to the masses and the middle classes, the poor and the proletariat; that stagnation, neglect, political depression, excessive inequality and domination of the majorities by a minority will be their fate; that though the code of Marm may not be re-enacted, oppression and tyranny will follow, and that the consequent results are unthinkable; that instead of India rising in the scale of Nations, there will be such a crash that no one can say where its shattered pieces may fall. We may be right or wrong in our apprehensions; but Great Britain, holding India in trust is bound to take note of them.

52. The Zamindar of Telaprole, presiding over the Non-Brahmin Conference, at Tinnvelly, in December, 1917, has thus summarised our future position:—“We Non-Brahmins are to remain and multiply in order that the chosen few may have subjects to rule and the British are to remain to keep off external danger, by their Military and Naval Forces, and to suppress us if we should dare to oppose the orders of a Brahmin Oligarchy. Great Britain has the right to demand from us obedience and if necessary to secure it by force, provided she rules well and is willing to give us a share in ruling as we become fitter and fitter to bear the responsibilities. But I say emphatically that Great Britain has no right to say ‘I will put over you an Oligarchy in which you have no share, which you distrust, which is socially contemptuous of you. I will let that Oligarchy shape its policy as it pleases, and if you dare to dispute its authority, then I, even if I disapprove of its policy, will use the British Army to enforce non-British policy.’ We are not cattle to be sold by one master to another, with the further humiliation of the first master standing by with a bludgeon in case we object to be sold.”

53. One of the speakers, moving the resolution on communal representation at the Non-Brahmin Confederation, which met in December, 1917, said: “It is the surest way of converting the Brahmins into the Magyars of Madras. Domination of the majority by a minority, oppression and tyranny will be the only consequence, and the seeds of revolution and civil war will have been sown. God forbid that there shall be any revolution in this peaceful land of ours; God forbid that there shall be any civil war in this peace-loving country; but, Sir, if there should be any such contingency and blood has to be shed, at whatever distant date it may be, such blood will be on the heads of those that oppose this resolution of Communal Representation at this critical period of our history.”

54. Lord Curzon, while committing this Bill to the Joint Committee on June 30th, 1919, appealed to this Committee “That nothing could be done to weaken or diminish the protection that is given to the poorer classes in India, and they are the vast multitude of the population of the British Raj” and that the poor should be given “freedom from opposition” by the upper classes. Our prayer is also the same. That our apprehensions are genuine and honestly entertained was admitted by the Brahmin representatives at the informal Franchise Conference, held in December last at Madras, presided over by Lord Pentland, who could speak to the truth of this statement. It can also be gauged from the language of the following resolution passed so recently as the 21st of June, 1919, at the Non-Brahmin Conference, held at Trichinopoly, under the presidency of a Mohammedan gentleman: “That this Conference sincerely believes that the absence of a provision for a separate Non-Brahmin Hindu Electorate will alter the British character of the Government and create an Anti-British Oligarchy, which the Non-Brahmins declare themselves not bound by the ties of loyalty which bind them to the British Government, so long as it retains its British character.” That these fears require to be allayed will, it is hoped, be conceded. The Government of India saw the need for such allaying, though at a late stage, and though they propose only a half-measure to secure that end. A great Reform Scheme, with such far-reaching consequences, cannot be ushered in, when vast communities are groaning under discontent at the very threshold of its inauguration. Peace, contentment and justice have been Britain’s greatest boons to India. God grant it, they may not be taken away from us now.

## APPENDIX I.

PAPER handed in by Mr. Ramachandra Rao on 13th August, 1919. (See Evidence, Question 3925 *et seq.*)

## NOTE ON THE BUDGET PROCEDURE IN PROVINCIAL LEGISLATIVE COUNCILS UNDER THE GOVERNMENT OF INDIA BILL.

In paragraph 256 of the Montagu-Chelmsford Report the authors deal with the question of the Budget procedure in the provincial legislative councils. The Report says "that the provincial Budget should be framed by the Executive Government as a whole. The first charge on provincial revenue will be the contribution to the Government of India, and after that the supply for the reserved services will have priority. The allocation of supply for the transferred subjects will be decided by the Ministers. If the revenue is insufficient for their needs, the question of new taxation will be decided by the Governor and the Ministers. The Budget will then be laid before the council, which will discuss it and vote by resolution on the allotments. If the legislative council rejects or modifies the proposed allotment for reserved subjects, the Governor should have the power to insist on the whole or any part of the allotment originally provided if, for reasons to be stated, he certifies its necessity in the terms in which we have already suggested."

1. It is clear from the terms of the above paragraph (1) that it was intended that the Budget as a whole should be presented to the legislative council, (2) that the council should discuss the Budget as a whole and vote on it by resolution, and (3) that all proposals involving new taxation should be brought forward only with the consent of the Ministers.

In regard to the first and second points Sir Sankara Nair also understood the proposals as conceding the financial control of the provincial councils over the whole Budget. He says that "he understands the original proposals of the Report as requiring the entire Budget to be submitted to the legislative council, whose resolutions on the Budget will be binding even as to the reserved subjects unless the Governor restores the disallowed allotments of the Budget on specific grounds."

In regard to the last point the Government of India admit that "it is the intention of the Report that fresh taxation cannot be raised for the necessities of a reserved subject except by Ministers and with their consent." (Para. 67 of their letter dated March 5, 1919, page 26 of the Blue Book.)

In fact, it is this part of the scheme relating to the powers of control proposed to be conceded to the provincial legislative councils over provincial revenues that induced me and many others like me to give their support to the scheme. The Bill as now framed, coupled with the proposals of the Government of India in their letter of March 5, some of which find acceptance in the Bill, has so considerably modified the original proposals in regard to financial control as to render this part of the Bill unacceptable.

The proposals in the Bill in regard to the Budget procedure are to be found in Clause 9 and are explained in para. 16 of the Memorandum.

2. The following questions arise, therefore, for consideration :—

1. Will the Budget statement presented to the legislative council and open for discussion and vote of the council contain the receipt heads as well as expenditure heads? In other words, will it continue to be framed as it is under the present practice, as an estimate of the probable income and expenditure of the financial year under the various heads?

2. Will it be open to the members of the legislative council to discuss the estimated receipts and move resolutions modifying or varying the figures given in the estimates in regard to receipts and to vote upon them?

3. Should the proposals involving the raising of the existing burdens on the people either by executive action or involving taxation legislation receive the assent of the legislative council, or will it be open to the Governor to exercise his power of certification and to utilise the Grand Committee for legislation involving taxation?

4. Will it be open to private members to propose alterations under the expenditure heads, either from one reserved to another reserved head, or from one transferred head to another transferred head, or from a reserved head to a transferred head?

5. Will the members be in a position to move resolutions suggesting increase of expenditure either in the reserved sphere or in the transferred services?

6. What are the limits of the emergency powers of the Governor to incur expenditure? (Clause 9 (2) (b).)

7. What are the permanent charges on the provincial revenues that would be exempted from the annual financial discussion by rules? (Clause 9 (2) (c).)

3. In regard to the first and second questions, the Bill as drafted is not clear on the points raised and it has been suggested that it is not intended that the receipts heads of the Budget should form the subject of discussion or vote in the legislative council. This view, if carried out, would be a novel method of Budget procedure, hitherto unknown. Clause 9 (2) mentions that the proposals of the local government for "the appropriation of the provincial revenues should be submitted to the council in the form of resolutions." If by the words "appropriations of the provincial revenues" it is intended that the expenditure side of the Budget alone should be submitted to the vote of the council it will be a very serious curtailment of the function of the legislative council. It is equally necessary that the receipt heads must be also open for discussion and should be voted upon in the legislative council. Under the present regulations the members are entitled to discuss both receipts and expenditure, and resolutions have been moved in the provincial legislative council suggesting the reductions of the anticipated revenues of the year. A few instances may be given. A resolution was moved in the Madras Legislative Council for omitting from the Budget the anticipated sale proceeds of waste lands amounting to a lakh of rupees and advocating that the lands should be distributed free to the poorer classes (Vol. 39, p. 144). Again, a resolution was moved last year that the land revenue receipts to the extent of Rs. 5,41,000 anticipated as revenue from cultivation of Poramboke lands should be deducted from the head of land revenue, and this was done to express disapproval with the system of imposing penalties. Another resolution aimed at reducing the figures under land revenue, miscel-

aneous (Proceedings of the Council for 1918, p. 383). In this way several questions of principle have been discussed, and various instances may be quoted from the Proceedings that these discussions in regard to the methods of raising revenue have done considerable good.

The council must necessarily have the power of scrutinising all items of receipts, and not only those items which require legislative sanction. Reference has been made in this connection to the practice in the House of Commons, and it may be useful to refer to the procedure in that Assembly. The Committee of Ways and Means in the House of Commons goes into the receipts heads, and resolutions of the whole House are adopted for the variation of any existing tax or for the renewal of any tax in force or imposed during the financial year. In fact, the taxation proposals for the revenue of the year are considered by the Committee of Ways and Means, which can consider not only the impositions of the new taxes but also the repeal of existing taxation and the substitution of one tax for another (May's Parliamentary Practice, pp. 487 to 491). The only limitation to the power of the Committee is "that no augmentation of the tax or duty asked by the Crown can be proposed by the Committee or tax imposed save on the sanction of a Minister of the Crown." Subject to the above limitation, the legislative council should, therefore, have the power of discussing and voting on the proposals for raising the revenues of the year. Any deviation would be in variance with existing practice in the councils, which, as pointed out, are now permitted to discuss by resolutions (which are not binding on the Government) the estimated receipts.

4. The third question raises the important point as to whether the additional revenue of the year should be raised only with the consent of the Ministers and of the legislative council or whether the Governor should have the power of certification and of securing the necessary legislation over the head of the legislative council by adopting the Grand Committee procedure. I have already referred to para. 256 of the Report, which explicitly laid down that "all proposals for new taxation should be decided by the Governor and the Ministers." The Report was understood as recognising once for all the finality of the legislative council on the subject of taxation. To adopt any other course and to place the power of taxation ultimately in the hands of the Governor would be a negation of all responsibility of the popular assembly.

The essential difference between the system of taxation prevailing in the United Kingdom and that in vogue in India cannot be overlooked. In India a considerable part of the revenue is raised under the heads of land revenue and excise, and though there are statutes relating to these branches of administration the power of imposing taxation and adding to the existing burdens is now entirely vested in the executive Government and does not require legislative sanction. In the United Kingdom, on the other hand, taxation can only be imposed by legislation passed in Parliament after full discussion. Sir Sankaran Nair has advocated that land revenue should be placed on a legislative basis as recommended by this Royal Commission on Decentralisation. If, therefore, the receipt side of the Budget does not come under the discussion of the legislative council the executive Government of the province will be able to impose taxation under the powers given by the existing Acts without the criticism of the legislative council, and these proposals will go without any scrutiny in the council.

Reading Clauses 8 and 9 of the Bill, it is not quite clear what the position will be in this matter. The Government of India propose that "if either part of the Government asks for taxation which involves legislation or desired to raise a loan, it will introduce a Bill for the purpose. If the Bill comes from the official side of the Government and the legislature proves hostile, the Governor can exercise his right of removing it by certification to the Grand Committee." This procedure will stultify the legislative council, which will thus be deprived of the essential function of a popular assembly. Clause (3) of Section 9, which relates to the constitution of Grand Committees, must be so drafted as to make it quite clear that the Governor cannot invoke the aid of the Grand Committee for taxation Bills.

5. The points (4) and (5) may now be considered. The question is whether the members of the legislative council should, in discussing the expenditure side of the Budget, have the liberty of suggesting variations and transfers from one head to another and whether they should also have power of proposing an increase in expenditure in directions desired by them. They have under existing regulations the power of moving resolutions involving increase of expenditure subject to the limitation that if the proposal has the effect of reducing the closing balances of the year, ways and means must also be suggested for counterbalancing increase in revenue or reduction in expenditure so as to avoid such reduction in the closing balances. This power has been very largely availed of, and though the resolutions are at present only recommendatory I venture to think a great deal of good has been done even to the departments which will hereafter come under the category of "reserved." I venture to give below a summary of the resolutions moved in the Madras Legislative Council from 1909 to 1918 on the improvement of the services, most of which will fall under the category of reserved subjects.

#### THE PUBLIC SERVICES.

"The method of recruitment to the public services and the improvement of their pay and prospects have also formed the subjects of continuous discussion and examination in the Council. A very large portion of the establishments of the Public Works Department has been on a temporary basis for a long time though there was absolutely no chance of any contraction in the operations of the department. The claims of this class of public servants for better pay and prospects have been successfully urged in the Council, with the result that a scheme for the reorganisation of the department was undertaken with the sanction of the Secretary of State. Another subject which was pressed with some degree of success upon the attention of the Government was the desirability of discouraging the employment of temporary engineers imported from Europe on large salaries to the detriment of the indigenous agency. This has been found not to be necessary, and this class of men is being gradually eliminated, and a root cause of discontent among the superior officers of the department has been removed. The reorganisation of the inferior establishment in this department was also suggested, and this has also met with some success.

"In the Judicial Department the provincial judicial service was organised on its present basis in 1886. Large temporary additions have been made from time to time to the cadre of this service to cope with the growing litigation. A reorganisation of the whole department has been long overdue, and it is therefore brought to the notice of the Government. The question of the increase of pay of district munsifs and subordinate judges with a view to encourage better recruitment also formed the subject of representation, and the Government have recognised the claims of this class of officers for better treatment. The unsatisfactory condition of the subordinate magistracy has been the subject of complaint for a long

number of years, and has found expression in the Council since 1910. The matter was again brought to notice and pressed on the attention of the authorities, and the present increased scale of pay is the result of these efforts. It is, however, a matter of great doubt whether the quality of this class of officers would improve in a substantial manner unless better methods of recruitment are adopted. The difficulty in the settlement of this question lay in the fact that the stepping-stone to the post of a sub-magistrate is through the Revenue Department, where the recruitment at the bottom is begun at Rs. 20. The whole question of a better system of recruitment has been under consideration since 1885, and was one of the points on which the Public Service Commission which sat in that year took evidence from many eminent European and Indian officials who expressed the opinion that the starting pay should be at least Rs. 100 to attract a better type of men into the service. This long-pending question was decided by the Government in 1911, but the conclusion arrived at was that the starting pay should be Rs. 35—a most unsatisfactory solution of this vexed question. The matter was therefore promptly brought up in the Council for discussion. The Government have during the last two years introduced a scheme of recruitment with an initial salary of Rs. 100.

“The desirability of the appointment of an Indian to the Board of Revenue was brought up for consideration, but the Government sheltered themselves under the plea that this is not one of the listed appointments from the provincial service, and that they therefore were powerless to make the appointment, even if they were inclined to do so. The appointment of an Indian official to the Board was made by the Government in 1917. The question of secretariat training to Indian officers was also urged. At one time it was under contemplation to take away the only appointment of an under-secretaryship from the provincial service. The organisation of the department of the revenue settlement also came up for consideration. Before 1902, when the resolution relating to the land revenue policy was issued, there was a fairly good proportion of Indian officers in this department, but since that time the Indian element has been gradually eliminated, and the superior grades of the department were filled by the members of the Indian Civil Service. The Government conceded that two of the superior appointments of the settlement officers would be filled from the deputy collectors employed in the settlement department. The recruitment of assistant directors of survey also came for consideration. This is one of those services in which it is the conventional official belief that the Indians lack the physical habits and energy necessary for making successful officers. Direct recruitment of young Indians into this department was therefore urged without detriment to the claims of the older men already in service as sub-assistant directors. The Government practically agreed to consider the claims of those already in service, but would not listen to the proposal to enlist young men in this Presidency by direct recruitment in this department, though they made vague promises that they would very carefully consider all that has been said in the debate. The claims of the low-paid village establishments were also frequently urged in the Council. The hard lot of karnams, village munsifs, village talayaries and vetties and other village servants was persistently pressed during the last six years, but without any effect, the plea put forward being that even a small increase of a rupee a month over existing salaries would cost several lakhs of rupees, that the village officers have perquisites to depend upon, that any reasonable increase that would meet the situation satisfactorily was out of question on account of its excessive cost, that any small increase, therefore, is useless, and that the payment of any travelling allowance when they are obliged to leave the village would lead to numerous frauds, and that, therefore, it cannot be considered. Every one of these arguments has been so unconvincing that one of the non-official members took the view that the Government is more ready to listen to proposals for the increase of the pay of the already well-paid men in the public services than of men with small salaries and of smaller means. During the last six years schemes of reorganisation in the Revenue Department have never touched the men at the bottom, but improved the prospects of head accountants and every other class of subordinate officers, with the exception of the village officers and village servants. One of the important proposals brought forward and also accepted by Government, and which is full of potentiality for the future, aimed at the deputation of the officers of the provincial or subordinate educational services to foreign countries. It has been felt for a long time that the European agency in the Educational Department has enormously increased and is increasing without any provision having been made for the training of suitable indigenous agency. The rapid progress of Japan is entirely due to the policy of the Government of that country to send out to European countries large numbers of the young men for training in all departments of knowledge, for gradually replacing the foreign agency which is necessary at the outset. The principle of the resolution has been accepted. The pay and prospects of the assistant lecturers and assistant professors also came up for consideration, and a slight advance over the existing conditions was secured. The inspectorate also received some attention, the claims of Indians to some of these posts having been urged, but without any success. It is understood that a large scheme for the increase of the inspectorate, so as to secure the services of an inspector of schools to the larger districts, has now been sent to the Secretary of State. Other subjects of interest which have been successfully urged in the Council are the institution of a provident fund for teachers of private secondary schools, the improvement of the scheme and pay of pandits in Government and aided institutions, and the pay of the elementary schoolmasters both in the Board and aided institutions.”

The aim of the non-official members of the legislative council has been the general improvement of the underpaid services in all branches of administration and the diversion of funds from unproductive works for education, sanitation, and medical relief. If the proposal is to cut down this right it will create a great dissatisfaction, and its retention will, I believe, be beneficial to the administration.

6. The rule embodied in Clause 9 (d) has reference to the points raised in questions 4 and 5. It is true that “the sole function of the Committee of Supply in the House of Commons is to grant, reduce, or refuse the supplies set forth in the estimates.” There are, however, some qualifications to that rule (May, pp. 464 to 467). The Government of India have, however, recommended that the existing practice may be continued though under certain modifications. They suggest “that resolutions may be allowed to be moved to propose an addition to one Budget grant in exchange for an equivalent reduction in another.” They, however, made this proposal under the scheme of a separate purse, and suggest that no resolution to transfer funds from reserved to a transferred subject should be permitted. This limitation must disappear if their proposals for a separate purse are not accepted.

7. The question of the exemption of certain permanent charges from discussion on the annual estimates is proposed to be left to rules to be framed hereafter. Nothing useful under this head can be said till the exact proposals are published, and it is not now possible to know what are the charges that are contemplated

to be excluded from discussion. For example, charges relating to the payment of interest on debt and the salaries of the officers appointed by His Majesty's Government may be put into this category, and it is undesirable to go further. The adequacy and strength, pay, and all questions relating to the permanent services of the province should not be placed in this category. It may be pointed out that the legislative council is greatly interested in the maintenance of the permanent services in an efficient condition, whether they are reserved or transferred. The recommendations made in this behalf during the last ten years in the Madras Legislative Council, as shown in the above summary, have considerably improved the public service of the province. It is better to leave this matter to the council than to tie them by rules framed by an outside authority. It is perhaps apprehended that the councils will undertake undesirable economies by cutting down charges on the services, but this is an ungrounded fear. I suggest, therefore, that this should be left to the councils except in the matter of the high appointments made by His Majesty's Government.

8. The last point that I should like to raise is in regard to expenditure incurred by a provincial government after the approval of the Budget by the legislative council. This also raises the question of the emergency powers of the Governor in sanctioning expenditure referred to in Clause 9 (2) (b). In the first place, it is not clear whether the emergency expenditure authorised by the Governor should be in anticipation of the Budget sanction or whether in addition to the power of certification the Governor is also to have the power of sanctioning expenditure which may be necessary, in his opinion, "for the safety or tranquillity of the province or for the carrying on of any department." The power proposed to be conferred is too wide, but even apart from it the question arises as to whether it is not necessary to provide for the presentation of supplementary Budget estimates to be brought up before the legislative council to provide for expenditure not covered by the Budget. Experience in the provincial legislative councils shows that even under the existing regulations considerable expenditure is incurred between one Budget and another, and it has been a matter of complaint that this expenditure is not brought under discussion in the legislative councils till long after the expenditure is incurred. In regard to this matter I may again venture to draw attention to the proceedings of the Madras Legislative Council, where year after year it was complained that large schemes of expenditure were given effect to in the middle of the financial year without any discussion in the legislative council (Proceedings of the Council for 1915-16, pp. 870-871). Under the scheme of financial control now proposed to be introduced in the provinces it is necessary to make provision for supplementary estimates generally for the purposes mentioned in Secs. 225 and 226 of Ilbert's Manual of Procedure of the House of Commons (pp. 166 and 167)—that is, when the amount named in the ordinary estimates of the year for a particular service is insufficient for the purpose of the current year, and when a need arises during the current year for expenditure upon some new service not contemplated in the ordinary estimates of the year.

M. RAMACHANDRA RAO.

45, Westminster Palace Gardens,

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1st August, 1919.

#### APPENDIX K.

PAPER handed in by *M. Ramachandra Rao* on 13th August, 1919. (*See Question 3925 et seq.*)

#### NOTE ON THE STATUTORY RULES UNDER THE GOVERNMENT OF INDIA BILL.

1. One of the essential features of the Government of India Bill is the excessive provision made in the Bill for subordinate legislation by the Executive Government. Under the terms of Clause 30, the rules by way of sub-legislation are to be made by the Governor General in Council, with the sanction of the Secretary of State in Council, and that they will not be subject to repeal or alteration by the Indian Legislature or by any Local Legislature. Two questions therefore arise for consideration, viz. :—(1) Whether any of the matters which are to be provided by rules should be incorporated as substantive provisions in the Bill; (2) whether the provisions of the Bill, in so far as they confer the power for making rules which would be unalterable by the Legislatures are sound, and whether they require modifications and safeguards.

#### RULES UNDER THE BILL.

2. It will be convenient at the outset to group together the matters proposed to be dealt with by rules. They are as follows:—

1. Rules (a) for the classification of the subjects as central and provincial, (b) for the devolution of authority in respect of provincial subjects to Local Governments, (c) for the use of Local Governments as the agents for the administration of the central subjects, and (d) for the transfer of provincial subjects to the Governor acting with the Ministers, and (e) for fixing the contributions payable by Local Governments and for making the contributions a first charge, (f) for the constitution of a Finance Department, (g) for regulating the exercise of authority by Local Governments over the public services, and, lastly, for the settlement of doubts. Clause 1 (1) and (2).

2. Rules for exercising the powers of superintendence, direction and control over Local Governments vested in the Governor General in Council in relation to transferred subjects. Clause 1 (3).

3. Rules for the temporary administration of transferred subjects when, on account of a vacancy, there is no Minister. Clause 3 (4).

4. Rules laying down the qualifications of the members of the Executive Council. Clause 4 (2).

5. Rules for the transaction of business in a Governor's Executive Council and with his Ministers and for regulating the relations between the Executive Council and the Ministers. Clause 5 (2).

6. Rules for providing the increase in the number of members of the Legislative Council by not more than five per cent. and for varying the proportions. Clause 6 (1) (a).

7. Rules regarding the term of office of members of Governors' Legislative Councils, the conditions in which and the manner in which casual vacancies should be filled up, the conditions under which and the manner in which persons resident in India may be nominated or elected as members of the Legislative Council, the qualifications for being nominated or elected as members of the Legislative Council, and the final decision of doubts or disputes as to the validity of any election. Clause 6 (3).

8. Rules excluding the jurisdiction of the Provincial Legislative Councils from altering or repealing, without previous sanction, the provisions of any law made by any authority in India. Clause 8 (3) (h).

9. Rules for exempting the Provincial Legislative Council from imposing or authorising the imposition of any tax outside the schedule. Clause 8 (3) (a).

10. Rules declaring certain charges to be permanent charges and exempted from annual discussion. Clause 9 (2) (c).

11. Rules for giving effect to Clause 9 (5) of the Bill in regard to certificated legislation and for regulating the course of business, and as to the persons who should preside over and the preservation of the order at the meetings of the Legislative Council, for the quorum of the Council, for prohibiting or regulating the asking of questions and the discussion of any subject specified in the rules. Clause 9 (6).

12. Rules authorising the Governor to reserve a Bill for the consideration of the Governor-General. Clause 10 (1).

13. Rules for the nomination and election of the members of the Legislative Assembly. Clause 16 (1).

14. Rules for increasing the number of the members of the Legislative Assembly and to vary the proportions. Clause 16 (2).

15. Rules for laying down the terms of office of nominated members, the qualification for membership, and the decision of doubts or disputes. Clause 19 (1).

16. Rules for regulating the course of business of the Legislative Assembly, the preservation of order, for fixing the quorum, and for prohibiting or regulating the asking of questions and the discussion of any subject specified in the rules. Clause 20 (2).

17. Rules for giving effect to Clause 20 (4), enabling the Council of State to pass laws without the assent of the Legislative Assembly. Clause 20 (5).

18. Rules laying down the qualifications of the members of the Executive Council of the Governor-General. Clause 21 (2).

19. Rules regulating or restricting the exercise by the Secretary of State in Council and of the Governor-General in Council of their powers of superintendence, direction, or control. Clause 23 (2).

20. Rules for regulating the classification of the public services, the methods of their recruitment, the conditions of their service, pay and allowances, discipline and conduct. Clause 24 (3).

21. Rules in regard to pensions. Clause 24 (3).

22. Rules for the appointment to the Indian Civil Service. Clause 25 (1).

23. Rules for the appointment of the members of the Public Service Commission. Clause 26 (2).

24. Rules assigning duties to the members of the Public Service Commission. Clause 26 (2).

25. Rules for the appointment, pay, powers, and duties of the Auditor-General. Clause 27 (1).

26. Rules for the consultation of the Finance Authority for varying the pay or emoluments of the public services of India. Clause 27 (2).

#### THE CREWE COMMITTEE REPORT.

3. This is a formidable list. In addition to these matters there are other points arising out of the Crewe Committee Report on the Home Administration of Indian Affairs. It is not known which of the recommendations of the Committee and of the dissenting members will be adopted. It is not therefore possible at present to foresee what modifications would be proposed in the substantive provisions of the Government of India Act and what matters would be reserved for rules. The Committee have indicated in para. 28 of the Report the statutory changes in the Government of India Act rendered necessary in consequence of their recommendations, and it is likely that a good deal of the actual process of devolution will be provided by rules under the Act. As pointed out by Sir James Brunyate, the Report of the Committee affords little or no indication of the intended scope and methods of the further delegation of the powers of the Secretary of State in Council to Indian authorities. If any real political change is intended, statutory effect will have to be given by rules framed under Clause 23 of the Bill, by which the Secretary of State should divest himself of his powers of superintendence, control, and direction in regard to legislation, control over expenditure, control over administrative policy and schemes. Besides, the grouping of the All-India subjects into controlled and popular and various other matters referred to by Sir James Brunyate will have to be carried out by rules. According to the proposals contained in the Report, the rules framed under Clause 23 will, therefore, be vital to the whole scheme for the development of self-governing institutions in India. It is the function of the Joint Committee to examine the policy of all the rules, and also of the rules for which provision has already been made in the Bill.

#### OPPORTUNITY FOR CRITICISM.

4. Where so much of the intended advance is to be secured by the rules to be framed, rather than by the actual meagre provisions of the Bill, it is of the utmost importance that opportunities should be afforded for an adequate examination of the rules by those interested in Indian Reform. Sir James Meston stated in his evidence that he brought with him from India the proposals relating to this subsidiary legislation for consideration by the India Office and also of the Joint Committee. In introducing the Bill, Mr. Montagu stated "that the principle which he intended to embody in these rules is intended to be submitted to both the Houses, and the policy of these rules, if not the actual wording, will be carefully considered at the same time as the Bill itself. It has always been said that the Minto-Morley Reforms were largely defeated by the rules made under it, and I want on this occasion to avoid any possibility of this charge being levelled." I would strongly urge that, in view of the fact that the success of the Bill depends very largely on the way in which its operative provisions will be carried out by rules, the deputations now in this country should be afforded an opportunity of offering their views on the points proposed to be dealt with by rules. This appears to be as essential as the criticism of the provisions of the Bill.

## ELECTORAL LAW AND PROCEDURE.

5. I shall now briefly refer to some of the points mentioned in para. 2. At the outset I fully recognise the force of the argument of the Secretary of State that the process of development may be seriously embarrassed if the whole scheme were made more rigid at the start and that elasticity is essential. The limitations of Parliamentary legislation on all the complicated matters covered by the Bill are apparent. I venture to think, however, that the proposals in the Bill in regard to the authorities that should undertake subsidiary legislation are fundamentally defective. In the first place I may refer to two groups of subjects in regard to which the Governor-General in Council is to be empowered to make rules. The first is in regard to the electoral machinery and its future development, and the other refers to the regulation of the course of business in the Legislatures in India. The Governor-General in Council is to be authorised, subject to the sanction of the Secretary of State in Council, to make rules laying down the qualifications for the membership of the Legislative Councils and of the Legislative Assembly, the term of office of the members of the Governors' Legislative Councils, the conditions in which casual vacancies are to be filled up, and for increasing the number of members in the Legislative Councils and of the Legislative Assembly. (Items 6, 7, 11, 13, 14 and 15.) Similarly the Governor-General in Council is to be empowered to make rules for regulating the course of business in the Legislative Councils and in the Legislative Assembly and the Council of State. (Items 5, 16 and 17.) Both sets of rules will, under the terms of Clause 30, not be subject to repeal or alteration by the Indian Legislature or by any Local Legislature. The Executive Government is therefore to be empowered to determine the composition of the Legislatures, and to lay down not only the electoral law but also the way in which business is to be transacted by the Legislatures in India, and the latter are to have no voice in deciding how they will transact their own business or to develop their own Constitution. This procedure is repugnant to the free development of self-governing institutions. The Indian Councils Act of 1909 gave the Government of India a blank cheque to do what it liked with the composition of the Legislatures by empowering the Governor-General to frame regulations. Mr. Balfour then very rightly pointed "that the Government elaborately and carefully had taken precautions that there shall be nothing in the measure which shall prevent any future Government of India doing exactly what they like with representation. The then Government of India pledged themselves to give undue representation to the Mohammedans. Nothing in the world to prevent some other Government from giving undue representation to some other community." Under the present Bill the same policy is to be kept up, with the result that a Bill professedly intended to develop self-governing institutions deprives these institutions of all liberty to settle their own procedure and to examine their own constitution from time to time. I fully believe that, if an electoral system truly representative of the people is to be developed in India, this power should be transferred from the Executive Government to the Legislatures themselves. Provincial Legislatures would then vie with each other in perfecting their electoral systems and to secure a living representation of all classes of people.

## SUPPLEMENTAL REGISTRATION.

6. I need hardly state that in the self-governing Dominions the composition of the Legislatures increase in the number of members, the voters' qualifications, and all questions relating to elections are dealt with in the Acts of Parliament or of the Legislatures of the country. There are practical difficulties in Parliament undertaking such legislation in regard to the Indian Legislatures. The proper course is, as already stated, for the Legislatures in India to undertake supplemental legislation. In order to avoid any further delay, it will be necessary to empower the Governor-General in Council to frame, in the first instance, regulations on the materials made available by Lord Southborough's Committee, but the Provincial Legislatures and the Indian Legislative Assembly must be at liberty to undertake modification of these regulations by statute if necessary, two years after the new Councils come into existence. It is desirable that a provision to this effect should be made in the Bill, and Clause 30 should be modified. If the Legislative Councils had been set free in 1909 to develop their electoral machinery in each Province, some of the present difficulties about the electoral system would have been greatly minimised, and I feel it would be altogether unwise to go the same way again and to tie the hands of the Legislatures to be constituted under the present Bill in a similar manner. The increase in the number of members referred to in Clause 6 (1) (a) should be undertaken by the Legislatures themselves and not by the Government. I do not see how the Legislatures are less competent to deal with these questions. In regard to the Indian Legislative Assembly and the Council of State it has been suggested that a direct system of franchise should be adopted. If these suggestions are to be carried out, it is far better to liberate the Indian Legislature to be constituted as now proposed in the Bill to develop a system of direct election rather than to entrust this duty to the Executive Government. It is perhaps better to maintain the first schedule to the Bill, which fixes the composition of the Councils, without any alterations by the Councils till the Statutory Commission goes round, but there is no reason why the Councils should not be permitted to modify the regulations framed in regard to the matters mentioned in Clause 6 (3), and as to why they should not have the power of increasing the number of members proposed to be given under Clause 6 (1) (a). Similarly the supplementary legislation mentioned in Clause 19 should be undertaken by the Legislative Assembly after two years after the regulations are framed.

## RULES OF BUSINESS.

7. In regard to the rules of business also the Councils should have the power to settle their own procedure. At present the rules for the conduct of business in the Legislative Council in Madras and in the other Provinces are framed by the Councils, but when the Councils Acts of 1892 and of 1909 were passed, the right of Budget discussion, the right of asking questions and the moving of resolutions was conceded, supplemental regulations were made, and these were not subject to alteration by the Councils. (Sec. 80, Clause 3.) These rules of business, which generally applied to the whole proceedings of the Council, including those governed by the supplemental regulations, are, therefore, now made by the Council under the existing law. (Sec. 37 of the Councils Act of 1861, corresponding to Sec. 83 (3) of the Act of 1815.) The effect of the provision made in Clause 6 (6) is to take away the right from the Legislative Council and to vest it in the Governor-General in Council in virtue of his power to make rules. In all the Local Legislative Councils and the Indian Legislative Council there is a strong feeling that the Councils



should have complete control over their own procedure. The supplemental regulations made in 1909 were passed without any public discussion, and the Councils had no power to alter them, with the result that the asking of questions, the moving of resolutions, and generally the discussion of subjects have been cramped by regulations made by an outside authority, and in actual practice the discussonal powers of the Councils have been cut down. Sir Dinshaw Wacha complained last year in the Indian Legislative Council that it was not a self-governing body, and advocated an urgent reform of the present rules of procedure. The same feeling exists in most of the Provincial Legislative Councils. While Municipal Councils and District Boards can settle their own rules of procedure, it is not consistent with the position of the Councils to have their rules settled by an outside authority. In 1909 Mr. Donald Smeaton brought forward an amendment at the Committee stage of the Indian Councils Bill that the Councils should have some voice in settling their own procedure, but this was then negatived. Some distinction is drawn in the Bill between standing orders and rules, but the former can be framed only when any matter is not provided by rules. I suggest, therefore, that the Councils should be empowered to settle their own rules of procedure.

#### PUBLICATION OF THE STATUTORY RULES.

8. The extensive delegation of legislative powers to executive authority is one of the outstanding features of the Bill. To what extent and under what safeguards and restrictions the exercise of legislative power by the executive authorities referred to in the Bill should be permitted is a question of principle. I have already referred to the difficulty of undertaking Parliamentary legislation in regard to electoral law and the need for supplemental legislation on the subject in India. There are a few matters in regard to which provision should be made in the Bill. One of these relates to the Council of State. Clause 20 (4) enables the Council of State to pass certificated legislation without the assent of the Legislative Assembly, and Sub-Clause (5) confers power to enact by rule general and supplemental provisions for the purpose of giving full effect to Clause 20 of the Bill. This is objectionable. The Council of State as a legislative expedient for affirmative legislation is bad enough, but to take general power to frame rules for the purpose of giving full effect to the provisions of Clause 20 is worse. If any further provisions are wanted to make the Council of State the supreme legislative authority they must be fully discussed and embodied in the Bill itself and should not be developed by rules. Again, in the case of the local Legislatures, Clause 8 (3), (a), (b), (c), and (d), (f) and (g), expressly lays down the cases in which they cannot undertake legislation without the previous sanction of the Governor-General in Council, but Sub-Clause (h) of Clause 8 (3) proposes to empower the Governor-General to oust the jurisdiction of the local Legislatures by rule in other cases. This is not desirable and ought to be dropped. The great objection to conceding this extensive rule making power to the Executive Government as suggested in the Bill, however, is the total absence of all safeguards for hearing the authorities concerned previous to the promulgation of the rules and to their subsequent modification or revocation. The position will be fully illustrated by a reference to Clause 1, which is one of the most important clauses in the Bill. It confers power on the Governor-General in Council to make a classification of subjects as central and provincial, to provide for the devolution of authority in respect of provincial subjects to local Governments, and for the allocation of sources of revenue to those Governments, and for fixing contributions payable to local Governments to the Governor-General in Council, for the transfer of subjects to the administration of Ministers and various other important matters. It is under the provisions of this clause that the transfer of power to provincial Legislatures and provincial Governments is proposed to be effected. I presume that the proposals of the Feetnam Committee and of the Government of India, as may be modified by the Joint Committee, will be reduced to the form of rules, and the rules so made will be laid before Parliament, and are liable to be annulled by an address by either House. The Bill therefore affords facilities for Parliamentary criticism, but does not make any provision that in the promulgation of these rules in the first instance or in their subsequent alteration or revocation the authorities in India—namely, the local Legislatures, the local Governments, or the Legislative Assembly—should have opportunities for criticism or that should be heard. It will be open for the Governor-General in Council to increase the financial contribution from any Province without either asking for the views of the local Government, or even if the local Government is consulted without the knowledge of the local Legislature which will have to find funds by taxation. It will, as the Bill is framed, be open to the Governor-General in Council to take away one source of revenue and to substitute another without consulting the local Legislature and to regulate the extent and conditions of devolution, allocation, and transfer, and he may also decide questions as to whether any matter does or does not belong to a provincial subject or a transferred subject. It will also be open to him to authorise the revocation or suspension of the transfer of any subject with the sanction of the Secretary of State, but without obtaining the views of the local Legislature or the Minister, and on the motion of the Executive Council and the Governor. These are not mere possibilities, and there are no safeguards in the Bill. In writing on the rule making powers conferred on executive authority in England, Sir Courtney Ilbert says: "that the Englishman has an instinctive distrust of official discretion and an instinctive scepticism of bureaucratic wisdom, and that they are ready enough to confer new powers on the executive authority, but he would like to see for himself how these powers are to be exercised, and to see in black and white the rules by which his liberty of action is restrained and to have an effective share in the making of these rules." In India the distrust of official discretion and the scepticism of bureaucratic wisdom is even greater, and the failure of the Minto-Morley reforms has intensified this feeling. I think, therefore, a different course ought to be pursued, and that the provisions of the Bill must be re-examined with a view to see how far the power to make statutory rules may be left to the provincial Legislatures and the provincial Governments, which of them must go to the confirmation of the Governor-General in Council, and which must come to the Secretary of State in Council for sanction or to be laid before Parliament. Under any circumstances provisions for the previous publication of drafts of the proposed statutory rules in India, and for the consideration of the objections and suggestions by the local Legislatures, local Governments, and the Indian Legislative Assembly by the Governor-General in Council, ought to be made. The Rules Publication Act, 1893, contains analogous provisions in English legislation. If the Legislative Council and the local Government agree in urging the modification of a statutory rule, the Government of India and the Secretary of State should as a rule defer to their wishes. The Secretary of State might follow a similar course in regard to central subjects, and in regard to rules to be framed in consequence of the Crewe Committee Report. Provision to this effect should, in my opinion, be made in the Bill.

M. RAMACHANDRA RAO.

## APPENDIX L.

PAPER handed in by *M. Ramachandra Rao* on 13th August, 1919. (See question 4008.)

## THE FRANCHISE QUESTION IN MADRAS.

One of the main points for investigation by the Franchise Committee in this Presidency is the question of communal representation and before putting forward my proposals for the reconstitution of the Legislative Council of this Province, it will perhaps be better to refer briefly to the general features of the problem in this Presidency. The subject is not new in the political history of this Presidency. It was very much discussed when the Minto-Morley reforms were introduced. In 1908 the Government put forward a scheme of representation based on the communal principle. This was then universally condemned by the Non-Brahmin leaders of thought and culture in this Presidency whose outlook and statesmanship can hardly be questioned.

## COMMUNAL ELECTORATES.

2. I will only refer to the opinions of a few representative men who come within the category of the classes on whose behalf the demand for communal electorates is now being made. Dewan Bahadur P. Rajaratna Mudaliar, Retired Inspector-General of Registration, Madras, informed the Madras Government that "he does not consider it right in principle to form an electorate based on distinctions of caste and creed, but at the same time, he was decidedly of opinion that provision should be made for the proper representation of different interests or occupations, such as landed interests, the interests of trade and commerce and the like."

The President, Madras Landholders' Association, the Maharajah of Venkatagiri (now deceased), stated that his Association wished to point out that "the principle of representation of castes and creeds which stood out as one of the prominent features of the proposed scheme was open to grave objections in that it is calculated to accentuate differences which were losing their importance in secular affairs and interests with the growth of a sentiment of unity among the people which is a necessary condition for progress. Further, the principle will be attended with great many difficulties in its application in practice." The Maharajah of Bobbili, latterly a member of the Madras Executive Council, expressed his condemnation of the proposed scheme and pointed out that "while substantial interests have necessarily to be cared for in the appointment of representatives, mere sentimental considerations are likely to run counter to the unifying influences now at work in the country which ought rather to be welcomed and fostered. The distinction made between Brahmins and non-Brahmins seems to go further in this obnoxious respect." The Honourable Rajah Vasudeva Rajah Valia Nambidi of Kollengode expressed his disapproval in no uncertain terms:—"In regard to the method suggested for filling up the seats, I fear that the proposals made by the Government are not quite practicable. The cry has already been raised that Government, for political reasons, are attempting to accentuate caste differences at a time when, on account of the spread of Western education, such differences are becoming every day of less importance." By far the most emphatic condemnation came from the pen of Mr. M. Krishna Nair, for some time a member of the Legislative Council and now the Dewan of Travancore. He said:—"It is respectfully submitted that the division of people by castes and creeds for the purpose of representation in the Legislative Council is highly objectionable in principle. *There are no caste or religious interests in the Legislative Council. The whole trend of education imparted in English schools and colleges and the general policy that has hitherto been pursued by the Government has been to ignore them.* There are no separate schools and colleges for Brahmins and non-Brahmins, Hindus, Muhammadans and Christians. The laws of the land are the same whatever may be the caste to which a man may belong. It is neither possible nor desirable now to revive and enforce the laws of Manu. It is too late in the day now to ask the people to go back to their caste organisations or to reconstruct them for the purpose of electing members to the Legislative Council. The most potent force that has been working in the country for several generations past, against caste and other disintegrating forces, has been the healthy unifying influence of the policy that has been followed by the British Government. That policy apparently has been reversed in the memorandum under consideration. Sectional schism and division which are kept under control under the wise policy of the British administration till now will appear with renewed vigour under the conditions laid down in the scheme. Caste is already a rigid institution in the country. Anything calculated to afford further rigidity to the caste system must be carefully eschewed by all and especially by the Government. To make caste system the basis of political franchise is, I submit, a grave blunder. *The principle underlying the grouping of all non-Brahmin elements in the Presidency, which are divided and sub-divided into numerous sects under one head, is not clear. These sects and sub-sects are as widely apart from one another as the Brahmin and the Muhammadan or Christian.* According to the reasoning adopted in the scheme, each caste of non-Brahmin community is entitled to separate representation. In fact, the principle adopted in the scheme for separate representation of castes and creeds is highly unsound, and leads to all sorts of untenable positions. There is also considerable practical difficulty in working out of the scheme." Were it not for limitations of space it would be easy to quote the opinions of many other leading non-Brahmin gentlemen of eminence and authority communicated to the Government of Madras at the time when the Minto-Morley Reforms were under discussion.

## THE BOARD OF REVENUE.

3. The Madras Government, having ascertained the views of the public, abandoned the scheme and, before quoting its views, it may be just as well to refer to the views of the Board of Revenue, as coming from four experienced members of the Indian Civil Service of this Province. They say:—"The suggestion under immediate consideration certainly does not seem likely to be accepted with gratitude by those whom it was intended to placate. On the contrary, it is already viewed with intense and universal suspicion as a Machiavellian device intended to widen existing lines of cleavages, to check the supposed growing sense of nationality and to secure the position of the British Government by the application of the maxim 'divide and rule.' The Board cannot say that these suspicions are altogether unnatural. It recognizes that in the case of

Muhammadans there are reasons for taking special steps to secure adequate representation of a special class, though rather on racial than on religious grounds, for the Muhammadans, whatever they may be historically, are practically a race. In regard to other castes or religions whom it is proposed to represent separately, the same necessity does not seem to exist.

“Apart from this and apart from the odium which Government will incur by seeming to set caste against caste, and to foster for selfish motives, differences which they have always professed to be anxious to obliterate, there seem to the Board to be insuperable difficulties in the proposed scheme.”

#### THE MADRAS GOVERNMENT.

4. The Government of Madras summarised public opinion and their own in the following terms:—“No part of the Government of India’s proposal has been received with such general and decided disapprobation than this last suggestion. Apart from the very great practical difficulty of forming class electorates, the proposal to introduce the principles of race, caste and religious representation has been almost universally condemned.” The proposals relating to class electorates did not therefore prove acceptable to the Madras Government in 1908. The conclusion was based upon the opinions of such men as the following, beside those of the eminent men already quoted:—Messrs. Dewan Bahadur Venkataramana Poi, Retired District Judge, N. Subrahmanyam, Administrator-General, the Zamindar of Pittapur, Zamindars of Seruguda Kallikota and Attigada, Surangi, the Honourable the Raja of Kurupam, and Dewan Bahadur P. Kesava Pillai. This part of the subject may very well be closed with the wise words of Mr. R. C. Dutt, C.I.E., an outsider to this Presidency, who said: “The new proposal is attended with danger. It will foment jealousies and hatreds, accentuate differences in daily life, and will be fruitful of disturbances in future. It will create aspirations among separate communities which can never be satisfied and spread discontent and foster unfavourable impressions about the fairness and justice of the ruling power. European Governments do not accentuate religious differences in these days by creating separate electorates for Protestants and Roman Catholics. The same wise impartiality can be pursued in India.” The idea of communal representation was also denounced on the last occasion elsewhere as vigorously as in Madras. Clearly, therefore, the provision of representation of the various communities of the Hindu society which form the bulk of the population in several of the provinces is out of the question. It would be a most retrograde measure and would result in the disintegration of the national sentiment which has established itself throughout India and which has, to a great extent, obliterated the distinction between Hindus and Muhammadans, Parsees and Sikhs, the Punjabees and the Madrasees. A scheme of representation once introduced is very difficult to alter and any proposals now made should be consistent with the development of true national ideals. As far as possible, therefore, the attempt should be to develop a scheme of territorial representation where all the electors can be brought on one register and where men of all castes and creeds would have ample opportunities of developing their political talent and to serve their country to the best of their ability.

5. It may also be pointed out that the soundness of the views so forcibly expressed in 1908 has been fully recognised by the two illustrious authors of the Report on Indian Constitutional Reforms. In paras. 227 to 232 of the Report, they have dealt with the question of communal electorates and have come to the conclusion that any system of communal electorates is a very serious hindrance to the development of the self-governing principle. Any other conclusion is not possible.

#### ALLEGED PREPONDERANCE OF THE BRAHMIN ELEMENT IN THE COUNCIL.

6. It is urged that the experience gained since 1909 of the working of the Minto-Morley Reforms has established a case for a change towards communal electorates or communal representation. A great deal has been said about the disproportionately large number of seats held by the Brahmins in the Legislative Council and, as this point is again likely to be brought up by the advocates of communal electorates, it is perhaps better to make a brief reference to the facts. Dr. Nair and those who are associated with him in the movement known as the non-Brahmin movement have complained that ten members of the present Legislative Council are Brahmins, and this undue proportion of the Brahmin element has been urged as one of the main grounds on which separate electorates have been advocated. It is also suggested that, whatever the franchise and electoral arrangements the Brahmins are so influential as to command a very large number of seats in the reconstituted Councils.

#### COMPOSITION OF THE COUNCIL.

7. A brief reference to the composition of the Councils since the Minto-Morley Reforms is therefore necessary. In the Council which sat from 1909 to 1912 there were six Brahmin members, of whom two were nominated members, and in the period from 1912 to 1915, there were seven Brahmin members, of whom the Honourable Mr. Srinivasa Sastry was a nominated member. In the present Council there are 10 Brahmins. The gentlemen displaced in the elections of 1916 were Dr. T. M. Nair, whose place was taken by the Honourable Mr. T. Rangachary as the representative of the Madras Corporation. Dewan Bahadur Kesava Pillai was replaced by the Honourable Mr. Siva Rao. Mr. K. P. Raman Menon also lost his seat and the Honourable Mr. Sadasiva Bhat has taken his place. The Brahmin members of the present Council are:—

1. The Honourable Mr. T. Rangachari (Madras Corporation).
2. Do. A. Suryanarayana Rao Pantulu (Vizagapatam and Ganjam districts).
3. Do. M. Ramachandra Rao Pantulu (Godavary, Kistna and Guntur districts).
4. Do. A. S. Kristna Rao Pantulu (Nellore, Cuddapah and Chittoor districts).
5. Do. P. Siva Rao Pantulu (Bellary, Anantapur and Kurnool districts).
6. Do. B. V. Narasimha Iyer (Salem, Coimbatore and Nilgiris districts).
7. Do. V. K. Ramanujachary (Tanjore and Trichinopoly districts).
8. Do. K. Rama Iyengar (Madura Tinnevely and Ramnad districts).
9. Do. K. Sadasiva Bhat (South Canara and Malabar districts).
10. Do. K. R. V. Kristna Rao Pantulu (Northern Group of Zamindars) (now deceased).

The Honourable Mr. Rangachariar was elected by the 36 Commissioners of the Corporation, of whom seven were Brahmins, 14 were non-Brahmins, three were Muhammadans, and 12 Europeans. The competing candidate was Mr. P. Tyagaraja Chettiar, between whom and Dr. T. M. Nair there had then been considerable antagonism for some years. Dr. Nair represented the Corporation immediately before Mr. Rangachari and supported the candidature of Mr. Rangachariar as against his old antagonist Mr. Tyagaraja Chettiar. It is believed that the success of Mr. Rangachariar was mainly due to the support of Dr. Nair and his friends, who, having contributed to the return of Mr. Rangachari, now complain that the seat was captured by a Brahmin.

8. In regard to district representation the details regarding the names of the candidates and the number of votes secured by each are shown in the Appendix I. From these it will be seen that No. 3 and No. 10 were returned unopposed by the Godavary, Kistna, and Guntur districts, and by the Zamindars of the northern group respectively, and that there were no non-Brahmin candidates in the Tanjore and Trichinopoly group and also in the Nellore, Chittoor, and Cuddapah group (Nos. 4 and 7). In the former there were three Brahmin candidates and in the latter there were two Brahmin candidates. In regard to these four groups where there were no non-Brahmin candidates to contest the seats it cannot by any means be contended that the seats were captured by the Brahmins from the non-Brahmins.

The Ganjam and Vizagapatam group and the Malabar and South Canara group consist of two districts each and Mr. G. Raghava Rao of Berhampore and Rao Bahadur N. Subba Rao of Mangalore, two ex-members of the Madras Legislative Council, frequently complained to me that Ganjam was at a disadvantage against Vizagapatam and similarly South Canara against Malabar. The tendency of each district is to vote solid for its own candidate, and if Vizagapatam puts up a candidate the Ganjam candidate has practically no chance and similarly if Malabar votes solid for its own candidate, South Canara has no chance. This is mainly due to the inequality in the voting strength of these districts. Attention is invited to the figures in Appendix I, from which it will be seen that out of 359 voters in the Ganjam and Vizagapatam group 212 belonged to Vizagapatam and 147 to Ganjam. Similarly out of 324 voters in the Malabar South Canara group 271 belonged to Malabar and 84 belonged to the South Canara District.

It will also be seen from the Appendix I that in the Ganjam-Vizagapatam group there were three candidates from Ganjam (two Brahmins and one non-Brahmin) who secured 62, 28 and 66 votes respectively thus dividing the Ganjam votes among themselves. In Vizagapatam there were four candidates (all Brahmins) of whom the Honble. Mr. A. Suryanarayana Rao Pantulu secured 101 and Mr. P. T. Srinivasa Iyengar, an educationist, secured 35 votes, Mr. Appudu Pantulu (Dewan of Kurupam Zamindari) secured 21 and Mr. Venkata Rao secured 1 vote. There was only one non-Brahmin candidate in this group from the Ganjam District and votes were divided among the three candidates of the district. Mr. G. Raghava Rao from Ganjam represented the group from 1909 to 1912 but his success was then due to the votes in the Vizagapatam District having been divided by a multiplicity of candidates.

In Malabar and South Canara also the success of Mr. Sadasiva Bhat was mainly due to similar causes. He secured 105 votes but there were three Malabar candidates against him who respectively got 98, 65 and 26 votes each. The difference between the successful candidate and Mr. Raman Menon was only 7 votes. If Malabar had put up only one candidate instead of three, Mr. Bhat would have had no chance whatever.

9. In the Kurnool, Bellary and Anantapur group also circumstances were similar to the above. Of the three candidates, the Honble. Mr. P. Siva Rao belongs to Bellary, Rao Bahadur S. V. Narasimha Rao belongs to Kurnool and Dewan Bahadur Mr. P. Kesava Pillai belongs to Anantapur. The total number of votes in the group were 263, and of these voters 95 belonged to Kurnool, 110 to Bellary, and 58 to Anantapur. The actual number of votes recorded for each candidate were:—79 for Mr. Siva Rao, 79 for Mr. Narasimha Rao, 70 for Mr. Kesava Pillai. Mr. Kesava Pillai was in the Council for three terms and the two other districts in the group had not their turn of electing a candidate from their districts and there was some feeling in favour of a change. In the Coimbatore, Nilgiris and Salem group also there were three candidates, one from Salem and two from Coimbatore, of whom one was a non-Brahmin. The figures show that out of a total of 296 votes, 108 appertain to Salem, 151 to Coimbatore, and the remainder to the Nilgiri District. The Coimbatore candidates divided the Coimbatore votes, and the Salem candidate secured 114 as against 108 for Mr. Ramalingam Chetty, of Coimbatore, who lost some of his strength on account of the plurality of candidates in his district. The last group that may be referred to is the Madura, Ramnad, and Tinnevely group. In the group there were two Brahmin candidates both from Madura, and a non-Brahmin from Tinnevely.

#### MIXED MOTIVES IN ELECTIONS.

10. I have dealt at this length with the details of the elections of 1916 as so much has been said about the capture of seats by the Brahmins and the same statements are likely to be made before the Committee. There are many mixed motives operating in these elections of which district patriotism is one. A Candidate, whether a Brahmin or a non-Brahmin, secures a certain number of votes from the members of his class by appealing to class sentiment; but this is by no means the sole determining factor. Continued and distinguished service in the Legislative Council, a previous record of public work in the districts, a reputation for ability and character, district patriotism, friendship and regard for the candidate, business connections are among the motives influencing elections and the analysis that I have given above will fully support the above observations. The cry of "Brahmins for Brahmins" and "Non-Brahmins for Non-Brahmins" has never figured prominently in the elections, and the services of public men of all castes and creeds have always been available to the people of all classes. As an instance, I may mention that one of the co-opted members for this Presidency in the Committees, Khan Bahadur Habibullah Sahib Bahadur, was returned for a term (1909-12) to represent the Nellore, North Arcot and Chingleput group; and though he was a Muhammadan, he carried the day in a constituency composed mainly of Hindus, and against his rival candidates of whom two were Brahmins and one was a non-Brahmin Hindu. He retired voluntarily for the next term on considerations of health, but I have no doubt that if he had sought the suffrages of the people he would undoubtedly have been again returned to the Council.

#### NO CLASS BIAS IN THE LEGISLATIVE COUNCIL.

11. The alleged preponderance of the Brahmin element in the Legislative Council exists only when regard is had to the elected members of the Council, but is not a fact when the strength of the whole

Council is taken into consideration. *As against 10 Brahmins there are 42 Non-Brahmins.* Nor can it be said that such preponderance of the elective members in the existing system has been used by the Brahmin members to advance any class interests or to the detriment of any other class or caste. I have been a member of the Legislative Council almost ever since the inauguration of the Minto-Morley reforms, and I do not remember a single case where, either by resolution or interpellation, it was sought by any member of the Legislative Council to promote the interests of his own community or to injure the prospects of any other community. Almost all the subjects dealt with in the Council relate to the general well-being of the people, and a summary of the subjects so dealt with by way of resolutions from 1909 to 1918 will be found in Appendix II. The subjects have been summarised under the follow headings and attention is invited to the summary :—

- (1) Legislative measures.
- (2) Resolutions in the Council.
- (3) Land Revenue—Settlement questions.
- (4) Remissions and Penal Assessments.
- (5) Economic condition of the ryot.
- (6) Forests and the jails.
- (7) Irrigation topics.
- (8) District Conferences.
- (9) Education.
- (10) Local Boards.
- (11) Municipalities.
- (12) The Depressed Classes.
- (13) The Public Services.
- (14) Financial criticism.

The proceedings have been singularly free from any class bias and the proposals made have always been actuated by the highest motives of securing the well-being of all communities and not that of any particular class or community.

#### DIRECT FRANCHISE AND BRAHMIN PREPONDERANCE.

12. While I do not believe that a Brahmin always voted for a Brahmin and a non-Brahmin for a non-Brahmin, the fears at present entertained may be due to the indirect system of election which has hitherto prevailed and the extremely small number of voters in each electorate, and also to the large size of the electorates consisting of 2 to 3 districts each. These evils are due to the present system and are bound to disappear with the introduction of a direct system of franchise and the constitution of district electorates. We shall assume that the franchise will be fixed for the rural and urban electorates as mentioned under and the result can be seen at a glance.

#### RURAL QUALIFICATIONS.

(I) A ryotwari pattadar or inamdar of lands with an annual rental value (under section 64 of the Madras Local Boards Act) of not less than Rs. 30.

(II) A "landholder" according to the definition of the term in the Madras Estates Land Act whose estate bears the annual rental value described above.

(III) A "tenant" under a landholder whose holding bears the above annual rental value of a Kanomdar (Malabar) the assessment on whose holding is not less than Rs. 30.

(IV) A person paying income-tax.

The persons thus qualified are landowners, ryotwari pattadars, tenants (occupancy) under landholders and kanom tenants in Malabar on the Rs. 30 basis and persons who pay income-tax.

#### URBAN QUALIFICATIONS.

A person who has resided or carried on business within the limits of a municipality situated in the district or within two miles of the boundary thereof, for at least 120 days in the aggregate in the year preceding that in which the electoral roll is published, and has paid in such preceding year to such municipality a tax of Rs. 5 or more under the tax on arts, trades, professions or callings or the tax on buildings and lands or both taxes together. On this basis there would be an enormous increase in the number of voters in each group. The figures are given hereunder :—

Group No.	Total number of voters on the electoral rolls.	Total number of Brahmins.	Percentage of Col. 2 to 3.	Total number of voters under the qualifications proposed in para. 12.	Brahmins.	Percentage of Col. 5 to 6.
<i>Group No. I.</i>						
Ganjam - - - -	359	136	38	13,916	1,772	13
Vizagapatam - - - -				17,615	1,877	11
	359					
<i>Group No. II.</i>						
Godavary - - - -	431	206	48	20,746	3,550	17
Kistna - - - -				37,383	5,431	14
Guntur - - - -				24,877	3,303	13
	431					

Group No.	Total number of voters on the electoral rolls.	Total number of Brahmins.	Percentage of Col. 2 to 3.	Total number of voters under the qualifications proposed in para. 12.	Brahmins.	Percentage of Col. 5 to 6.
<i>Group No. III.</i>						
Nellore - - -		118		12,154	1,321	11
Chuddapah - - -	272	80	89	6,050	558	9
Chittoor - - -		74		4,633	571	12
		272				
<i>Group No. IV.</i>						
Kurnool - - -		95		6,667	601	9
Bellary - - -	263	110	90	6,581	669	10
Anantapur - - -		58		4,296		
		263				
<i>Group No. V.</i>						
Chingleput - - -		116		11,561	2,016	17
North Arcot - - -	427	181	100	14,163	2,135	15
South Arcot - - -		130		9,718	1,214	13
		427				
<i>Group No. VI.</i>						
Salem - - -		108		6,900	949	14
Coimbatore - - -	296	151	78	11,754	1,417	12
Nilgiris - - -		37		811	39	5
		296				
<i>Group No. VII.</i>						
Including Anjengo and Tangaseri, Malabar - -		84		7,920	2,157	27
South Canara - - -	324	240	62	8,475	4,601	54
		324				
<i>Group No. VIII.</i>						
Tanjore - - -		243		23,207	8,656	37
Trichinopoly - - -	406	163	155	5,087	1,190	23
		406				
<i>Group No. IX.</i>						
Madura - - -		157		13,840	1,167	8
Ramnad - - -	426	109	109	6,609	786	12
Tinnevely - - -		160		9,567	2,548	27
	3,204	426	1,025	284,530	49,190	17

*N.B.*—These figures are taken from the statistics compiled by the Government.

It will be clear from the above statement that in the existing electorates the proportion of the number of Brahmins is considerably higher than under the qualifications referred to above, and it is not conceivable how it will be possible for Brahmin candidates to capture a large number of the seats in the electorates. Any apprehensions existing on this score must be set at rest on the basis of the statistics compiled by the Government and referred to above. A Brahmin candidate, under the proposed arrangements, can get into the Council only with the goodwill of a large majority of voters, and not by the support of his own class.

#### COMMUNAL ELECTORATES ILLOGICAL.

13. The proposals generally put forward by some of the leaders of the non-Brahmin movement now remain to be noticed, and before dealing with them it is perhaps necessary briefly to refer to this movement. This was started in 1916, sometime after the Legislative Council elections, by Dr. T. M. Nair, who was a member of the deputation of the South Indian Liberal Federation that waited upon the Secretary of State and the Viceroy. Under the above name a new political organisation was formed in that year leading to the developments in the next year connected with it, namely, the establishment of its organs, the "Justice" and the two vernacular newspapers, the "Andhraprakasika" and the "Dravidan." The South Indian Liberal Federation claimed to represent the views and to express the sentiments of the forty million non-Brahmins of this Presidency. This claim was soon afterwards repudiated by the Panchamas in various meetings and conferences, who resented the "ill-treatment of all the high class Hindus" whether Brahmin or non-Brahmin and who stated they would have nothing to do with either and would take care of their own interests. The Indian Christians similarly stated that they preferred to stand on their own legs through their own associations. Finally an influential section of the so-called non-Brahmins themselves repudiated the claims of the South Indian Liberal Federation to represent their views and the Madras Presidency Association was accordingly formed in 1917 for that purpose. Under the stimulus of the agitation of the South Indian Liberal Federation for communal electorates, many of the communities in Southern India came forward before the Secretary of State and the Viceroy and asked for separate communal electorates. Twenty-one addresses were formally presented and 38 addresses were received in this Presidency without formal presentation and while many of the communities asked for separate communal electorates, the only community that did not ask for separate

communal representation was the Brahmin community. The proposal now put forward by the advocates of communal electorates is diametrically in opposition to what has been suggested in these addresses. They propose to club together all other Hindu communities except the Panchama and the Brahmin communities and to classify the Hindu community under (1) Brahmins, (2) caste Hindus other than Brahmins, (3) non-Brahmin non-caste Hindus (comprising the depressed classes). In the first place the constitution of electorates on this basis was never asked for and the proposal to club together all communities, who have asked for special electorates for themselves and to constitute a separate electorate for the only community that did not ask for it is to ignore the facts entirely. If separate communal electorates are politically inexpedient and if it is not practicable to constitute them there is no reason for setting up communal electorates as now proposed on an entirely fictitious classification of the Hindu community. The only ground urged is the desire to segregate the Brahmins from the general Hindu communities. Attention is invited to the details given in Appendix III as to the various castes in the Andhra and the Tamil country. To treat all these communities which do not inter-dine or intermarry with each other as one homogeneous community and to treat the Brahmin community alone as a separate entity by itself is absurd. There is as much or as little affinity between a Kshatria or a Kamma and Vellala and a Shanar and as between a Brahmin and any other community. In these circumstances, the claim put forward by a few of the aggressive leaders of this movement, to pose as the true representatives of the non-Brahmin communities, is preposterous.

14. Another ground on which I strongly deprecate the constitution of communal electorates on the basis suggested is such an arrangement would practically commit the interests of the very large numbers of agricultural labourers and the landless classes to the wealthy among the non-Brahmin caste Hindus. Much has been said about the Brahmin oligarchy but if an electorate composed of non-Brahmin caste Hindus is created, an oligarchy of the rich non-Brahmin Hindus in the Legislative Council must be the result. I feel almost certain that out of the 40 castes mentioned in appendices III (a) and III (b), the candidates for the Legislative Council would be drawn mainly from 3 or 4 of the more progressive non-Brahmin castes in the Andhra country and from a similar number of castes in the Tamil country. There are many agrarian questions in this Presidency in which the interests of the agricultural labourers and the tenants are at variance with the landed pattadars. There is absolutely no reason for regarding the non-Brahmin caste Hindus who form the majority of the land-owning classes as a truer or safer representatives of the agricultural labourers, than the Brahmins.

#### POLITICALLY INEXPEDIENT.

15. I also believe that apart from the general grounds referred to in the discussions of 1908 and in the report on Indian Constitutional Reforms it is inexpedient to recognise such a claim. The constitution of communal electorates for the Legislative Council will react on the work of the local bodies of this country. Already a claim has been set up on behalf of Muhammadans in Municipalities and Local Boards for representation by separate electorates and after the concession of communal representation, there is every likelihood of an agitation to the extension of the principle to local bodies. Such a step will be detrimental to the progress of local self-government in this Presidency. On all these grounds I consider the constitution of communal electorates fatal to the development of responsible government in this country, and that the representation of all classes and creeds may be obtained, if need be, by a system of plural constituencies. I feel confident that the various communities in each district will thus find adequate representation.

#### THE MUHAMMADANS.

16. The present demand for communal representation is also sought to be supported by the example of the Muhammadan community to whom separate representation has been conceded. This matter received a great deal of attention when the Minto-Morley proposals were under discussion in Parliament. It must, however, be pointed out that one of the determining factors in the discussion was the promise made by Lord Minto, who committed himself in various ways at an early stage of the discussion in regard to Muhammadan representation and the Secretary of State had to stand by him to carry out the pledges made by the Viceroy. Lord Morley recognised that the Muhammadans are an important minority and should receive separate treatment; but he disliked religious discrimination and his political instincts were greatly averse to a sectarian vote in politics. He therefore proposed his scheme for electoral colleges by which proportional representation could be secured to the Muhammadans. He stated in the House of Lords that "to the best of his belief the plan of the Hindus and Muhammadans voting together in a mixed and composite electorate would have secured to a Muhammadan electorate wherever they were to be so minded, the chances of returning their own representatives in due proportion." He also went on to say that the political idea at the bottom of his proposal was the promotion of harmony and co-ordinated political action and that these views were entertained by men of very high Indian authority and experience at the time. The Government of India doubted, however, whether this plan would work and Lord Morley accordingly gave it up with great regret. Separate representation to an important minority is an accepted political principle. But will this justify us in extending this principle to Hindu communities merely because the composition of Hindu society has still in it disintegrating tendencies which are rapidly disappearing under the influence of Western education? The ideal to which the leaders of the non-Brahmin movement along with all other progressive men in the country look to is the fusion of all communities into a politically homogeneous whole. The perpetuation politically of the already existing social differences will be most unfortunate. This view has found very strong expression in 1908. I may refer to only one opinion among the many. It is that of one of the important and liberal minded Zamindars of this Presidency. The Rajah of Pittapur said:

"Successive social and religious reformers have decried caste as clogging the wheels of progress and it is very strange as that, in a country whose watchword is forward, an enlightened government should think of not only accentuating sectarian differences but of perpetuating them.

"A Hindu like the late Mr. Prakasa Mudaliar, a Muhammadan like the Hon'ble Nawab Syed Muhammad Bahadur, a Sudra like the late Mr. Jambulingam Mudaliar have been elected by all classes of people alike and won their esteem and gratitude."

The Raja condemned separate representation even to minorities like the Muhammadans:—"I am not in favour of special representation being granted to minorities for the simple reason that they have no special interest of their own apart from those of the people in general requiring separate legislation." However, the step having been taken, it cannot be retraced now, but this principle should not be further extended in, adopting a scheme of electoral machinery. Our aim must be to develop a homogeneous electorate in due time.

## APPENDIX M.

PAPER handed in by Mr. *Maung Pu*, B.A., on behalf of the Burmese Deputation of the 19th August, 1919.  
(See Question 5287.)

## A PLEA FOR BURMA.

Burma asks for equality of treatment with the other Provinces of India. Though holding on several points with the moderate party of the Indian National Congress, she is not criticising the provisions of the Government of India Bill. She is here simply to ask that whatever constitutional reform is granted to the other Provinces may be granted to her also. Give her that and she will be content.

It will be conceded that in legislation uniformity is desirable, and that when the constitution of a country is reformed, the reforms should apply through its whole extent, save only where good cause to the contrary exists. From the Government of India Bill three Provinces only are excepted: Baluchistan, the North-West Frontier Province, and Burma. The first two are small frontier Provinces, subject to quasi military rule. The reason for their exception is obvious. Why has Burma, prosperous, law-abiding and governed like any other of the great Provinces, been barred, with these small and special tracts, from the benefits of the Bill?

The following reasons are given in paragraph 198 of the Joint Report:—

- (1) "The people belong to a different race in a different stage of political development, and its problems are altogether different." There are many different races in India, but this fact has not excluded any of them from the Bill. The second reason—"in a different stage of political development"—is vague; but vague as it is, it is the main reason for the exclusion of Burma. It will be dealt with separately.  
The only different "problem" cited is that the throwing open of the public services more widely to Indians would result in the replacement of one alien bureaucracy by another. By this is meant that Indians would occupy many posts in Burma. But this danger, if danger there be, could be obviated by the simple expedient of restricting the service to persons born in Burma. There is no "problem" in the ordinary sense of the term. After all, the essential problem in Burma, as in India, is the transfer of power, by stages, from the bureaucracy to the people. As will be seen Burma differs only from India in that the stages might well be swifter.
- (2) "The desire for electoral institutions has not developed." Whether or not these words were accurate when penned, they do not now apply. The Burmese are awake, keenly desirous to participate on equal terms in the boons given to other Provinces, anxious to develop their country and their civilisation on their own lines. Sir Reginald Craddock has since (December, 1918) admitted this:—
- (3) "The Provincial Legislative Council has no Burmese elected element." That is not the fault of the Burmese but of their rulers.
- (4) The last reason given is that a new Lieut.-Governor (Sir R. Craddock) had just assumed office. That reason of course no longer applies.

The Burmese, it is alleged, are in a different stage of "political development." How do they differ? The same general laws apply as in India. The Contract Act, Evidence Act, Penal Code, Criminal and Civil Procedure Codes, and practically all Indian laws hold in Burma exactly as elsewhere. The revenue system is the same, the executive system is the same, the judicial system is the same. In all the essentials of government, the Indian Government has dealt with Burma on precisely the same lines as the other great Provinces. Would it have done this had there been any marked difference in culture or development? In culture and in enlightenment the Burmese are fully equal to the Indians; in material wealth they are certainly superior, women, too, occupying a higher and freer position than elsewhere in Asia. Divergence where divergence exists is all in their favour, not against them.

Take now the reasons urged against all constitutional reform in India, or at least against the grant of anything but a very limited measure. It is not intended here to test those reasons, to weigh their force or to examine how far they are true to-day. They are merely stated as the reasons given by those who desire to maintain as far as possible existing conditions.

- (1) *Diversity of Race and Language.*—In these respects the people of India admittedly differ even in the same provinces. Thus Madras is divided between Tamils, Telugus, Canarese and Malayalims. Burma is practically homogeneous. As the census shows, so greatly do the Burmese preponderate that the minor races such as Karens, or immigrants such as Indians and Chinese, offer no special problems. And few, indeed, of these peoples but speak well the Burmese language.
- (2) *Difference of Religion.*—The past feuds between Hindus and Mohammedans are well known. In Burma the Buddhist religion—the most tolerant of all the great religions—is almost universal. In all the world there is no country with less religious bitterness or sectarian rancour. A kindly tolerance reigns supreme.
- (3) *Divisions of Caste.*—In India this point needs no labouring. Burma, except for the few Indian immigrants, knows no caste. The structure of society—owing perhaps to the absence of family names—is essentially democratic, more democratic in fact than in the British Isles. There is less class distinction and more fraternity than in England.
- (4) *Absence of National Feeling for the Country as a Whole.*—The Burmese have always been patriotic, have always cherished an intense love for their country, have taken a pride in themselves and their race. Nowhere does patriotism burn with a truer flame than in Burma.
- (5) *Illiteracy.*—In Burma, thanks largely to the monastery schools, primary education is more widely diffused than in India. The proportion of those who can read and write is nearly four times as large as that in India, and is three times as large as the best Indian provinces, Bengal and Madras.



True, owing to the failure to create a University at Rangoon, the number of graduates is small. But there is at least as large a proportion as in India of capable, level-headed men, fit to grasp the problems and carry out the functions of representative government. That, and not the number of B.A.'s is the essential point.

- (6) *Sedition and Covert Rebellion.*—The Burmese desire nothing more than to march to self-government under the British flag. That is admitted. Hear Sir R. Craddock, an alarmist on this point, as his speech on the Rowlatt Act abundantly testifies. "There has been no extremist party of Young Burmans; there has been no unbridled and defamatory Press; there have been, thank God! no signs of unrest among Burmese students and not even the slightest suspicion of anarchy." Since unrest and anarchy are the chief arguments of many against concessions to India, the claims of a people without them to self-government should have special weight. You cannot have it both ways.

To recapitulate. Do you fear religious feuds or warfare? Burma has none; in all the world no country enjoys such a divine tolerance. Is diversity of language the difficulty? Burmese carries you everywhere. Are you concerned for racial discord? The Burmese are on excellent terms with the minor races. Caste? It does not exist. Illiteracy? Primary education is more general in Burma than in other Provinces. Is sedition or anarchy the bugbear? We have the word of Sir R. Craddock that they do not exist in Burma.

The orders in paragraph 198 of the Joint Report that as soon as it was published (June, 1918), the Government of Burma should consider how far the proposals were applicable, have been disobeyed. Instead there has been put forward an entirely different scheme, containing provisions of an unusual and reactionary character, which scheme, it is contended, is no step forward towards self-government. The Burmese have been grievously disappointed. They are the more disappointed because Sir R. Craddock, although no friend to Indian aspirations, had himself noted the favourable conditions in Burma. "It can be confidently affirmed," he remarked, "that Burma is endowed with many advantages, notably in respect to those conditions which favour development on democratic lines. Thus she is free from those religious dissensions which militate against the co-operation of men of different creeds. Toleration of the scruples of others is a ruling tenet of her religion. There is an entire absence of caste, and no marked cleavage of social distinction or occupation exists. The man of humble birth in Burma has always been able to rise as high as his ability or his education might carry him . . . Burma undoubtedly offers a more promising field for self-government than does India at the present juncture."

For these reasons, indeed, and on account of the relative simplicity of the problems that will confront her new Legislative Assembly, Burma might claim, and rightly claim, a more generous measure of self-government than that accorded to India. Many apprehensions that have fettered the gift of self-government to India do not exist; others are weaker, mere shadows. But Burma does not ask for wider concessions or greater powers; she asks only to be treated with the same generosity as that meted out to the other Provinces. She comes to England and says: The table is spread and the feast set out for the peoples of India. Am I only to remain uninvited, a Cinderella amongst the great Provinces of the Indian Empire? I am loyal to your flag. Where my problems differ from those of India, they differ only in being more simple. My people are intelligent, capable of reasoned discussion and of sane conclusion. They are tolerant of others' opinions, charitable towards their neighbours, loved by all who dwell among them. Like India, I earnestly desire to govern myself; like India, I aspire to develop under the agis of Britain my own civilisation. Fulfil your promise. Give me equal treatment with India. You will not be disappointed. I will not abuse your generosity, but will repay it in full with loyalty, with prosperity, and with a contented people.

MAUNG PU, B.A., Barrister-at-Law,  
President of the Burma Reform League.

BA PE, B.A.,  
TUN SHEIN, B.A. } Members of the Burma Deputation.

#### APPENDIX N.

PAPER handed in by Mr. Sydney Loo—Nee, Tuesday, 19th August, 1919. (See Question 5290.)

To the Right Honourable Mr. EDWIN S. MONTAGU, P.C., His Majesty's Secretary of State for India.

The Humble Memorial of the NATIONAL KAREN ASSOCIATION, BURMA, on behalf of the KARENS OF BURMA  
HUMBLY SHEWETH,

1. The Karens of Burma, availing themselves of the courteous invitation of the Head of the Government of Burma to make criticisms and suggestions on his proposals, duly and respectfully submitted their criticisms and suggestions on the framework of the Constitution recommended by the Local Government for the solution of the problem of Burma's political evolution.

A copy of the same is annexed hereunto and permission is sought for to treat it as part of this Memorial.

2. In paragraph 1 of the said "Criticisms and Suggestions," the Karens of Burma humbly hoped that their case might be submitted to the British Parliament for judicious consideration when the time arrived for Parliament to finally solve the problem of Burma's political evolution.

3. For the fulfilment of the aforesaid hope, seeing that the Head of the Burma Government has ignored the Karen rights, the National Karen Association, Burma, which exists mainly to stand between the British Government and the Karens, ever endeavouring to preserve unabated and untarnished in all Karens the spirit of healthy loyalty to the British Crown, has considered it expedient to despatch a Karen deputation to England to appeal to the wisdom and justice of British statesmanship.

4. Burma is inhabited by many different races, and of the indigenous races thereof, the Karens are the second race and as such the Karens claim that in any political programme aiming at Burma's evolution the Karens should not only precede the aliens in Burma, but also progress and advance step by step along with the Burmans.

5. Swayed by the firm belief that we possess men, educated, fit and enlightened, of our own race who can and will better represent us, voicing our own sentiments, wishes and aspirations, than leaders, if any, of a different race, we have all along been inspired by the doctrine of Self-help; or else, neither the Karen Deputation to Culeutta in December, 1917, nor that to His Honour the Lieutenant-Governor of Burma, at Maymyo, in October, 1918, nor yet this one direct to the Right Honourable the Secretary of State for India, would have had a "*raison d'être*."

6. With reference to the Craddock Scheme or Schemes, popularly so-called, we beg to reaffirm paragraphs 1 and 2 of our "Criticisms and Suggestions" already alluded to above.

It is, perhaps, superfluous to note that if the Karens are to figure only by nomination in the Constitutional Reforms in store for Burma, it, *i.e.*, mere Nomination, in addition to initially nullifying "the energy and industry which the people and their representatives devote to fitting themselves for the task before them," will assuredly not hold out to the Karens any substantial hope for them:

(a) To secure representatives of independent, moral character;

(b) To be educated politically;

(c) To possess mutual ties of real binding force; and

(d) To aspire at all to any of the Presidentships (*vide* Craddock Scheme, paragraph 28); or, in the phraseology of the Indian Reforms Bill, Ministerships [*vide* Section 3 (2)]; and, generally, *cf.* "Report on Indian Constitutional Reforms," paragraph 324.

7. The Karens of Burma "are a distinct and (comparatively) important people; they supply a (fairly) gallant and valuable element to the Indian Army; but they are everywhere in a minority, and experience has shown that they are virtually unrepresented." In Burma, therefore, the Karens ask that they be favoured with "the system already adopted in the case of Mahommedans" in India, and proposed to be extended in India to the Sikhs in the Punjab.

8. That we are everywhere in a minority is not a surprising circumstance in the light of the fact that we Karens may properly be said to have had our national birth only at the advent of the British to Burma. But, whereas subject-peoples have, *in rerum natura*, first to prove their loyalty to the governing power before they can hope to claim any privilege, our case is characteristic in that our loyalty to the British Government is already admitted.

9. Paragraph 5 of our Memorial to His Excellency the Viceroy and Governor-General of India, and to the Right Honourable His Majesty's Secretary of State for India, conclusively shows that the move we made then and there was solely and wholly dictated by the dominating idea of self-protection, emphasised by the pardonable pride and convincing consciousness of race.

As Burke profoundly puts it:—"Circumstances (which with some gentlemen pass for nothing) give in reality to every political principle its distinguishing colour and discriminating effect."

Now, as the historic pronouncement of August 20, 1917, is going sacredly and without undue delay to shape and form our destinies, we Karens entreat that we may graciously be permitted, in our desire for advance, actuated by the British boon of Education, to participate substantially, *ab initio*, in the political programme fashioned out for Burma.

10. Sir, the situation in Burma for some years has been creating an uncomfortable fear in the Karens that new Pharaohs have arisen that knew not Joseph.

We no not desire to be politically inferior to the other races in Burma, and this aspiration, we hold, is both natural and legitimate.

We need the fostering care of the British Government to work out the highest ends of our national existence.

Accordingly, we hope and pray that our Mission to the fountain of British justice and sympathy will mark an epoch in our history, treasured by us, exalted by our children, and glorified by our children's children.

WHEREFORE the Karens of Burma, in humbly and dutifully appealing to the British character for fair dealing and justice, earnestly pray, in the weighty words, *mutatis mutandis*, of The Right Honourable Mr. H. A. L. Fisher, M.P., that England may never "alienate the patriotism of the loyal population of Burma."

And shall ever Pray.

Signed on behalf of the Karens of Burma,

SYDNEY LOO-NEE, *Delegate*,  
Karen Deputation to England.

London:  
The 8th day of August, 1919.

To the Honourable Mr. WALTER FRANCIS RICE, C.S.I., I.C.S., Chief Secretary to the Government of Burma, the Secretariat, Rangoon.

Criticisms and suggestions on the framework of the Constitution recommended by the Local Government for the solution of the problem of Burma's political evolution by THE NATIONAL KAREN ASSOCIATION, BURMA, on behalf of THE KARENS OF BURMA.

SIR,

On behalf of the Karens of Burma we, the president and members of the National Karen Association, Burma, fully accept the generous invitation conveyed in liberal terms in paragraph 40 of what is popularly known as the Craddock Scheme and express ourselves as hereunder :—

1. The proposed scheme of constitutional reforms for Burma gives invidious preference of the claims of aliens over those of ourselves in our own fair land. The Karens are the sons of the soil, possessing distinct characteristics and holding defined sentiments. We are the second race in Burma, and thus we venture to maintain that our rights and privileges are superior and precedent to those of the aliens, such as the Indians (both Hindus and Muhammadans) and the Chinese. We, therefore, humbly hope that this phase of the problem will be judiciously considered in the final scheme for Burma's political evolution decided upon by Parliament.

2. Some unsettled provision is intended for us in paragraph 23 of the proposed scheme under review. While we appreciate this mark of recognition we beg to submit with due deference that the educative element is sadly missing from the policy purported to be pursued, and thus we are virtually denied progress and advancement step by step along with other races, communities and interests.

"Unless the political changes now in contemplation are accompanied by an educational campaign directed to awaking in all classes alike . . . a sense of citizenship, disaster will certainly result."

If the Karens are to be educated at all they wish to be taught "that in future they must bring their troubles to the notice of an elected representative—further, that they have the power to compel his attention."

As in the training up of ministers, so, too, in the training up of responsible representatives, direct responsibility is, we humbly submit, absolutely essential.

It is probably apprehended that if the Karens are given the right of securing representation by election, which is the most educative method, it is probable, or rather possible, that they will commit mistakes.

As it has been profoundly remarked, "Capacity can come only by the exercise of responsibility." Further, "the mistakes made are the price which the people must inevitably pay for their education in self-government." And the Karens are willing to pay this inevitable price for their political education.

3. We pause here to state in parenthesis that mass education, as advocated by us in paragraph 4 of our Memorial to His Excellency the Viceroy and the Secretary of State, will bridge many gulfs and be a lasting monument of British Statesmanship.

4. In view of the observed fact: "The more enlightened and educated Karens are too scattered in the various districts of Lower Burma to be assured of representation in the ordinary way," we respectfully suggest that measures be adopted to grant us a general electorate for the whole of Burma, charged with the Karen interests in every phase and form.

As to the number of the representatives of our own nationality, six, the number prayed for in paragraph 8 of our Memorial to His Honour at Maymyo, will, we believe, suffice to represent the Karen interest in the Provincial Legislature.

In the event, however, of this number, in process of time, proving insufficient to adequately represent our interests, we pray that any additional number may be nominated.

Albeit we claim six elected representatives, regard being had to the fact that representation in the ordinary way for the Karens will be out of the question (except in very, very rare instances) by virtue of our diffusion throughout the province, we suggest that, provided six be deemed too large a number, four seats may be reserved for the Karens of Burma—one each for the divisions of Pegu, Irrawaddy and Tenasserim, and one for Rangoon, Syriam and Insein.

5 We beg to state that we Karens have contributed our loyal services in response to the Empire's Call and a generous recognition by the British Government of our legitimate aspirations will ever keep alive the healthy spirit of loyalty in the Karen breast.

SAU PO MIN, *President.*

ROBERT LUTHER POKEY, *Honorary President.*

SYDNEY LOO-NEE,  
SAN CROMBIE PO,  
MAN SAN TE,  
SAU SAN BAW,  
MAN PO SIN,  
MAN S'RA NWAI, } *Vice-Presidents.*

THRA PAN,  
SAU E ZI, } *Joint Secretaries.*

SAU MYA PON, *Treasurer.*

Rangoon :  
The 14th day of January, 1919.

## APPENDIX O.

PAPER handed in by Messrs. *V. Chakkarai Chetty*, B.A., B.L. and *P. Chenchiah*, B.A., M.L.,  
Tuesday, 19th August, 1919. (See Question 5266.)

## THE MADRAS PRESIDENCY ASSOCIATION.

MEMORANDUM presented by the delegates of the Madras Presidency Association to the Joint Committee on the Government of India Bill.

The delegates of the Madras Presidency Association are Messrs. *V. Chakkarai Chetty*, B.A., B.L., *B. P. Wadia*, and *P. Chenchiah*, B.A., M.L. *Mr. V. Chakkarai Chetty* is the Official Secretary of the Association. *Mr. P. Chenchiah* is a member of the Executive Council, and *Mr. B. P. Wadia* is an ordinary Member. They have been authorised by resolutions passed by the Executive Committee to place before this Committee the views of the Association on the question of Indian Constitutional Reforms. *Mr. V. Chakkarai Chetty* and *Mr. P. Chenchiah* have also been elected as delegates by the Congress, and *Mr. B. P. Wadia* is a delegate of the National Home Rule League. As the views of the National Congress and the National Home Rule League have already been placed before the Committee it is not proposed to deal at length with the general questions of political reforms. The Madras Presidency Association represents a considerable section of the non-Brahmanas of the Presidency, and it includes among its members not only non-Brahmana Hindus but also men belonging to non-Hindu religions, who fall under the general category of non-Brahmanas. The President of the Association is *Dewan Bahadur P. Kesava Pillai*, who was for two terms a Member of the Madras Legislative Council, and is well known for his services in the political and social fields. Among the Vice-Presidents are men who are prominent in the commercial life of Madras and in the politics of the Presidency. The ordinary members and secretaries are drawn from all ranks of Society, and are fully representative of a very large section of the non-Brahmanas of the Presidency. The Association has several branches all over the Presidency, and it has held conferences in Madras, Trichinopoly, Tanjora, Madura, Tinnevely, Bezwada, and other important centres in the Presidency. It was started with the main object of safeguarding the interests of non-Brahmanas without prejudice to the larger political interests of the country, and with a view to work harmoniously with other sections of the Indian people. The President and other office bearers of the Association have been Congressmen along with *Dr. T. M. Nair* and other leaders of the South Indian Liberal Federation. When, in 1917, the South Indian Liberal Federation, formed with the ostensible purpose of promoting non-Brahmana interests, began to attack the National Congress and adopt a course of conduct prejudicial to National unity, it was felt by the leaders of the Madras Presidency Association that they should rally round the Indian National Congress, of which they had long been members, and that the claim of the South Indian Liberal Federation to represent the entire non-Brahmana community should be contradicted. It became necessary to expose such pretensions, and to give expression to the real non-Brahmana opinion in the country. The South Indian Liberal Federation thought fit to carry on a systematic campaign of vilification of the Brahmanas of the Presidency, supporting its propaganda by what can only be characterised as gross exaggerations, half truths and untruths. The better section of the community felt that the time had come in the interests of truth and fair play to speak out its mind. It will be thus seen that the object of the Association is to safeguard the interests of the non-Brahmanas without giving rise to communal warfare. The Association appeared before the Right Honourable the Secretary of State for India and His Excellency the Viceroy when they visited Madras in 1917, and also submitted its views before the Franchise and Functions Committees.

Since the question of the social relations subsisting between Brahmanas and non-Brahmanas in the Presidency has been much canvassed before this Committee, and since several statements made by the representative of the South Indian Liberal Federation are totally unfounded and are calculated to leave an erroneous impression, it is necessary to contravert them in some detail:—

(1) The first statement that has been made before this Committee which requires repudiation is that the Brahmana is playing the part of a tyrant. A lurid picture was drawn of the abject and miserable condition of the Panchama, and the Brahmana was brought in as the villain of the plot whose only pleasure in life is to torture the poor Panchama and keep him in perpetual bondage. Deeply sympathetic as the delegates are with the Panchama, and anxious as they are to safeguard his interests, they cannot allow this unfounded imputation to remain uncontradicted. The exact position of each caste in the social polity of the Hindu community is the result of forces which have been operating for centuries and for which the responsibility cannot be traced to any particular caste or source. Moreover, the non-Brahmana shares equally with the Brahmana the responsibility for the condition of the Panchama. In the past many of the social movements which have for their object the social and religious amelioration of the Panchama were led by Brahmana leaders, like *Ramanuja* in the middle ages, and during the last century by *Raja Ram Mohun Roy*, and *Pundit Vidysager* and *Swami Dyanand Saraswati* in the North and by *Pundit Veerasalingam* in the South. It is within the personal knowledge of the delegates that in all the social service organisations in the Presidency which actually interest themselves in and work among the Panchamas the Brahmanas have been most conspicuous. It will be of interest to note that the Social Reform Association, which aims in Madras at the welding together of the different castes, is presided over by a Brahmana, the Advocate-General of Madras, the successor of *Sir C. Sankara Nair*, and the Madras Social Service League, which was founded by *Mrs. Whitehead*, the wife of the Lord Bishop of Madras, and which carries on work in the slums, has for its President now a Brahmana. From these facts it can be seen that this charge is as unfounded as it is ungenerous.

(2) In this connection it was stated by one of the witnesses that the Varnasrama Dharma movement and the Home Rule League have common leaders who are mainly Theosophists. In the first place, it may be stated that the Varnasrama movement is an insignificant and obscurantist movement which can never be taken as an index of the social feeling in the country. Some of the most vigorous and determined opponents of the movement are to be found among the Brahmanas, among whom may be

mentioned the name of one of the Brahmana Judges of the High Court of Madras, a staunch Theosophist. Not a single prominent Home Rule Brahmana leader in Madras has identified himself with this reactionary movement. Mrs. Besant and her paper "New India" have dissociated themselves from the movement. It is also noteworthy that some of the leaders of the Varnasrama movement have attacked the Home Rulers as anti-Hindu for their desire to place political and national welfare above caste distinction. The statement that caste feeling is on the increase is so obviously at variance with the impartial testimony of European and Indian observers that it can only be regarded as an argument of despair.

(3) Another charge that has been levelled against him before the committee is that the Brahmanas occupy important positions in official life, and take advantage of their power to influence elections. This statement rests on mere assertion, and no evidence has been adduced to substantiate it. Under the rules of Government service no Government servant can take part in politics, and he can only do so at very grave risk. This fact alone would operate as an effective check on any inclinations in that direction. It is also remarkable that as far as they are aware no complaint has been made on this ground before the authorities, though petitions to set aside elections by defeated candidates have been made on other grounds.

(4) The curious contention was urged that Brahmanas, as members of the legal profession, exercise undue influence on the non-Brahmanas. It is very difficult to see how the fact of a man belonging to the legal profession could put into his hand a weapon of political oppression. The connection sought to be established is too remote to be intelligible.

(5) The statement that the Brahmana alone stands in the way of social progress is not borne out by facts. Mr. Basiu's Bill for validating civil marriages was opposed not only by Brahmanas but by non-Brahmanas also, amongst whom may be mentioned one of the leaders of the South Indian Liberal Federation. Mr. Sastry's Puberty Marriage Bill was very strongly opposed by Brahmanas and non-Brahmanas alike.

It is not necessary to have recourse either to exaggerations or misrepresentations to account for the present position of the non-Brahmana classes. Two main reasons may be assigned for their failure to take their due share in the public life of the Presidency. The Brahmana, who has a traditional aptitude for intellectual pursuits, has taken the fullest advantage of the educational facilities offered by the Government, and owing to this distaste for agricultural and commercial life has taken largely to what are called the learned professions and the Government service, which play in the present system of British government in the country an important part, whereas the non-Brahmana, unwilling to occupy positions of subordination in official life, was content to pursue his ancestral callings in commerce and industry. When they did take to education they distinguished themselves, as in the case of Mr. Ramganatha Mudaliar, Professor of Mathematics in the Madras Presidency College; Rangiah Naidu, a lawyer and member of the Madras Legislature Council; Mr. Thumboo Chetty, an Indian Christian, who was Chief Justice of the Mysore High Court, and several others. As stated by Sir C. Sankara Nair, who would undoubtedly be regarded as the leader of the non-Brahmanas of the Presidency, in his minute of dissent to the Despatch of the Government of India on the Division of Functions by the Southborough Committee: "In the earlier years of the Congress the non-Brahmana leaders were invited by officials to stand aloof from it, and, if possible, to denounce it as inimical to their interests. They resolved to disregard the advice." So some of the most prominent among the Madras Congressmen were non-Brahmanas, and the present somewhat backward condition is almost entirely due to their not pressing forward in education. With the growing self-consciousness of the non-Brahmanas it may be confidently asserted that they will regain their dominant position in public and official life. In the second place, the Anglo-Saxon methods of administration and the peculiar conditions of political life called into prominence leaders who possessed the power of persuasion. Every reform, and even minor concessions, had to be extracted from an unwilling bureaucracy that had to be convinced by arguments. This accounts for the part played by the legal profession, which is particularly fitted to fill this role. It is the legal professions and not the distinction of being a Brahmana that accounts for the large part which he is alleged to have taken in the leadership of the country. Now, the mercantile and commercial classes are beginning to take part in political life, and with their increasing importance it will not be possible for the lawyer to play the distinguished part that he has done in the earlier years of constitutional struggle in India. It may be noteworthy that almost all the bigger and smaller merchants and traders in Madras are in favour of reforms, including fiscal autonomy, and a good number of them are members of the Presidency Association.

The delegates have tried to refute some of the misrepresentations made before the Committee, and to show the true causes of the present position of the non-Brahmanas of the Presidency. As practical politicians, they cannot, however, overlook the fact that certain sections of the non-Brahmanas want their interests to be safeguarded. It is therefore essential to the harmony and whole-hearted working of the Reforms to devise some method whereby their misapprehensions may be allayed. It is in view of this fact that political associations affiliated to the Congress in Madras have agreed to the representations of the non-Brahmanas in general electorates. Any attempt to get behind this compact will be regarded as a breach of political faith. Two solutions have been offered by extreme parties which it is not expedient to recommend. (1) The first is the creating of separate electorates for the non-Brahmana Hindus. In addition to the arguments against communal electorates mentioned in the Joint Report we may mention the following objections, strongly felt by the non-Brahmanas whom the Association represents: (1) National solidarity is above all consideration of caste, and any method of helping the non-Brahmanas which carries the grave danger of isolating him will in the long run lead to his own detriment. (2) The non-Brahmana Hindus are not a homogeneous unit but composed of divergent castes. The recognition of separate electorates will lead to the demand of caste electorates by some of the important non-Brahmana castes. This will lead to a political situation which it will be impossible to deal with. (3) The creation of special electorates will necessarily restrict the number of non-Brahmanas that may get into the Council, and will deprive him of the influence that he may otherwise exercise in the general electorates. Whereas in the scheme that is proposed by the Association, a certain number of seats is fixed as a maximum for the Brahmanas. Non-Brahmanas will be at liberty to contest in all the general electorates. The Association is therefore distinctly in favour of this. The contention is strengthened by the fact that during the discussions under the Minto-Morley Scheme, the considered opinion of the important leaders of the non-Brahmana Community was against the formation of separate communal electorates, and nothing has happened in the interval to justify a change.

The other alternative of ignoring altogether the desire for safeguarding the interests of the non-Brahmanas will be deplored as a political blunder. A *via media* has therefore to be discovered which will satisfy the non-Brahmanas generally.

After giving careful consideration to the subject and viewing it from all aspects, the Madras Presidency Association has come to the conclusion that the best method would be to create plural constituencies with a general electoral roll and fix a limit to the number of Brahmanas to be returned. The following is the full text of the resolution that was passed at the Second Annual Conference of the Association :—

This Conference recommends to the Franchise Committee that the Members of the Legislation Council of the Presidency be fixed at 200 and the distribution of seats be as follows :—

Nominated Members of the Government	-	-	-	-	-	-	-	-	20
Mahomedans	-	-	-	-	-	-	-	-	28
Indian Christians	-	-	-	-	-	-	-	-	7
European Trade and Commerce (including Planters)	-	-	-	-	-	-	-	-	6
Indian Trade and Commerce	-	-	-	-	-	-	-	-	6
Graduates of the Madras University	-	-	-	-	-	-	-	-	3
Uriya Tamindars	-	-	-	-	-	-	-	-	1
Uriyas	-	-	-	-	-	-	-	-	1
Tamindars other than Uriyas	-	-	-	-	-	-	-	-	4
Landholders : North	-	-	-	-	-	-	-	-	2
South	-	-	-	-	-	-	-	-	2
Malehar	-	-	-	-	-	-	-	-	1
Backward classes to be nominated by elected representatives if election by them is not possible	-	-	-	-	-	-	-	-	8

108 Members to be elected by 12 groups of general electorates, each group returning 9 members, of whom not more than 2 should be Brahmanas.

With regard to franchise, all those who pay Rs.5 and over as land revenue or as tax per annum should be entitled to vote.

The Government of India, in the Despatch on the Franchise Committee's Report, in paragraph 26, while disapproving the creation of separate electorates for non-Brahmanas, makes the following suggestion: "We share the committee's main views regarding the undesirability of forcing a separate electorate on the Brahmanas, but we are anxious to consult the Madras Government in regard to the reservation of non-Brahmana seats in plural constituencies. It seems to us that the constituencies might be arranged in such a way that 30 out of the 61 non-Mahomedan seats could be reserved for non-Brahmanas, while both parties might contest the remaining seats without restriction." It will be seen that there are two important differences between the scheme proposed by the Government of India and that by the Association. In the first place the Government of India would fix a minimum for non-Brahmanas whilst we fix a maximum for the Brahmanas. In the second place the Government of India would throw open thirty-one seats to Brahmanas as well as non-Brahmanas, whereas in our Scheme a restriction is placed in all the twelve electorates. The Government of India has not indicated on what principle it is going to create general electorates which have to return only non-Brahmanas. We foresee great difficulties in making out such a distinction.

It is proposed, in conclusion, to make a few suggestions with regard to the General Reform Scheme :—

1. The Association strongly recommends that the Franchise should be lowered at least in urban areas, so as to render it possible for wage-earners who earn between Rs.15 and Rs.20 to have a vote.
2. The Association strongly supports the Franchise for women.
3. The Association strongly supports the demand for the introduction of the principle of transferred and reserved subjects in the Central Government, and the grant of fiscal autonomy.

V. CHAKKARAI CHETTY.

*The Hon. Secretary to the Association.*

P. CHENCHIAH,

*Executive Council Member.*

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#### APPENDIX P.

MEMORANDUM supplied by Mr. V. S. Srinivasa Sastri at the direction of the Committee and received on 19th August, 1919.

The Education Codes of the various Local Governments in India contain a conscience clause for European and Anglo-Indian schools, but none for Indian schools. This is felt to be a grievance, and an attempt is now on foot to get it remedied. The agitation is now perfectly legitimate, and there is no reason why, if properly conducted, it should not succeed.

My point in the evidence I gave on the 13th instant was that Clause XI. of the Instrument of Instructions, as drafted by the Government of India (see pages 64 and 65, Views of the Government of India upon the Reports of Lord Southborough's Committees) is couched in such stringent terms that, if narrowly interpreted, they might preclude such an agitation being disposed of on its merits. The clause

runs : "The Governor is required to secure that the interests of existing educational institutions maintained or controlled by religious bodies are duly protected in the event of any changes of educational policy affecting them adversely." In my humble judgment the provision goes too far ; all that missionary authorities may properly ask is that no changes adverse to them should be introduced without due consideration or without notice to them. The Feetham Committee had this very matter before them when they considered the transfer of education to popular control. They recommended that the Governor be required "to take care that no change of educational policy affecting adversely Government assistance afforded to existing institutions maintained or controlled by religious bodies is adopted without due consideration." I contended that this language is preferable to that adopted by the Government of India. It would be unfortunate indeed if an agitation, which is now legitimate, should be liable under the reform scheme to be choked off by a stringently-worded Instruction to the Governor of a Province

This contention has no reference to the precise form or wording of the conscience clause. Still, it may possibly be of use to give two forms of it :

#### ELEMENTARY EDUCATION ACT, 1870.

It shall not be required, as a condition of any child being admitted into or continuing in the school, that he shall attend, or abstain from attending, any Sunday school, or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere, from which observance or instruction he may be withdrawn by his parent, or that he shall, if withdrawn by his parent, attend the school on any day exclusively set apart for religious observance by the religious body to which his parent belongs.

#### EDUCATION (SCOTLAND) ACT, 1872.

Every public school, and every school subject to inspection and in receipt of any public money as hereinbefore provided, shall be open to children of all denominations, and any child may be withdrawn by his parents from any instruction in religious subjects and from any religious observance in any such school ; and no child shall in any such school be placed at any disadvantage with respect to the secular instruction given therein by reason of the denomination to which such child or his parents belong, or by reason of his being withdrawn from any instruction in religious subjects. The time or times during which any religious observance is practised or instruction in religious subjects is given at any meeting of the school for elementary instruction shall be either at the beginning or at the end or at the beginning and at the end of such meetings, and shall be specified in a table approved of by the Scotch Education Department.

#### APPENDIX Q.

PAPER handed in by Mr. *Maung Pu*, B.A., on behalf of the Burmese deputation on 19th August, 1919.  
(See Question 5287.)

#### A SCHEME OF REFORMS FOR BURMA.

1. GOVERNOR.—Burma wants a Governor sent direct from England, and members of Indian services should not be eligible for this post.

2. EXECUTIVE COUNCIL.—The Executive Council should consist of one official (European) and two Burman Ministers, selected by the Governor from among the elected members of the Legislative Council. The Ministers shall hold office so long as they retain the confidence of the Legislative Council.

3. LEGISLATIVE COUNCIL.—There should be 100 members, of which four-fifths should be elected and one-fifth nominated.

4. ELECTED MEMBERS should represent (1) pure urban areas, (2) rural areas, and (3) special electorates, as follows :—

5. URBAN AREAS like Rangoon, Mandalay, Moulmein, Bassein, Akyab, Henzada, Prome, Pegu, Myingyan, and Pakokku, &c., will get separate seats. The total number of seats will be about 20.

6. RURAL AREAS.—Small urban areas should go along with rural areas. In rural areas the districts which are of unwieldy size should be divided into one-member constituencies for effective representation. The total number of seats will be about 55.

7. SPECIAL ELECTORATES will consist of University (1), Burma Chamber of Commerce (1), and European community (2).

8. NOMINATED MEMBERS.—Five non-officials and 16 officials. There is no necessity to reserve seats for experts. The distribution of members will be as follows :—

Elected (urban 20 and rural 55)	...	...	...	...	75
Elected (special electorates)	...	...	...	...	4
					79
Nominated (non-officials)	...	...	...	...	5
Nominated (officials)	...	...	...	...	16
					21
					<hr/>
					100

The President and Vice-President of the Council should be elected by the Legislative Council from among its elected members.

9. **FRANCHISE.**—In Burma we have ready-made register in the form of capitation and Thathamada assessment rolls and municipal franchise. Hence all that is necessary to do is to allow all *persons* of 21 years and of sound mind, who pay capitation or Thathamada, or who are specially exempted from these taxes in rural areas, and municipal voters in urban areas, to vote. The total voters under this scheme will be between one and two millions. There should be no residential qualification for the candidates to the Legislative Council.

*Women* already enjoy municipal franchise, and we want to give them political franchise also. They are fit to enjoy it.

10. **FUNCTIONS.**—Excepting (1) foreign and political, including administration of the Shan States, frontier districts, and hill tracts, (2) army and marine, (3) police, (4) appointments and discipline, (5) law and justice, (6) ports, (7) land revenue (except capitation and Thathamada); all other subjects, including the Budget, should be transferred to popular control.

11. **CONTRIBUTION TO THE COST OF THE CENTRAL GOVERNMENT.**—Thathamada and capitation taxes are peculiar to Burma only, and as such they should be deducted from the total provincial revenue when determining the amount of contribution to be made by Burma towards the cost of the Central Government.

12. **OTHER MATTERS.**—As regards other matters we claim to have the same status as that given to the United Provinces at least.

MAUNG PU, Barrister-at Law, BA PE, B.A., TUN SHEIN, B.A.,	}	<i>Members of the Burma          Deputation.</i>
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## APPENDIX R

MEMORANDUM handed in by *B. V. Jadhav*, Vice-president of the Maratha League and the Deccan Ryots' Association, on 19 August, 1919. (See Question 5277.)

I am specially deputed by the Deccan Ryots' Association and the Maratha League, both having headquarters at Poona, to give evidence before this Joint Committee on behalf of the Marathas and other backward communities, and have come here for that purpose only.

I am an M.A., LL.B. of the Bombay University. I was for the first three years General Secretary of the Maratha Educational Conference. I was President of the Second Maratha Political Conference, which met at Nasik, in the Bombay Presidency, last year, and I was deputed by it to give evidence before the Southborough Committee in their behalf. I am Vice-President of the Maratha League, and also of the Deccan Ryots' Association. At Kolhapur I worked for many years as district magistrate and additional sessions judge, and at present I am chief revenue officer and a councillor of the State. I am an inhabitant of Mahad, in the Kolaba district of the Bombay Presidency, and have got landed interest in that Taluka.

Since the time I gave evidence before the Southborough Franchise Committee my personal views and those of the leaders of the Maratha community have undergone a good deal of change.

On behalf of the Marathas and other allied communities I beg to claim 30 per cent. of the non-Mahomedan rural seats in the southern and central divisions and in the district of Thana, in the northern division of the Bombay Presidency, and two seats in the City of Bombay out of the six allotted to it.

These seats are to be reserved in plural member constituencies, and where a district has got only one seat it may be joined with its neighbouring district for electoral purposes. These communities ought to be allowed to compete in the electorates with others in regard to the other seats.

These communities form about 80 per cent. of the total population. They supply the fighting and labour corps in the army, and practically the whole of the labour in the new industrial areas. They are the landed peasantry, and supply agricultural labour, and the important artisan class is from them. They pay the major portion of the land revenue. From them come the hereditary village headmen, who symbolise the government of every village. They were also the old district officers, and once formed the aristocracy in the Deccan, and they were the founders of the Maratha Empire. These communities supplied the best generals to the Maratha army and admirals to the then Maratha navy. But they could not stand their ground against the Brahmans, who obtained supreme power under the Peshwas.

Being hereditary agriculturists and soldiers they were not as keen about learning as the Brahman and other advanced communities, and naturally lagged behind them in the educational race. They could not take advantage of the educational facilities offered by the British rule, and have therefore been in the leading strings of the advanced communities. In the peaceful times the distance continued to increase, so that these communities are now nowhere in spite of their numbers. In municipal and local board elections their success is meagre, if any, and none of them had yet the courage even to seek election to the legislative council of the local government.

Primary and secondary education are questions of more vital interest to these communities than to other advanced ones. Lack of interest in village sanitation directly affects their health. The housing problem in villages and industrial centres remains untouched. The question of wages of the industrial and agricultural labourers has not received due attention, and is responsible to a very large extent for the poverty of these classes. Land legislation will have direct incidence from their point of view. Forest laws hit these classes with a peculiar force. Excise policy contributes to a greater extent to their degradation and misery. These and other industrial and economic problems may present opposite points of view to the advanced and backward communities.



In fact, their social evolution and religious independence mean conflict in interest and ideals. All these factors make out, I humbly venture to submit, a strong case for their representation by their own men.

In support of the foregoing remarks in this Memorandum, I beg to refer to the opinions expressed by eminent gentlemen and bodies. The Report on Indian Constitutional Reform says: "There shall be in each province an enlarged legislative council . . . with a substantial elected majority, elected by direct election on a broad franchise, with such communal and special representation as may be necessary."

The case for the Marathas has been fully stated in the first view given by the Government of Bombay in the note prepared by them for the consideration of the Franchise Committee (*vide* page 135 Southborough Report, vol. 1): "They (the Marathas) are so subject to Brahmin influence that, even where they command a majority of votes, they will be unable to return their own representatives. At the same time, their number and importance make it desirable that they should be represented. This representation can only be secured either by communal electorates or by reserving seats for them in general electorates as suggested in para. 232 of the Report, or by some similar device. It is feared that there may be serious discontent if the aspirations of the Marathas are not met in some way."

The remarks of the Honourable Mr. Carmichael, Member of the Executive Council, Bombay, are very pertinent (*vide* page 151 Southborough Report, vol. 1): "They represented a very large portion of the population in the Deccan and the Konkan. They were the fighting class of the Presidency and they supplied the labour force in the big industrial cities. They maintained their connection with their villages, and, in his opinion, they should have representation in their rural constituencies. Owing to Brahmin influence, a Maratha candidate would not ordinarily have a chance of election even though the Marathas might be in a majority, and he did not think that cumulative voting would help them."

The Southborough Committee in their Report, page 19, say: "A similar claim (communal representation) on similar grounds was urged by the Marathas and allied castes in the Deccan and Southern Divisions of the Bombay Presidency. The representatives of this class were divided in their recommendations, some urging the necessity of separate electorates and the others proposing the reservation of seats in plural-member constituencies. Two of our members (Mr. Hailey and Mr. Hogg) would have been glad to grant special electoral facilities to them by the reservation of a single seat in each of the six districts where they preponderate. They consider that this guarantee would secure to them an assured minimum of representation, of which, otherwise, they would be uncertain, owing to the ascendancy of the Brahman. They believe that if this representation were once secured, the community would be encouraged to take its share in the political life of the province from which it might otherwise be excluded."

The Government of India have, in paragraph 26 of their despatch on Southborough Reports, supported the claims of the Madras non-Brahmans, and in paragraph 27 admit "that it becomes extremely difficult to resist the claims of the Marathas in Bombay."

I beg to bring to the notice of this Honourable Committee the considered opinion of responsible public bodies whose voice deserves close attention.

The Deccan Sabha of Poona have passed a resolution urging the necessity of reserving a certain number of seats for the members of the backward classes in the Bombay Deccan. The Sabha is a political association carrying on its work on moderate and non-sectarian lines. It is not an anti-Brahman body, and includes in its membership a large number of distinguished Brahmans, who are responsible for its resolutions. The Sabha instituted an inquiry into the question of the representation of the Lingayat, Jain, Maratha, and other allied communities in the central and southern divisions of the Bombay Presidency. The leaders of these communities were invited and heard, and a settlement was ultimately arrived at that they should be given some reserved seats in plural-member constituencies.

In support of this view of the Sabha it may be useful to quote the opinion of the late Mr. Gokhale, who was the guiding spirit of the Sabha. In paragraph 3 of Gokhale's views on provincial autonomy he writes: "Here and there a member may have to be given to communities like the Lingayats, where they are strong."

The question of the non-Brahman Hindus of Madras and the backward communities of the Bombay Deccan was very anxiously gone into by the Special Session of the All India Moderate Conference held in Bombay in 1918, and presided over by Babu Surendra Nath Bonnerjea. It passed a resolution recommending the reservation of seats in plural-member constituencies.

Reservation of seats has been thus recommended by eminent authorities, and it is not open to the theoretical and practical objections that can be brought against communal electorates. It violates no sound principle, and is evidently a temporary expedient. Such an arrangement will allay the true fears of the backward classes, including the Marathas, whose historical position and loyalty and importance require special recognition. It will also tend to the successful and smooth working of the reforms.

In conclusion, I once more beg to submit that 30 per cent. of the total number of non-Mahomedan rural seats and two in the City of Bombay should be reserved for these communities. The last ground which would support my request is that such reservation, besides giving an encouragement to these communities, will serve them from falling into undesirable hands, which would be ruinous to the interests of these communities and a danger to the political evolution of the country.

B. V. JADHAV.

## APPENDIX S.

MEMORANDUM handed in by *A. Ramaswami Mudaliar*, B.A., B.L., High Court Vakil, Delegate Madra Dravidian Association and South Indian Liberal Federation, on August 25th, 1919. (See Question 6987.)

## INTRODUCTION.

I desire to place before the Joint Committee the views of the two Associations which I have the honour of representing, on the Indian Reforms Bill, now engaging the attention of the Joint Committee.

## DECLARATION OF AUGUST 20TH AND RESPONSIBLE GOVERNMENT.

My Association welcomes the announcement of August 20th, 1917, declaring that the policy of His Majesty's Government is the realisation of Responsible Government in India. It accepts the principle that it must be realised by progressive and gradual stages, and further that the Imperial Parliament ought to be the judges of those stages. My Association would, however, like to make it clear what they understand by "Responsible Government." By "Responsible Government" we understand a government or executive body responsible to the "people"—to the masses of the country—not a Government which looks solely to the wishes of any particular section of the community, but one which carries out the wishes of all classes and sections of the people. The wishes of the people will naturally be expressed through their representatives in Legislative Councils. The real responsible character of the Government would, therefore, depend on the representative character of these assemblies. They must contain the representatives of every important section of the people, and it is the wishes of such a body that ought to be respected and carried out by the executive. If, therefore, the popular or Legislative Council is not really representative of the people, then however much the Government may be bound by the decision of that body it will not be a responsible Government in the sense indicated above. If, for instance, only one set or class of persons were to compose the Legislative Council, and this class though elected by the people is not really representative of them, it is obvious that in carrying out the wishes of these people there will be no responsible Government: it will be the substitution of "many-men control" for the "single-man's control" that now exists. It will be an oligarchy—but it will not be a responsible Government.

## COMMUNAL REPRESENTATION.

This brings us at once to the question of communal representation. In the Madras Presidency, owing to a variety of reasons which have been fully set out in the Memorandum submitted by another witness, and in the despatches of the Government of India and the Local Government under any scheme of general electorates, only one class of persons will be returned in a vast majority—viz., the Brahmins. The Mohamedans, Anglo-Indians, Indian Christians and Europeans have all been given communal representation by the Franchise Committee, and its recommendation has been accepted in the draft Bill, but the one community which has been loudly complaining that its interests are not safeguarded through general electorates—viz., the Non-Brahmins of Madras—has not been given such representation.

## REFORMS—A DANGER WITHOUT COMMUNAL REPRESENTATION.

My Association is emphatically of opinion that without the safeguards of Communal Representation, any scheme of reforms would be unacceptable to the large bulk of the Non-Brahmins of Madras. So far from promoting the happiness and contentment of the people, the scheme of reforms would be a grave danger, as far as my Presidency is concerned. The Non-Brahmins of Madras have been touched by the principles for which the world-war has been waged. Whether these principles have reached the Government of Madras, or not, we Non-Brahmins have had the object lessons of the war placed vividly before us. We feel that we ought to progress towards responsible Government; that it will be an evil if the Government continues in the same way as it exists at present, but we feel it will be a far greater evil if any scheme of reforms are introduced which will jeopardise the interests of vast millions. If, therefore, we were to choose between the two evils—no reforms at all or reforms without Communal Representation—we would unhesitatingly choose the former, which is undoubtedly the lesser of the two evils.

## THE MINTO-MORLEY SCHEME OF REFORMS AND THEIR EFFECT ON NON-BRAHMINS.

The Minto-Morley scheme of reforms has been condemned by the authorities, and the "politically-minded classes," but it is the Non-Brahmins who have been most prejudiced. Its policy of "rallying the moderates" has been worked out in practice by giving the most lucrative posts to troublesome agitators who have invariably been the Brahmins. What the Brahmins in the Legislative Councils have done to the detriment of the Non-Brahmins has already been placed before the Joint Committee, but what they have done outside the Council Chamber is still more interesting, and more disastrous to the Non-Brahmins. In my Presidency all the Executive Council Members, with the exception of one, Zamidar, who held office for a short time, have been Brahmins, almost all the Indian Judges of the High Court and various other high functionaries, like the Secretary to the Local Government, have been Brahmins, and the result is faithfully portrayed in the condition of the public services to-day. Whereas the percentage of Non-Brahmin graduates are increasing year by year, as compared with Brahmin graduates, the percentage of appointments in the public services is rapidly going down, and the ubiquitous Brahmin fills almost every place. In this country the public services occupy a very inferior position in public life, but in India the pre-eminent position for

good or evil is to be given to the public servant. It is recognised by every one that the Indian civil servant occupies a position which cannot be compared to what the civil servant occupies at home. Brahmin politicians have repeatedly complained that the Indian civil servant is neither "civil" nor a "servant." I can only say that the ordinary Indian public servant is several times worse. It is, therefore, not so much a question of emoluments—though that is by no means negligible. It is more a question of the influence and power that he commands. If, therefore, a single community has been favoured in the public services it results in enormous power being concentrated in its hands.

#### RECRUITMENT PUBLIC SERVICES—A SCANDALOUS INJUSTICE.

It is often assumed that the Brahmin is employed in the public offices because he is the fittest candidate, and because no Non-Brahmin candidate is available. I find it even stated by Sir Alexander Cardew that "in spite of all efforts" on the part of the Government the Brahmin has a preponderating place in the services. My Association respectfully submits that the actual facts do not warrant either of these statements, that the Government has made no attempt at all to deal out even justice to the communities, that it has on the other hand pursued a policy of "least resistance," and has tried to appease the most "vocal section" of the community. I only take one department of the public service, namely, the Judicial Department. The recruitment to it is from among the graduates in Law, practising in the High Court and Mofussil Courts. It is not by a competitive examination. The rules only say that anyone who is a graduate in law of a certain standing is eligible for an appointment. Now Sir Alexander himself points out that out of 171 appointments 118 are held by Brahmins. Are we to understand that there were no qualified candidates among Non-Brahmins? If we look at the university calendar we find several hundreds of Non-Brahmin graduates in law, every one of whom has all the qualifications required by the rules regarding recruitment. It is therefore idle to talk of efforts being made to secure representation. The reason is merely this: There is no one to speak on behalf of these Non-Brahmins, whereas there are any number of Brahmins, advocate-generals, high court judges, executive council members, to recommend and press for the appointment of Brahmin candidates.

The recruitment to the judiciary is generally made by the High Court. Prior to 1910 the senior civilian judge was the sole dispenser of this patronage. In that year a Brahmin High Court judge—the late Mr. V. Krishnaswami Iyer—conceived the brilliant idea that all the judges should meet together and decide on the candidates who should be appointed. And the suggestion was accepted by the other judges. Since 1910 there have been at least three Brahmin judges in the High Court. Now if the percentage of Brahmin to Non-Brahmin candidates who have been appointed before 1910 is compared to the percentage of those since appointed, it will be seen that Brahmins have been appointed to a much greater extent than before. It will be an interesting and not altogether useless investigation if the committee were to enquire how far the number of Brahmin judges in the High Court had any bearing on this result. My Association respectfully submits that this is not the only department in which, without any reference to merit, Brahmin candidates of doubtful qualifications have been dumped into the services to the exclusion of Non-Brahmins. The same result will be seen in most other departments. For instance, during the tenure of Sir Sivaswami Iyer as Executive Council member 13 out of 15 District Board Engineers appointed were Brahmins. In fact, Nepotism has been made a fine art in my Presidency by a certain section of the people. We can give many instances where Brahmin Legislative Council members have used their influence with the European officials, with whom they became acquainted through the Legislative Councils, to get their friends and relatives appointed to good positions. One notorious instance of such influence came to light the other day. A Brahmin member of the Corporation of Madras, who was also the elected representative of the Corporation on the Local Legislative Council—Mr. T. Rangachari—wrote a letter, which was subsequently published in the newspapers, to one of the executive officials of the Corporation, recommending a near relation of his for an appointment, and urging that "he would not take a refusal." Such occurrences are frequent, and happen almost every day, though they may not all come to light.

The Government itself, as can be shown conclusively, has been pursuing a most unjust policy. If it were solely going by the test of efficiency there would not be so much room to complain, but unfortunately the individual officers give the go-by to all such tests, and are very much amenable to influence. Take the case of Deputy Superintendents of Police who were directly recruited a few years back. The candidates were selected not because they had the highest educational qualification or the best character, but because they were the sons, grandsons or other relations of Indian High Court Judges or other high officials. As Brahmins alone have in the past held these places, more of their number again come to occupy these high posts, and so is fulfilled the saying, "To him that hath shall be given, and from him that hath not shall be taken away even that which he hath." Sir Subramania Iyer, for instance, the ex-Chief Justice of Madras, who the other day relinquished his title, has had his relations to the third generation safely entrenched in high official positions, and does not *now* care if he is deprived of his decorations.

I have dilated at some length on the position in the public services because it is the key to all anomalies. With that vital point in the possession of the Brahmin the elections can be played to any effect. That is the main reason why nine out of ten elected candidates were Brahmins in the last Council.

I have heard one Brahmin witness naively suggesting that Brahmin officials could not have influenced elections, because during the last "ten years not a single petition has been presented under the election rules to set aside any election on the ground of undue influence of the official class." I can only say that this piece of argument is characteristic of the Brahmin lawyer. If the official has influenced the voter is it possible for any one to successfully allege and prove such undue influence? Any unprejudiced judge can at once see that the same influence that coerces the voter can easily and more effectively coerce him from exposing such practises, and if any non-Brahmin is foolish enough to put in a petition the result will be that the very voter will come and swear that no official influenced him, and that he gave his vote of his free will because he thought the Brahmin was the best candidate in the field!

The public services from the highest grade exercise a most baneful influence on the discretion of the voter. It has been stated by Mr. Sastri (Q. 3932) that "it was the majority of the Non-Brahmin votes which sent him up, and Dr. Nair had, perhaps, more Brahmin votes than Non-Brahmin votes." While accepting the first part of the statement, I can state from personal knowledge that the latter statement is not true. Dr. Nair got only one Brahmin vote, and that was from Mr. Rangachariar, whom he had helped to get into the Council as a personal friend of his, and about which so much has been said by almost every Brahmin witness. Dr. Nair did not get any other vote at all from Brahmins. But Mr. Sastri did get votes from Non-Brahmins, and that is exactly what we complain of. It would have been fairer to the Committee

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if he had stated—what he knows as a fact—that Sir Sivaswami Iyer, then Executive Council Member (a Brahmin), had actively canvassed for him among the Non-Brahmin and European members, and that two European members even, Mr. Gordon Fraser and Mr. J. C. Robinson, voted for Mr. Sastri at the urgent request of Sir Sivaswami. These are facts which can easily be proved, and both these European gentlemen who are now in England, may be asked whether Sir Sivaswami did not request them to vote for Mr. Sastri.

Nor was the case of Mr. Sastri by any means unique. During a recent election a Brahmin home ruler had the support of a Judge of the High Court, who actively canvassed for him and secured him many votes. During the present Legislative Council election in Madras the Brahmin Executive Council Member, Mr. Rajagopalachari, toured in Tanjore, and visited the municipalities in company with Mr. Ramaruijachari, a Brahmin candidate, in the midst of an electioneering campaign, and among the very people who had to vote. It will not surprise the Committee to learn that Mr. Ramaruijachari has been since elected to the Legislative Council.

It is no wonder that when high functionaries give the lead, lesser luminaries are not slow in following, and the baneful influence of the official is one of the worst features of elections in our Presidency.

#### PUBLIC SERVICES AND NON-BRAHMIN ORGANISATION.

We are thankful to Lord Southborough and his Committee for the advice to organise ourselves, but we may be pardoned for stating that they know not what they are talking about. The organisation of the Non-Brahmins is not an easy task. It is not of the difficulties inherent that we have to take account—such as illiteracy. Outside impediments are numerous. The hand of every Brahmin, from the Executive Councillor and High Court Judge down to the lowest, is against us. Only the other day a Brahmin High Court Judge had a fling at the Non-Brahmin movement and the “evil” that it is doing. Is it any wonder that Non-Brahmins who feel as strongly as any one the unenviable position which is their lot, hesitate before openly showing their sympathy for the movement? In the Mofussil the conditions are infinitely worse. The Non-Brahmin who is known to subscribe for the Non-Brahmin daily newspaper “Justice” or “Dravidan” is a marked man, and the penalties to which he is liable at the hands of Brahmin judges, deputy collectors and other officials are innumerable. No subordinate Non-Brahmin official dare openly subscribe for these papers. No Non-Brahmin ryot dare openly avow his sympathy for the movement. My association wishes it to be distinctly understood that this is not an exaggerated statement. In fact, the position of the Non-Brahmin is becoming intolerable. The educational institutions are almost all manned by Brahmin teachers and headmasters, and in more than one school Brahmin headmasters have not allowed Non-Brahmin students—especially those whose parents or guardians are connected with the Non-Brahmin movement—to appear at the public examinations, and from more than one centre complaints have been received by the authorities that Brahmin teachers are purposely rustivating Non-Brahmin students. In fact, the evil became so acute that there was an interpellation in the local Legislative Council by the Hon. Ahmed Thambi Maricar whether the Government had received a petition from Trichinopoly that the Brahmin headmaster of the place had disqualified all the Non-Brahmin students of the school-final class.

#### HOME RULE AND VARNASHRAMA DHARMA MOVEMENTS.

Side by side with the advanced political movement called Home Rule, which had its origin in my Presidency, has grown another thundering movement called the Varnashrama Dharma movement, which has for its object the aggravation of the influence of the highest caste—the Brahmin. So far from there being any desire for progress in social matters, so far from taking any part in humanising some of the atrocious customs that have come down through centuries of social injustice, the Brahmins have started this movement to revive and perpetuate the rigidity of caste with all its attendant evils. My association desires to state deliberately that the political influence and power that is sought in my province has a close bearing on this movement. I have read with amazement a statement by one of the witnesses that it is an “obscurantist movement,” that “no politician in Madras of any consequence” has anything to do with it. I can only explain these statements on the charitable hypothesis that the witness’s memory was treacherous. A few facts may revive the failing memory. Mr. V. P. Madhava Rao—an extremist home ruler—“the Dewan of three progressive native states”—the chairman of more than one political conference and public meeting in Madras—may be “a politician of no consequence,” and an “obscurantist,” but he was the President of the Varnashrama Dharma Conference held at Tanjore. The Hon. Mr. K. V. Rangaswami Iyengar—a Brahmin member of the Imperial Legislative Council—an extremist home ruler—the organising secretary at one time of the Home Rule League, founded by Mrs. Besant—may be an “obscurantist” and a “politician of no consequence,” but he is closely associated with the Varnashrama Dharma Movement. Mr. T. R. Ramachandra Iyer, a Brahmin leading Vakil of the Madras Presidency, who the other day, at a meeting called by the Advocate-General, and presided over by the Chief Justice of Madras for devising means to make the new war loan a success, threw out an ultimatum to the Government that unless they apologised to the lawyers in general, and the Brahmins in particular, for suffering the Non-Brahmin movement to continue, he and his friends could not subscribe to the war loan—who presided at more than one public meeting to protest against the application of martial law and other political matters, who has since been elected to the Madras Legislative Council—may be an “obscurantist” and a “politician of no consequence,” but he is one of the chief organisers of the Varnashrama movement. Paudit Madan Mohan Malaviya, the Brahmin member of the Imperial Legislative Council for the last 10 years—twice President of the Indian National Congress—may be an “obscurantist” and a “politician of no consequence,” but he is a faithful believer in “Varnashrama.” The organising secretary of the Home Rule League of the Andhra Province believes that “castes are immutable.” Instances can be multiplied where prominent people have taken a part in the Home Rule Movement and in this “obscurantist body.” It should further be remembered that many a prominent Brahmin member has thought it wise to lie low just at present, and has very tactfully kept apart from the movement. But—and this is very important—no Brahmin politician has come forward to dissociate himself openly from this movement. In fact, Mr. Sastri himself realised that his community was definitely pledged to this “obscurantist movement,” for we find that when Mr. Patel introduced the Inter-caste Marriage Bill in the Legislative Council, Mr. Sastri opposed it on the ground that that was not the proper time for introducing a Bill of that nature. May one ask what was wrong with the psychology of the moment? The real reason, of course, is—and Mr. Sastri was shrewd enough to see it—it would have exposed the advanced Brahmin politician in his true colours—viz., as an intolerant and reactionary person. And that has exactly been the case. While Non-Brahmin bodies in Madras—the South Indian Liberal Federation, the Madras

Dravidian Association, and even the Madras Presidency Association—have whole heartedly supported the Bill, not a single Brahmin Association has expressed its hearty approval of the Bill. And we are not surprised at it. Nor have the activities of the Varnashrama Dharma Movement been confined to individuals and to obscurantists as the witness would have it.

The Varnashrama Conferences have been held since about 1915, and they are closely connected with the political gatherings. In May, 1917, the third provincial Varnashrama Conference was held at Cuddalore along with the Provincial Congress Meeting. In June, the fifth Conference of the Guntur Varnashrama Sabha was held at Repalli along with the Guntur District Conference, and the fifth Andhra Varnashrama Conference was held at Nellore in conjunction with the Andhra Political Conference. In August, 1917, the first Chittoor Varnashrama Conference and the Inaugural Meeting of the Madanapalle Students' Varnashrama Sabha was held at Madanapalle along with the Chittoor District Conference. A special lecture on "Federalism: The Keynote of Varnashrama and Home Rule," was delivered on the occasion of the special Madras Provincial Conference. The fourth Tanjore Varnashrama Conference was held in November, 1917, along with the Tanjore District Conference. The All-India Varnashrama Conference was started in December, 1916, at Lucknow, on the occasion of the famous Indian National Congress, when the ill-fated Congress-League Scheme was formulated. This is only a short account of its activities during one year. Subsequent years have seen greater progress in the movement, and it shows how closely it is allied to the advanced political movements. My Associations are distinctly of opinion that the Home Rule Movement has a very real, if perhaps a subterranean connection, with the reactionary Varnashrama movement.

### THEORETICAL OBJECTIONS TO COMMUNAL REPRESENTATION.

We have shown how official predominance and caste-prejudice tend to make the Brahmin the only possible representative in the Councils. The device that commends itself to us to get rid of these two evils is what is known as Communal Representation for the Non-Brahmins. We are aware of the theoretical objections urged against it, but we must submit when five different Communities have been given Communal Representation it is too late in the day to urge against it purely theoretical objections. We need only add that historic parallels are inapplicable to conditions which defy the teachings of history and that new conditions require novel remedies which cannot be unearthed from the archives of history; that charges can equally well be levelled against Government if communal representation is not granted; that a sense of satisfied security is better than no security at all, and that existing conditions are too bad to be allowed to get worse. There is only one other argument which we should like to meet.

### THE ARGUMENT OF MAJORITIES.

The Franchise Committee hopes that with our large numbers we shall easily secure our due share of representation. But it overlooks the fact that in the existing electorates Non-Brahmins are in a majority—twice generally, and sometimes three or four times the number of Brahmins—and yet nine Brahmins have been returned out of ten seats thrown open to general electorates. This is the result in constituencies which are fairly well educated. What then will be the chance in constituencies where the vast majority are illiterate, especially in English, and where the Brahmin, literate in English, far outnumber the Non-Brahmins? We therefore have no faith in numbers. In any event we do not wish to take risks, especially when even an iota of real power is intended to be transferred to the people. In the present councils, which have been described as merely advisory bodies, with no effective voice in the administration, our interests have been adversely affected in many ways. The position of the Brahmin has improved enormously since 1909, and that of the Non-Brahmin has correspondingly deteriorated, as has been pointed out above.

The Non-Brahmins therefore feel that when, with the very limited powers which the Councils possessed, so much harm has been done to the Non-Brahmin, when greater power is given the injury will be incalculable, unless the constitution of the council is radically altered. We do not want to take the risk—the risk especially of political annihilation, and we cannot depend on mere majorities in the electorates. We are prepared to take the risk on one condition. Let there be no transfer of power, no diarchy, no ministers, so far as our Presidency is concerned. Let us merely have a broadening of the electorates, and an increase of members. Let resolutions continue to be mere recommendations, and let us see the result of the working of these Councils. Let us watch how the electors discharge their duty, how the different communities stand in the Councils. Let this experiment be tried for the next decade, and if our fears are groundless, let us then be refused communal representation, and let us then have the scheme of reforms now propounded which is going to be a panacea for all ills.

### MADRAS—"THE POLITICAL ULSTER OF INDIA."

We would seriously and with a due sense of responsibility urge this alternative suggestion on the Committee in case communal representation is denied. We do not wish to speak of other Presidencies, but so far as Madras is concerned let it be treated as the "political Ulster of India." It is with a feeling of thankfulness that we read in the Government of India's despatch the following: "The Madras representative upon the Subjects Committee has declined to recommend the transfer of any subject in Madras, unless separate provision is made for Non-Brahmins; and though we have not been in communication with the Madras Government it would not surprise us to learn that they share his views of the need for securing the interests of that body." This is exactly our position, as has been amply made clear above.

### COMMUNAL REPRESENTATION—A TENTATIVE MEASURE.

My association is anxious to make it clear to the Joint Committee that the advocates of communal representation do not put it forward as an end in itself, but only as a means to an end; the end or object being the adequate representation of all-important communities in the Councils of the country. We desire it to be understood that the principle ought to be applied under the present conditions of society, that like the reforms suggested, it is also a tentative measure subject to revision by the periodic committees which may set aside the principle when and if they find that it has worked injury to the State or has outgrown its period of usefulness. It is under these limitations and with this understanding that we would desire the Joint Committee to approach this question.

### FISSIPAROUS TENDENCIES—A POLICY OF DIVIDING CHEESE BETWEEN TWO CATS.

It has been urged by one Brahmin witness that "the constitution of communal electorates would give rise to more fissiparous tendencies than already exist in the Non-Brahmin community," that the Non-Brahmins are not a homogeneous community, and that Thurston's book on "Castes and Tribes of Southern India" reveals the "wonderful fact" that there are 153 sub-communities among them. In other words, because there are divisions amongst Non-Brahmins, and the sub-sects may fight in future for the division of seats, therefore let there be no communal representation and let the Brahmin represent all these sub-sects so that there may be harmony among them, and "the fissiparous tendency" may not develop. I can only say that this argument strongly reminds me of a fable I learnt when young of the monkey who divided the cheese between two fighting cats.

But apart from this crude argument, I desire to state that the conditions are not as stated by the witness. If the depressed classes are excluded it will be found that the sub-sects among the Non-Brahmins are all more or less on the same level of advancement—in education, in official influence, &c., and there is not the additional religious influence as between themselves which the Brahmin possesses. Moreover the different sub-sects are so situated geographically that there will be no possibility of one sub sect swamping in any system of communal territorial electorates. There is every likelihood of a Pillai from the extreme south, a Naidu from Godavery or Kistna, a Mudaliar from North Arcot and adjacent parts, a Reddy from the Ceded Districts being returned by such electorates, so that naturally by the very manner in which different sub-divisions are geographically distributed they will be more or less equally represented. This is therefore only an interested piece of argument which the Brahmin in his last desperate attempt to fight against a just cause has chosen to put forward.

Another witness put forward the plea that if communal representation is granted in Legislative Councils, it may be extended to Municipalities and District Boards. In the first place it will be time enough to consider such a situation when it arises, and it will be for the local authorities to decide it. Such a contention has not been put forward, and the witness is only trying to draw a red herring across the scent. Secondly, as has been already pointed out, the ambition of the Brahmin has been enlarged, and in the future we do not expect to find any Brahmins caring for the dull prosaic work of local and county councils. The only place where he can be in the limelight is the provincial councils and the Indian Legislative Assembly. So that such a position will not arise at all. If necessary, I am in a position to give an undertaking on behalf of my association that no such request will be put forward on behalf of Municipalities and District Boards—and I need only add that the witness knows full well that such a contingency will never arise.

I may as well answer here another ingenuous statement of this witness, who seems to be the most Brahmin of all the Brahmin witnesses. He read out a long list of Non-Brahmin names of gentlemen who had been in the Legislative Councils, but he was careful enough not to give a list of the Brahmin gentlemen, which would have been really a very impressive list. Showing that there were about a dozen Non-Brahmins in the Councils during 27 years only proves our disabilities when we remember that there were several dozens of Brahmins. The witness has also tried to confuse the committee by including in the list several Non-Brahmins who were returned by special electorates like the Zamindars or landholders' electorate, and not by general electorates. It is the general electorates that afford a chance for the proletariat to be represented, and it is not a fair means of meeting the argument that for 27 years there has not been a single Non-Brahmin representative from the six coast districts, if the witness gives the name of a representative of the landholders.

This witness made a passionate appeal to the Joint Committee that the Brahmins never injured the interests of the Non-Brahmins. We may be a particularly ungrateful lot, but I may be permitted to draw the attention of the Committee to one of a series of resolutions which this witness moved in the Legislative Council. In 1912 this witness proposed in the Legislative Council that appointments to the public services of Rs. 35, or £3, a month should be made by competitive examination. Remembering what is obvious, that in these competitive examinations it is only the Brahmin that has a chance generally of succeeding, it is easy to see how much this gentleman was solicitous of the Non-Brahmins. He is not satisfied that 75 per cent. of the posts are held by Brahmins; he wants 99 per cent. to be filled by Brahmins—of course in the interests of public efficiency and because the best available talent should be got for public funds—and it is all in the interests of Non-Brahmins themselves, who are so dense that they cannot understand what is good for them.

Another witness gave a magnificent illustration of Brahmin philanthropy and disinterestedness—viz, the resolution moved by a Brahmin member for the abolition of the punishment by stocks. The Non-Brahmins, who are all a set of criminals, and are daily being put into the stocks by the thousands, ought really to be grateful to the Brahmins for thus working for their amelioration.

If these are the ways in which Brahmin gentlemen have toiled for our elevation and advancement, we can only exclaim "save us from our friends."

But the question is not merely whether Brahmin members have done good to the Non-Brahmins or not. It is a much broader question of principle whether any particular caste can represent another, especially where there are possibilities of clashing of interests. That there will be conflict of interests in the future councils is obvious. Very many measures which tend to promote the happiness of one community may have a disastrous effect on another. Take, for instance, the question of simultaneous examinations for the Civil Service. The Brahmins in a body are for it, while the Non-Brahmins are all against it. The fact was clearly disclosed in the evidence given by them before Lord Islington's Commission. Even Sir Saukaran Nair—who is *persona grata* with the Brahmins just now, but against whose appointment as judge and Executive Council Member scores of telegrams were despatched by Brahmin associations, and may to this day be found in the pigeon-holes of the Secretary of State's desk—in giving evidence before the Commission, stated that unless some safeguards were made to prevent the Hindu of the Pandit type from getting into the service he was against simultaneous examinations. There are scores of other similar problems which will be constantly arising. It is, therefore, only just and proper that Non-Brahmins should have their own representatives in the Councils of the country.

## NON-BRAHMINS ONCE AGAINST COMMUNAL REPRESENTATION.

It has been urged by one witness that in 1908 several Non-Brahmin leaders were against Communal Representation, and that therefore now in the year of grace 1919 Communal Representation ought not to be granted to them. It would have been more to the purpose if the witness had quoted the later opinions of these gentlemen: Dewan Bahadur P. Rajaratna Mudaliar, whom this witness quotes in his memorandum, was the President of my association, the South Indian Liberal Federation, and he was one of those who in 1916 and later refused to consent to any reforms unless Communal Representation was granted. The same may be said of the Maharajas, whom this witness has thought it fit to rely upon. The Rajah of Kollengode, for instance, is all for Communal Representation to-day; so is the Rajah of Pithapur. So is every sane man among the Non-Brahmins. Even Mr. Kesava Pillai, who is hand-in-glove with the Brahmins, cannot but say on behalf of his association that Communal Representation for the Non-Brahmins must be granted. The Local Government and the Board of Revenue have similarly changed their opinions. What does this mean? Has a vendetta been suddenly raised against the Brahmin? Does it not suggest itself to anyone that while in 1908 the Non-Brahmins took the Brahmins on trust and thought that everyone was working towards the same goal and that everyone would have the same opportunities, ten years' experience has disillusioned them, and made them see that "Indian" meant only "Brahmin" advancement? This change of opinion is the strongest indication that it is after mature deliberation and experience that the Non-Brahmins have come to realise that that way lies their salvation. The Brahmins of the Madras Presidency, with all their manipulation, cannot get a single representative Non-Brahmin from Madras to give evidence before the Committee that he is against Communal Representation. In fact, no Non-Brahmin has stated so before the Franchise Committee, and the only Non-Brahmins that have given evidence before the Joint Committee are those who belong to what has been termed the Justice Party. The gentlemen who gave evidence on behalf of the Madras Presidency Association are two Christians and a Parsee from Bombay, not Non-Brahmin Hindus, and this is sufficient to disprove the hollow contention of the Brahmins that this association, inspired, organised and developed by Brahmins, has any very large following of Non-Brahmins.

One witness goes into a long history of how nine out of ten members happen to be Brahmins. Elaborate arguments can now be invented, but facts cannot be got over. If four seats were not contested by Non-Brahmins it proves not that there were no fit candidates among them, as the witness would have the committee believe, but that they found the position of the Brahmin so strong that they wisely gave up all idea of contest. It only establishes that the Brahmin has, with all the influences at his control, secured a very safe and almost impregnable position.

## WHY ARE BRAHMINS AGAINST COMMUNAL REPRESENTATION.

It would be interesting if the Joint Committee were to try and find out why Brahmins are so much opposed to Communal Representation. The Non-Brahmins have stated that they will loyally carry out any scheme of reforms which the Joint Committee may recommend and the Parliament pass, provided Communal Representation is granted. Why then should the Brahmins be against it? The interests of the country cannot suffer: the reforms will not be whittled down by the grant of Communal Representation. If it was only a question of the country getting reforms it is obvious that the question of Communal Representation has nothing to do with it. The only reason that they put forward is that the development of Nationhood will be frustrated. But can anyone seriously take this argument? I have already pointed out how the Home Rule movement and the Varnashrama movement are but the obverse and reverse of the same picture. The Brahmin has done nothing towards levelling the distinctions of caste. In fact, a vicious principle has been introduced and is being followed, that political bodies ought not to concern themselves with any social disabilities. Are these the people who are working for a common nation, or are they working for their own aggrandisement? My associations have, on the other hand, from the very start brought politics and social reform on a common platform. In advocating the abolition of caste, in supporting Mr. Patel's inter-caste marriage bill, in advocating that Nadars and other castes ought to be permitted entry into Hindu temples, and in other ways side by side with our political programme we are hastening the day when a common nationhood is possible. It is therefore with feelings of surprise that we see people who are all for the maintenance of present day illogicalities and incongruities, which militate against the development of a common nation, seriously opposing Communal Representation on the ground that it hinders nationality and perpetuates caste divisions. It is only as a means of doing away with these divisions that we desire Communal Representation. We have tried social reform on various lines—on national lines, on rational lines, on lines of least resistance—and we have failed throughout. We think that the only way of success is by putting every community on a level of equality politically. Then only can social equality evolve, and with it the possibility of a common nation.

## BRAHMINS AND SOCIAL SERVICE LEAGUE.

A great deal has been said about Brahmins being members of social service leagues and improving the condition of the depressed classes. As one who has inside knowledge of these organisations I wish to place before the Committee a correct statement of facts. The Social Service League was first started by Mrs. Whitehead, the wife of Bishop Whitehead, of Madras, to improve the condition of the depressed classes. The great majority of members were Non-Brahmins, and it was doing quite unostentatious work for several years. Within the last two years, when the Home Rule movement was started, the Brahmins were astute enough to see that it would strengthen their hands if they were to join such associations. At about that time a Brahmin High Court Judge was elected president of the League in place of Mrs. Whitehead, and immediately there was an inrush of members—mostly young Brahmin lawyers—to the League. Whether these "estimable young men" have come into actual touch with the panchama or not, there can be no denying the fact that they lose no opportunity to get into touch with the president. But for this one central league of which a Brahmin High Court Judge is the president, there are dozens of associations in the Mofussil which are entirely controlled and worked by Non-Brahmins. In fact, every branch of the South Indian Liberal Federation—at Tanjore, at Madura, at Trichinopoly, Dindigul, Coimbatore, Srivilliputtur—and in various other places, has a social service league attached to it and works for social amelioration. But, of course, no high officials preside over their anniversary meetings, no press publishes long accounts of their work. They pursue "the even tenor of their way" without anyone singing paeans of

praise. Every one of them is exclusively controlled by Non-Brahmins. They may not come under the category of "estimable young men," but they are young men who are devoted to the cause and do a great deal of useful work among the depressed classes. It is absolutely incorrect to say that the great majority of workers are Brahmins. It may be true of the Madras league at present, for obvious reasons.

#### DEPRESSED CLASSES.

This leads me at once to the question of the depressed classes. The question is how best to improve them. I had been asked by the Audi Dravida Association of Madras (the political organisation of the panchamas) to represent their case to the Committee, but as I had not received written credentials I did not put myself forward as their authorised representative. I may, however, say that they are anxious that they should have at least six seats, as proposed by the Government of India, and that these should be by election and not nomination. However small and however distributed the electorate may be it will afford some sort of political education, and in course of time within the next one or two elections they may have a better electorate. Though they may not have an effective voice, their point of view will be authoritatively put before the Council. In the past the higher castes have positively stood in the way of their advancement. They would invite the attention of the Committee in this connection to the resolution moved in the Imperial Legislative Council by a Parsee gentleman, Mr. M. B. Dadabhoy, in 1916, which ran thus: "That this Council recommends to the Governor-General in Council that measures be devised, with the help, if necessary, of a small representative committee of officials and non-officials, for an amelioration in the moral, material and educational condition of what are known as the depressed classes, and that as a preliminary step the local governments and administrations be invited to formulate schemes with due regard to local conditions." In opening the debate the hon. member who, I take it, is not a "Non-Brahmin," said, "My justification for bringing in this resolution, if any justification were needed, is to be found in the unenthusiastic and half-hearted support which I have received from my non-official colleagues. It was no pleasure to me to bring in this resolution. If I could possibly have avoided it, I would have very cheerfully and very willingly done so. This is the sixth year of the life of the reformed council, and the second term is now approaching expiration. During the major part of that time—the five years that I have been on this Council—I anticipated that champions of public liberty, public spirit and public enterprise, and cultured men like my friends the Hon. Mr. Surendranath Banerjee or the Hon. Pandit Madan Mohan Malaviya, would take the trouble of moving a resolution to this effect. I waited all this time to see if one of these enthusiastic members would bring in a resolution for the amelioration of the depressed classes, but when I found that none of them had taken up the matter—when I found that it was not taken up in this Council—I thought it my duty to do so." One would have thought that though they had not introduced the resolution it was an excellent opportunity to see that something was done for these classes. But both the gentlemen unfortunately opposed it. In fact, the Hon. Pandit thought it was all a question of prejudice, and actually compared it with the prejudice that existed in England for the Deceased Wife's Sister Bill. In fact, the Government member, Sir Reginald Craddock, in his reply, stated, "The Hon. Member who moved this resolution has accused the Government of apathy and of merely following a negative policy of drift. Well, sir, my task in defending the Government from this charge has been considerably lightened. Not only have representatives of two Governments got up to protest against the accusation, but I find myself in the pleasant position of having two Hon. Members with whom I often have to disagree, as the staunchest supporters of Government of any who have risen to speak—I refer to the Hon. Mr. Surendranath Banerjee and the Hon. Pandit Madan Mohan Malaviya. I welcome their support." Poor Mr. Dadabhoy, attacked on all sides, forsaken by friend and foe alike, vehemently criticised by his erstwhile fiery comrades, was forced to make a strategic retreat; and we find in the official report of the proceedings, the short, pithy, yet pregnant statement, "The resolution was, by permission, withdrawn."

The depressed classes, therefore, do not desire to depend on the higher castes to voice forth their grievances. They would like that their own representatives should sit in the Councils, and it is obvious that nomination is not a happy method of getting such representatives.

They would like to draw the attention of the Joint Committee to a small fact. It has been stated that in co-operative movements the panchama takes a part with the higher castes, and that they sit together in solemn conclave to deliberate on matters concerning the society. They are unable to recognise that this description applies to the Madras Presidency. Not long ago a panchama applied for admission as a member to the Triplicane Co-operative Credit Society, of which the Hon. Mr. Srivivasa Sartri was the president and all that I can say is that his application was rejected, and there are no panchamas in that organisation.

#### THE SCHEME OF REFORMS.

If, and only if, Communal Representation is granted to the Non-Brahmins, my association would accept that there should be some devolution of responsible government in the provinces. The scheme that would commend itself to my association closely corresponds to that which has been put forward by another witness.

My association would prefer that the Bill be amended so as to have a unified government without the distinction of Executive Councillors and Ministers. The Executive Council will be composed of four members, two of whom are Europeans and two Indians. Some subjects would be transferred to the Legislative Councils, and in these subjects the wishes of the Council will be carried out unless the Governor certifies against them. The Indian members may be appointed from the elected members of the Legislative Council. The transferred subjects will be administered ordinarily by the Indian members of the Council, but not necessarily. It will be a unitary government absolutely bound by the wishes of the Legislative Council in transferred subjects—unless it is certified by the Governor to be opposed to fundamental principles of justice or peace, order or good government—and responsible for the reserved subjects to the Government of India and Parliament.

My association would desire that further Select Committees of the Legislative Council may be associated with the members in charge of transferred subjects in the administration of the subjects.

Certain revenues may be assigned to the transferred subjects, or a fixed proportion of the whole revenues may be set apart for these subjects, and this proportion may be liable to revision by the periodic committees.

The other provisions of the Bill would apply to the scheme put forward by my Association.



## TRANSFERRED SUBJECTS.

With respect to transferred subjects, my association would accept the list of the Feetham Committee, except as regards education. My association would transfer primary education, but would treat secondary education and university education as reserved subjects. Just at present very nebulous ideas are in the air about education. There is, for example, the propaganda of "national education" which Mrs Besant has pushed forward within the last two years. She proposes to have national mathematics, national science and other national subjects. History, of course, will be re-written and become national. But, apart from this, there is the greatest objection to the religious teaching which is supposed to be taught in these national schools. The Missionary colleges are now condemned because the Bible is taught in them. There are the advocates of the "conscience clause." Now what happens, at least in the Madanapodle National College of Mrs. Besant, is this: Instead of hearing a disquisition on the New Testament or the prophecies of Jeremiah or the vision of Saul, whether it was subjective or objective—which of course would denationalise them—Mrs. Besant's National College has the White Lotus day, the Besant day and the Arundale day, when the boys are assembled and prayers are given to the Creator for sending into the world saviours like Madame Blavatsky, Mrs. Besant and Mr. Arundale. Now we distinctly oppose such teachings. We would rather our children listen to the teaching of Christian missionaries than to such vapourings. The advocates of conscience clause do not further stop to see what the effect of it will be on Missionary efforts towards higher education. It may be said that if the Non-Brahmins are in a majority they need not fear such results to happen. But the truth is that no Indian has really an idea of how educational reform should proceed, and even the Government is not very much wiser, and under all the circumstances it is better to allow things to proceed along old grooves for some time longer than to permit any sudden and violent changes being made.

## SOCIAL LEGISLATION.

My association is very anxious that some way must be found by which social legislation may be effected to allow the society to progress. No witness has thought it fit to advert to this so far, and yet we are all trying towards making the Indians a nation. So far as social legislation is concerned, it is stated that as its effects are very widespread it ought not to be the subject of provincial legislation, but only of central legislation. Granting that this is so, there must be some provision of carrying such legislation through the central Government. At present the Government has committed itself to a policy which says that unless the very large majority of Indians are in favour of social legislation, the Government will not give their support, and as the Government is also to be the judges of the volume of Indian opinion in favour or against, it is easy to frighten the Government by carefully manipulated telegrams that Indian opinion is against it. It is obvious that society cannot progress in India very far unless at least permissive social legislation is enacted. My association therefore proposes that there should be a well understood convention that if the majority of elected members are in favour of a certain measure of social legislation the Government should accept it. If it is contended that the Mahomedans should not legislate for Hindus and *vice versa*, my association would suggest that the opinion of the majority of the elected representatives of the particular religious community which will be affected by such legislation should be taken and the action of the Government guided by such opinion. This is a very important matter, and my association feels that the whole future of India as a civilised country depends upon it.

In conclusion, my association would like to thank the Committee for being allowed an opportunity to lay its views before the Committee. We would once more strongly urge that it is absolutely essential that the Non-Brahmins of the Presidency should be granted Communal Representation. The reforms themselves would prove a blessing or a curse according as such representation is granted or not. Great issues are involved on the decision of the question. We shall not be exaggerating matters if we say that the ordered progress of the country and the advancement of all classes of people depends upon the grant of Communal Representation to the Non-Brahmins of Madras.

72, KENSINGTON PARK ROAD, W.,  
20th August, 1919

## APPENDIX T.

MEMORANDUM handed in by L. K. Tulasiram, Delegate of the Non-Brahmin Deputation, on  
25th August, 1919. (See Question 6718.)

1. In the Memorandum, I propose to deal with the "vexed question" of the Brahmin versus Non-Brahmin, as it, in my opinion, has a very important bearing on the present Bill. If no safeguards are provided in the Bill itself for securing Communal Representation to the Non-Brahmins of the Madras Presidency, I am afraid that the consequences to follow will be very disastrous.

2. The population of the Madras Presidency, excluding that of the Native States is according to the Census of 1911 more than 41 millions, or 414 lakhs. Hindus account for 89 per cent., Mohammedans for 7 per cent., Christians for 3 per cent., and Animists for 1 per cent. The vast majority of the population is Non-Brahmin Hindu, of Dravidian race, and possess an ancient civilisation. The two principal Dravidian languages Tamil and Telugu are spoken of by 17 and 16 millions Persons respectively. Of every thousand people 497 speak Tamil, 377 speak Telugu, 74 Malayalam, 38 Urdu, 37 Canarese and 23 Hindustani.

3. The population of the Madras Presidency, deducting that of the Agency tracts, is distributed as follows:—

	Lakhs.
Hindus—	13
Brahmins	277
Non-Brahmins	63
Panchamas or Untouchables	27
Mohammedans	11
Indian Christians	6
Others	6

4. The Brahmins form a small percentage of the whole population. Owing to the accident of two first-grade colleges being founded in the Tanjore district in the early fifties, the Brahmins got themselves educated earlier than other communities, and were first in the field. Though it has long been the rule of the British Government to secure a due representation of all castes in the public service, the Brahmin has everywhere established a marked supremacy, and with the supremacy and predominance in most walks of life, he has easily secured control in politics. Among the Non-Brahmin Hindus 115 men and 8 women per thousand of each sex are according to the Census of 1911 able to read and write while about 654 Brahmin men and 93 Brahmin women per thousand of each sex are literate generally. In the Madras Presidency, of every thousand persons 6 are literate in English. Of every ten thousand Hindu men of each community, 1,553 Brahmins and 52 Non-Brahmins are literate in English. While there is only one university graduate to every 6,000 Non-Brahmin Hindus, there is one university graduate to every 66 Brahmins, though the proportion according to the strength of population between the Brahmins and Non-Brahmins, including Panchamas, is about 1 to 27.

5. The Non-Brahmin movement is a democratic movement for the uplift of the less educated classes. It aims to prevent the substitution of a Brahmin oligarchy in the place of British bureaucracy. Certainly the Non-Brahmin movement is not a movement of hatred of the Brahmins.

The Non-Brahmin is the real democratic movement of the country, which seeks to give to the people the heritage which is theirs, a movement which seeks not for the aggrandisement of any individual or caste, which tries not to vest power in any class oligarchy, but which attempts by educating the masses to a sense of their own dignity to make them realise the destiny that is theirs. The movement is against the tyranny of a pernicious social system which had blunted the finer feelings of dignity and self-respect of the Non-Brahmins.

6. The Varnashrama Dharma movement has been started in Madras with the sole intention of reviving the tyranny of caste. It is closely connected with politics, and the majority of the Brahmin politicians are directly or indirectly hand and glove with the movement. The tenets of the Varnashrama movement are to resuscitate the code of Manu, which provides that if a Non-Brahmin were to hear the Vedas being recited, molten lead should be poured into those ears, and if a Non-Brahmin were to take seat on the same dais along with a Brahmin, the Non-Brahmin should be severely tortured.

7. The success or failure of the Government of India Bill so far as the Presidency of Madras is concerned, will depend upon who will exercise the powers proposed to be transferred to popular control. The composition of the future Legislative Councils is therefore the vital question to be considered. The reforms proposed will be a blessing or a curse according as the Councils constituted under the Bill are representative of the people or of only one section thereof. No scheme of reforms will be acceptable to the Non-Brahmins of the Madras Presidency unless Communal Representation through Communal Electorates is guaranteed to us as an essential preliminary.

8. It has been suggested that the broadening of the franchise will create such a large majority of Non-Brahmin voters that there will be no possibility of Brahmins being returned to the Legislative Councils. Those who make the suggestion either do not realise the conditions that at present prevail at elections or wish to shut their eyes to them. As a matter of fact, even in the electorates existing at present the Non-Brahmin classes form a very decided majority and yet we find that nine out of the ten seats have been captured by the Brahmins. The influence of local officials, lawyers, and teachers who are mostly Brahmins is so overwhelming that the elector has really no free vote to exercise at elections at all. Subtle influences are brought to bear on the electors, sometimes direct, sometimes indirect, so that it is impossible for the ordinary voter to steer clear of them all and to vote for the real candidate of his choice.

9. That out of ten seats on the local Legislative Council thrown open to election by the Local Board and municipalities in the ten groups of the whole Presidency, nine seats were captured by the Brahmins and only one went to a Non-Brahmin, and in the Imperial Legislative Council all the three seats open to the Indians of the Madras Presidency are at present held by Brahmins. The reasons why the Brahmins are able to capture the seats are many. First, the majority of the returning officers are Brahmins, and they influence the voters, who always look upon them for help and protection, to vote for their Brahmin candidate.

Secondly, two thirds of the graduates in arts are Brahmins, and those who are college teachers and professors influence their former student voters, and three-fourths of the graduates in law are Brahmins, and as lawyers they influence their client voters.

Thirdly, the Brahmin officials form exactly half the total number of the Madras public services, and the Non-Brahmin Hindus contribute about one-sixth of that number, and it is the interest of the Brahmin official to see that there is a large number of his own community on the local Legislative Council to advance the interests of the Brahmin officials.

It was urged by one of the witnesses before this Committee that there were three Non-Brahmin representatives representing the Madras Corporation between the year 1893 and 1916. If you understand that the Brahmin population of the Madras City is only 32 thousand out of a total Non-Brahmin population of 312 thousand, it is really surprising how two Brahmin representatives were so lucky as to capture the Madras Corporation seat each on one occasion.

10. The Brahmin representatives on the Madras Legislative Council have actually acted detrimentally to the interests of the Non-Brahmin masses. The particular caste which predominates in the local Legislative Council at present is trying to improve its own position and that of the individual members thereof, both in public offices and councils by forming a close ring. It has failed to lend a helping hand to communities that are less fortunately circumstanced.

Though the grievances of Hindu widows in Madras is the same for the member of Brahmin and Non-Brahmin communities, a Brahmin widows' home has been provided for the use of the widows of the Brahmin community, and nothing whatever has been done for the amelioration of the pitiable condition of the Non-Brahmin widows. A rule was made by a Brahmin ex member of the Executive Council of Madras Government that the clothes worn by a Brahmin convict in the Indian jails should not be worn by a Non-Brahmin convict. Now and then proposals are adumbrated to reserve carriages in the railway trains for Brahmins only. The members of the Non-Brahmins communities honestly apprehend that unless something is done to secure adequate representation to the Non-Brahmins of the Madras Presidency through communal

electorates the British Parliament would be really acquiescing in the establishment of a Brahmin oligarchy in the Madras Presidency. The Brahmins of Bengal are meek and submissive, of Bombay and Gujerat are tolerant and cosmopolitan, but the Brahmins of Madras are intolerant, clannish and selfish.

11. The population of the Nadars (a class of Non-Brahmin Hindus in the Madras Presidency) is more than half a million. This community has taken to trade, cultivation and money lending. The members of this community have won for themselves by education, industry and frugality, respectable positions as traders and merchants. But by the tyranny of caste the Nadars are being looked upon by the orthodox Hindus as a community having a low social status. These Nadars, who are staunch Saivites, or worshippers of Hindu gods, are not allowed to enter and worship in the Hindu temples where all other caste Hindus are allowed to worship, and no Brahmin member of the local Legislative Council has thought it just to bring a resolution before the Legislative Council, sanctioning the entry of this community into the Hindu temples. The Non-Brahmins of the Madras Presidency have passed a resolution at the Non-Brahmins Conference held at Tinnevely, in the year 1917, recognising their right to enter and worship in the Hindu temples.

12. The resolution regarding the recruitment to Public Services by open competition moved by Messrs. L. A. Govindaraghava Aiyer, in 1911, and M. Ramachandra Rao, in 1912; the resolution regarding the recruitment of subordinate Magistrates from the Bar which is almost exclusively monopolised by the Brahmins, moved by Mr. Narasimha Aiyer; the resolution regarding the amendments of the Civil Courts Acts, so as to vest in the High Court the power of appointing Subordinate Judges moved by Mr. Ranga Achariar; the resolution of which notice was given by Mr. V. K. Ramanuja Achariar regarding the deletion of the Board of Revenue Standing Order No. 128, Clause 2, which provided for the representation of all communities in the public service; the interpellations put by five other enthusiastic Brahmin members simultaneously requiring a list of newspapers subsidised by the Government which were provoked by the starting of the Non-Brahmin daily organ "Justice"—all these are only a few instances in support of the contention that the Brahmin members of the Legislative Councils have not been very keen in promoting the interests of the Non-Brahmin classes, or at any rate the purpose of these several resolutions have been to promote the interests of the Brahmins, knowing full well that the effect of these resolutions would be positively disadvantageous to the Non-Brahmins. At the recent debate in the Legislative Council regarding the subjects to be transferred and reserved, all the Brahmin members were unanimously in favour of transferring "Civil Justice" to popular control, while every Non-Brahmin member whether Mohammedan, Indian-Christian or European, was opposed to it. This would suggest that the interests of the two communities are diametrically opposed in some cases at least.

13. It has been suggested by a Brahmin witness that there are more than one hundred and fifty communities among the Non-Brahmins who could not all be adequately represented. Our proposal is that the Non-Brahmins of each locality should be grouped in a single electorate and the Brahmins grouped separately. One reason why we look upon the different Non-Brahmins castes as one community is that these castes are more or less in the same position in point of education and official influence and have more or less the same social habits and customs and are labouring under the same difficulties and have the same grievances against the Brahmins. There is not that huge disparity and racial difference between one Non-Brahmin caste and another as exists between the Brahmin and the Non-Brahmin. They are all the victims of common social tyranny exercised by a common priesthood. We propose to group all Non-Brahmin Hindus (except the Panchamas) in a certain territorial limit into one electorate and this electorate will in most cases return that candidate whose community preponderates and is most influential in the locality. Small sub-sections among the Non-Brahmins have either no voters at all or if they have, their number is small as almost to be negligible, and such sub-sections can have no reason to be dissatisfied if they are not in a position to return their own member.

14. It has been suggested by the Government of India that a representation of Non-Brahmins can be secured by reserving thirty out of sixty-one seats in a general electorate. This suggestion cannot be accepted because the result will be the election of men who are not really representatives of Non-Brahmin opinion, but people who will be pledged to a policy of affairs more dangerous than not being represented at all. In the mixed general electorates all the unwholesome influences which we are trying to guard against will be present, exercising their power as freely as possible. The Brahmin members of the electorate being a close and organised body will have a potent voice in elections, and their packed voting may turn the scale between two rival Non-Brahmin candidates. Though in every electorate the Non-Brahmins are in an overwhelming majority as compared with the Brahmins, the literate and specially the English educated will be far more among the Brahmins than among the Non-Brahmins, so that they will have a real and a very potent voice in directing the voting, especially in the rural areas. The Non-Brahmin candidate who gets returned by the votes of the Brahmins and with their help in canvassing votes, will certainly not feel himself free to voice the real wishes of the Non-Brahmins. The formation of separate communal electorates will minimise these evil influences as much as possible. Those who are outside the electorate altogether will not have the same recognised opportunity of taking a very active part in influencing the elections. Therefore it is that we urge representation through separate communal electorates till, by the spread of education and the more even distribution of official patronage among the classes, the influence of each community will be balanced by that of others, when the necessity for separate electorates will cease to exist.

15. Non-Brahmins need, then, educational development. The percentage of the literates in the vernaculars is 5 per cent. among the Non-Brahmins and 50 among the Brahmins, and herein lies one of the explanations as to why that single community occupy a predominant position in the country. Hemmed in on all sides by forces which would encourage the higher forms of education, the Government have neglected primary education to the detriment of the Non-Brahmin classes living mostly in the rural areas.

16. The extension of primary education has been further impeded by the indifference of the more advanced and ambitious classes to the spread of primary education. In spite of repeated declarations by the Government only a quarter of the amount was spent on primary education out of the total amounts set apart for education general in 1912. In consequence of the disparity found in the sums spent upon primary and higher education, the classes that have suffered mainly are the Non-Brahmins, because while one out of three Brahmin boys is undergoing instruction, one out of nine among Non-Brahmins is receiving primary education.

17. Dharma Rakshana Sabha is an ingenious association, started by Sir S. Subrawania Aryai with the avowed object of safeguarding the charitable and religious endowments in the Madras Presidency. In practice the work that this Sabha, or association, has done is to oust the Non-Brahmin trustees, both appointed and hereditary, from their places, and to fill them with Brahmin members, by providing schemes for their management which enables the Brahmin members to have an easy walk over to the offices, and provides fat fees for Brahmin vakils by giving rise to long and protracted litigation.

18. For the last few years the suits against the trustees of temples and charitable endowments have increased under the auspices of the so-called Dharma Rakshana Sabha, and the result in the majority of cases is the substitution of the existing trustees by the Court-appointed trustees, mostly consisting of Brahmins and Brahmin Vakils, who can have no claim or interest of any kind to be trustees. Even when the trust is the benefaction of a single individual or family, when any nominal defect is found in the management by the inheritors, they are summarily dismissed and sent out as if they had no interest of any kind and replaced by utter strangers to be the custodians of such institutions. The Government has recognised the principle of heredity even in the case of petty village officers, and the Non-Brahmins very much desire that religious and charitable endowments should not be a transferred subject in Madras. On account of the activities of the Dharma Rakshana Sabha, the situation has become anomalous, and is giving rise to much irritation and heart-burning among the Non-Brahmins, who are on this account losing their prestige, as the funds are being utilised for objects which are not beneficial to the communities. The funds of the Tirupati temple are being utilised for purposes benefiting a single community. The Non-Brahmin funds of the Tireukkarungudi Chattram were diverted for starting a Sanskrit College at Kallidaikni-Chi in the Tinnevely District. The funds of the famous shrine at Rameswaram are being spent towards the maintenance of a Sanskrit College named "Rameswaram Devasthanam Patasala" at Madura, to which Non-Brahmins have no access whatsoever. The conduct of the scheme suits lodged at the instance of the Dharma Rakshana Sabha are mostly conducted by junior Brahmin Vakils to their profit.

19. The agitation with regard to separate electorates for Non-Brahmins in Madras was first raised at the time of the Morley-Minto reforms. The leaders of the Non-Brahmin movement having the best interests of the country at heart, and believing that the Brahmins would treat the Non-Brahmins fairly and squarely, did not press for separate electorates then. Now, the Indian Press is in the hands of the Brahmins. The men returned to Madras electorates are pushed into prominence by the Brahmin press. Since the introduction of the Morley-Minto scheme increased power bestowed on the people without Communal Representation led to that power being concentrated in the hands of a single educated community, and led to greater disparity between the educated and uneducated classes. This is one of the chief causes for the starting of the Non-Brahmin movement.

20. It was suggested by one of the witnesses before the Committee that this Non-Brahmin moment has been started by a few Non-Brahmin candidates who were defeated at the Council elections. When the Non-Brahmins found that there were no chances of success even for the best men of their community in competition with the ordinary men of the Brahmin community, they opened their eyes and found that there was something fundamentally wrong in the Morley-Minto reforms, and began to agitate for Communal Representation by communal electorates.

21. It has been stated by a Brahmin witness who appeared before the Committee that the moment the system of Communal Representation is conceded with regard to the Legislative Council elections the demand would be extended to the field of local self-government. There is no fear for such a demand. The Hindus and Mohammadans had a number of differences between themselves, and the moment Communal Representation was conceded to the Mohammadans the differences that existed have vanished, and they are so united as to submit the Joint Congress Muslim League scheme. In the same way, we confidently believe, the moment Communal Representation by communal electorates is conceded to the Non-Brahmins of the Madras Presidency, the Brahmins and the Non-Brahmins will stand together united and happy.

#### PUBLIC SERVICES.

22. In the Madras Presidency the Brahmins, who form about 3 per cent. of the total population, have monopolised 50 per cent. of the higher appointments in all the services. For the last half a century ended with 1917 there had been only a single Non-Brahmin nominated as a Judge of the High Court, while there were seven Brahmin High Court Judges during the same period. There has not been an even distribution of official patronage. There is no dearth of qualified candidates among Non-Brahmins. It is suggested that a proviso should be made under a Clause of the Bill that no community should be represented in the Public Service to an extent which is more than a fixed percentage, and the minimum number of appointments to be held by a community should be fixed. It is absolutely incorrect if any witness says that there were a large number of Non-Brahmin members during any term of the local Legislative Council.

23. The Southborough Committee reject the scheme for separate communal electorate for Non-Brahmin Hindus of the Madras Presidency on the ground that it would force the Brahmins into a separate electorate against their will.

It is estimated that the total number of Brahmin voters is about 52 thousand and that of the Non-Brahmin voters at 248 thousand. The question is, whose will is to prevail? Whether the will of the 50 thousand Brahmins not to have separate electorates, or the will of the 250 thousand Non-Brahmin voters to have separate communal electorates.

24. The Brahmin members, who preponderate in the local Legislative Council, are not one of them a merchant or manufacturer, and do not take sufficient interest in the development of industries and trades. If we were to have Non-Brahmin representatives who are really interested in the development of trades and industries, they should be elected by a separate communal electorate consisting only of Non-Brahmins, without any interference of the Brahmins.

In view of the possibility of the rise of industrialism in India and the labour problems attending in its wake, it is necessary to create a special franchise for factory workers in some of the important industrial centres of India.

1,335 per ten thousand of the population find employment on the side of industries, and 661 per ten thousand of the population are engaged in trade, of whom 137 per ten thousand are engaged in trade in foodstuffs.

## APPENDIX U.

MEMORANDUM handed in by *Koka Appa Rao Naidu*, B.A. and B.L., Pleader, Berhampur, Madras, on 25th August, 1919. (See Question 6718.)

I beg to state that I am the Secretary of the Ganjam People's Association, Berhampur, and also a Member of the South Indian Liberal Federation, Madras. I was elected as their delegate to give evidence before the Joint Committee. I was also requested by the Uriyas to represent them. I lived for most part in rural areas and worked amongst the agricultural classes. I am closely connected with various Non-Brahmin organisations and attended many of the Non-Brahmin Conferences held in Madras Province.

## SOCIAL REFORM v. POLITICAL REFORM.

Amongst the educated classes in India, there have been two schools of thought with regard to political reform, one led by Keshule and Ranade and another by Mr. Bal Gangadhar Tilak. The former held that Social Reform should precede or at least go hand in hand with Political Reform, and the latter contended either that Hindu Society did not require any reformation and caste system was essential to the Hindu Society, or that Political Reform should precede all Social Reform. On account of India's contact with British civilisation, with its ideals of liberty, equality and fraternity, men's minds in India were turned towards the tyranny of caste and custom. This gave rise to two liberal theistic movements, the Brahmos amaj in Bengal and the Aryas amaj in the Punjab, which are broad-based on the brotherhood of man. These two organisations worked against caste vigorously for some time in Bengal and the Punjab. Just after the starting of the Congress at Bombay, Ranade and his friends started what is known as the Indian National Social Conference, for they felt that social reform should at least go hand in hand with political reform, so that there may be no breakdown of the political machinery leading into chaos and confusion. When the Congress was held at Poona for the first time, the social reactionaries of Poona, led by Mr. Tilak, who have always been political extremists, prevented the Indian Social Conference from being held in the Congress Pandal. I may state here the views of three Indians about the tyranny of caste and custom in India "under whose ponderous wheels the Hindu nation is squeezed and crushed."

Swami Vivekananda said: "We are at present neither Vedantins nor Tantriks nor Mantriks. We are just Don't Touchists. Our God is pot. Our religion is kitchen. If we go on in this way for a century more, we are sure to be in the lunatic asylum."

Bishen Narayan Dhar, Barrister-at Law, of Lucknow, said: "A selfish priesthood imposed its yoke upon the neck of the people; custom fixed and stereotyped the course of national life; caste system elaborated its net, in the meshes of which were caught all the elements of progress and advancement."

Keshule Chandersen said: "Caste is the bulwark of Hindu idolatry and the safeguard of the Brahmanical priesthood."

The same state of things continues even to-day. When such has been the horrid state of things, it has been considered highly necessary to reform the society, for "there can be no advancement politically without social and moral advancement." So Ranade and his friends carried on their social activities.

## REVIVAL AND RETROGRESSION.

The two Theistic Movements and the Social Reform Movement led by Ranade received a huge shock from Mrs. Besant, with her Theosophical and Esoteric teachings. She, with her power of eloquence, with her organising ability, with her followers, men and women, and with large funds at her disposal, began to preach that everything in the Hindu religion and Hindu social policy is the best; that caste system is based on right social and spiritual principles, and endeavoured to give justification and even scientific and esoteric explanation to every superstitious custom, practice and ceremonial. By applauding the past glories of Hindu civilisation she was able to impress upon the young minds. This gave a turn in the tide of social reform. Then came the Swadeshi and Boycott Movement, with the agitation against the partition of Bengal. These were followed by the fad of national education, led by Mrs. Besant, in order to remove the liberalising tendencies of English education. At the same time there was started what is known as the Varnashrama Dharma Movement in the Madras and United Provinces, to place the system of caste on a firm basis. This movement has been led by the Brahmin politicians in Madras. In the United Provinces it has been actively supported by the Honourable Pandit Malavya and Maharajah of Durbangha, who took great pains in collecting funds for the Hindu University, which was condemned by Sir C. Sankaran Nair, and characterised by him as a separatist and sectarian university, to which Government should not lend its support. It may be stated here that Maharajah of Durbangha, a Brahmin, is one of those that opposed the introduction of free and compulsory primary education in India. Thus the activities of Mrs. Besant and her Theosophical societies, Varnashrama Dharmists and the so called Nationalists—all these came in the way of the progress of social reform, with the result that the two Theistic Movements and the Social Reform Movement failed, and retrogression and reaction to social reform became the order of the day. This is clear from the strong opposition of the Brahmin politicians to Bupendra Nath Bas's Civil Marriage Bill, and Patel's Inter-Caste Marriage Bill. The climax was reached last year when the Annual Social Conference was not held at Delhi. The condition of affairs is worse in the Madras Province, and Caste has a stronger hold in Madras than in other Provinces for the following reasons:—

(1) The activities of Mrs. Besant and Sir S. Subhramanya Iyer, the author of the "disgraceful letter" to the President of the United States, and their Brahmin followers, with their Theosophical headquarters at Adray, near Madras.

(2) The activities of the Varnashrama Dharma Movement of Madras.

(3) The absence of a movement like the Brahmo Samaj of Bengal, or the Arya Samaj of the Punjab.

(4) Most of the Northern India Brahmins, including the Bengalee and Uriya Brahmins, eat flesh

and fish as the Non-Brahmins do, and there is not so much rigidity with regard to interdining. On the other hand the Madras Brahmin is a strict vegetarian, while the Non-Brahmin is a non-vegetarian, and the former rigidly observes the restrictions against interdining and untouchability.

(5) In Northern India, the Mohamedans settled themselves in large numbers, and their kings ruled over it for centuries. The Mohamedan kings were no respecters of Caste, and they used to treat all castes equally. So the Non-Brahmins in the Punjab, Bengal and United Provinces used to hold positions of influence and power equally with the Brahmins, so that there was not so much predominance of any one caste over other castes. Further, in Northern India, the problem has been always the Hindu and Mohamedan Problem.

BENGAL.—

Hindus	{	Brahmins - - - - -	1,233,825	}	20,173,937
		Non-Brahmins - - - - -	8,991,868		
		Others - - - - -	9,948,244		
Mohamedans	- - - - -	- - - - -	- - - - -	- - - - -	23,975,171

As the Mohamedans are greater in numbers, and they were once the ruling race, the Hindus could not afford to quarrel as between themselves and adjusted their differences, giving rise only to Hindu Mohamedan struggle. In the Madras Province the Mohamedans never settled themselves in numbers, and their Kings did not rule over it for a long period

MADRAS.—

Hindus	{	Brahmins - - - - -	1,221,907	}	35,315,381
		Non-Brahmins - - - - -	27,716,306		
		Others - - - - -	6,377,168		
Mohamedans	- - - - -	- - - - -	- - - - -	- - - - -	2,735,673

From the above figures, it can be seen that the Mohamedans form a very small Community when compared with the Hindus.

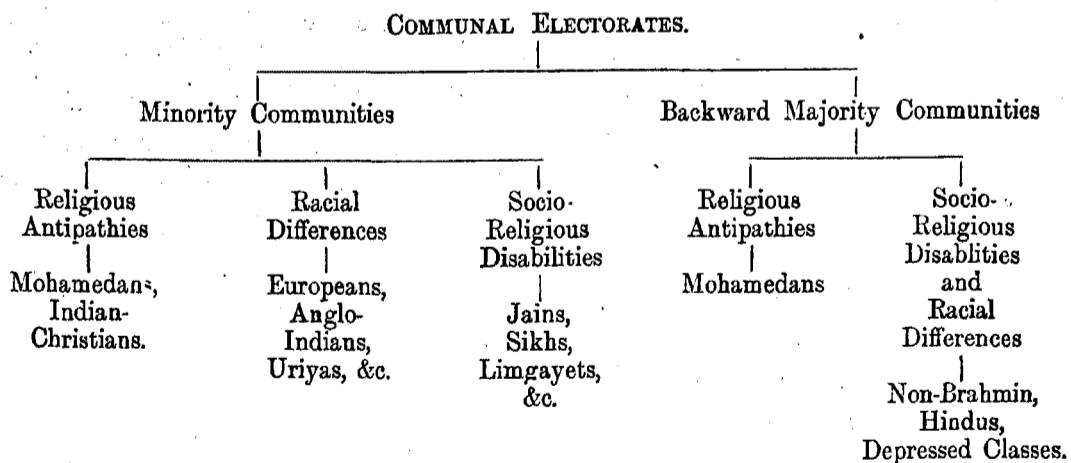
These, among other causes, led to the rigidity of caste system in the Madras Province. This is accentuated by his belief that he is distinct in race from the Non-Brahmins who are considered to be of Dravidian origin.

ANNOUNCEMENT OF AUGUST 20TH, 1917.

When such was the general state of things in India, and when caste exclusiveness and Brahmin priesthood were sapping the vitals of the people at large, especially in the Madras Province, and when some of the leaders of Indian thought were of the opinion that Social Reform should precede Political Reform, an announcement was made in Parliament by the Secretary of State for India on the 20th of August, 1917, to the effect that substantial powers would be conferred on the Indians with a view to the progressive realisation of responsible government. Naturally, it caused a stir amongst the Non-Brahmins of the Madras Province, who were suffering under the social and spiritual, official and political ascendancy of the Brahmins. So they opposed the demands of the Extremists and asked for a moderate advance, for they have been always of the opinion that "Slavery at home is incompatible with political liberty." Further, they have been persistently demanding for Communal Electorates to them, as a protection against the all-powerful influences of Brahmins, in any scheme of reforms that are going to be granted, and for the effective representation of all communities in the Councils.

DEMAND FOR COMMUNAL ELECTORATES.

The demand for Communal Electorates in India is based upon five grounds or standpoints. This can be very well explained by the following table.



From the above table it is clear that Communal Electorates are demanded not only by Minority Communities, but also by those Majority Communities which are less advanced, *i.e.*, politically and educationally backward, to safeguard their interests, as they cannot be properly represented by the members of other communities on account of the acute religious antipathies, socio-religious disabilities and racial differences under which these communities are suffering. It is unnecessary to state in detail the various religious antipathies and socio-religious disabilities. The long cleavages of religion, race and caste are to a certain extent described in the first part of the Joint Report. It may now be considered why a Majority Community, like the Non-Brahmins, require special representation.

## THE VILLAGE AS UNIT.

Lord Morley, in his famous despatch to the Viceroy of India, said, "The village in India (generally) has been the fundamental and indestructible unit of the social system, surviving the downfall of dynasty after dynasty. I desire your Excellency in Council to consider the best way of carrying out a policy that would make the village a starting point of public life." I would add that village has always been the unit of administration both under the ancient kings and under British rule. The Government of India in their fifth despatch on the Indian Constitutional Reforms (Franchise) in para. 23 said, "After religion and race, the boundary between town and country is the greatest dividing line that runs through the Indian people. It corresponds closely with the division between progress and conservatism; between English education and vernacular; between experience of self-government and lack of such experience; between the existence of newspapers, professions, bar-libraries, societies, &c., and their absence." Therefore, any scheme of reforms, any grant of political rights, any question of franchise or electoral reform and any changes in the administrative machinery must be considered from the standpoint of the village. So, it is incumbent upon the constitution makers to understand the conditions of village life, the nature of the people that inhabit the rural parts and the ideals and sentiments that prevail in those areas.

Lord Morley, in his Budget speech of 1906, said, "Remember that India is essentially agricultural with varying degrees of fertility." India is mostly an agricultural country, and its population is more rural than urban, and this is much more true in the Madras Province. In Madras, more than 90 per cent. of the population live in villages. There has been no growth of towns in Madras, on account of the absence of any appreciable growing industries. So, the rural population never migrates to the towns in large numbers, as in the Western countries or in some parts of India, and they confine to their village holdings. The village population consists of artisans, half a dozen petty traders, peasant proprietors, ryots, agricultural labourers and about half a dozen Brahmins. These agriculturalists till the soil, sow the seeds, rear the crops, pay the taxes and cesses on land and reap the harvest as the fruit of their labour of months. More than 95 per cent. of the rural population are Non-Brahmin Hindus and Depressed classes. Even the half-dozen Brahmins in the villages exercise all power and influence over the ignorant and docile rural classes on account of the conditions prevailing in the village life.

## ILLITERACY IN RURAL AREAS.

Most of these villagers are illiterate and ignorant, and in every village we can find many petty landholders who cannot even sign their own names. The policy of the Government, encouraged by the politically-minded class, the Brahmin, has been to give more attention to University and Secondary Education, which mostly benefits the Brahmins and the townfolk, than to Primary Education, the greatest need of the rural classes—i.e., the Non-Brahmin millions. This short-sighted educational policy of the Government, coupled with the superstitious ideas and notions instilled in the minds of the Non-Brahmins from generation to generation by the Brahmin priesthood that their duty is to serve for ever and ever, but not to acquire knowledge and culture, made the Non-Brahmins to lag behind in literacy, while the Brahmin, by his traditions, heredity and special facilities opened to him, made rapid strides in education, with the result that in India education is mostly confined to towns and has become a matter of caste. In the first part of the Joint Report, the ignorance of the ryot, the aloofness between the educated few and the ignorant many, the total absence of interest of the Brahmin political leaders in the masses are well depicted.

## THE INDIAN VILLAGE TRIO.

Next, we have to consider who generally exercise influence and power over these ignorant villagers who are going to be enfranchised. There are three persons in the village itself whom, I term as Village Trio—the priest or purohit, the Karnam or patwari, and the document-writer or schoolmaster—and they control the village life in the Madras Province :—

(1) *The Priest*.—The purohitor priest is always a Brahmin. Every day he visits every Non-Brahmin house, and is worshipped by the ignorant women, who are easily duped into the cunning sayings and puranic stories told by these men. Especially for an agriculturist, his help is very necessary. To begin to till the soil, to sow the seeds, to cut the harvest, to send his daughter to his son-in-law's house, to apply for a poromboke, to visit the nearest revenue official, he has to consult his priest to find out whether the day and hour are auspicious. To perform all rituals and ceremonies, these superstitious and conservative agriculturists seek their aid often. The priest commands great influence over them on account of the traditional and superstitious veneration in which he is looked up to mostly by the women, and the repeated consultation with and information that is sought from him, in every-day life of the cultivating tenant and ryot. Customs, ceremonials and superstitions have still a very strong hold over the villagers, and it is no wonder that these ignorant villagers are easily influenced by a cunning priesthood.

(2) *The Karnam*.—He is otherwise known as patwari or village accountant. He is invariably a Brahmin. He is the intermediary between the villagers and the nearest revenue official, the Tahisildar. He keeps the accounts of all holdings in the village, demarcates the fields, checks encroachments, notifies the failure of crops in the various holdings and the use of Government water without application, and does such other allied duties. No landowner, peasant or ryot can afford to gainsay him in any matter, for the produce on land is the only source of income to him and his large family. Further, in civil suits, where questions relating to occupancy, possession and tenures, &c., are involved, he is usually cited as a witness for one or the other of the parties. So these agriculturists are anxious to be in his good graces. The Rt. Hon. Mr. Montagu, in his speech on the Indian Land Policy, at a dinner at the Liberal Colonial Club, London, said, "Each village has its 'patwari,' or village accountant, to act as intermediary between the people and the representatives of Government. An exact record is kept in his charge, and continually corrected up to date, giving the entire history of each plot of land in the area, with not only the full

terms of ownership and tenancy, but a complete account of its crop possibilities and the particular advantages or drawbacks under which it is worked." With these official duties, his influence is paramount.

(3) *The Document Writer*.—He is invariably a Brahmin schoolmaster or a dismissed karnam or assistant karnam. As many of the villagers cannot even sign their own names, they cannot but approach these document-writers to write documents, applications to revenue authorities and even ordinary postal letters. In most of the contested money suits and suits relating to land and contracts, they are invariably cited as witnesses by the parties. So he naturally exercises a lot of influence over them.

Thus, the Village Trio—the Brahmin Priest, with all his religious influence; the Brahmin Karnam, with all his official influence; and the Brahmin Document Writer, with all his mediatory influence—exercise all their power over the ignorant rural voters with the result that they are not in a position to exercise their vote to the best interests of the country or community to which they belong.

#### VAKILS AND OFFICIALS.

Then comes the influence of Vakils and Officials who are mostly drawn from a single community—the Brahmins. The Madras Province is divided into districts, which are sub-divided into revenue divisions and taluks or tahisils. In every taluk there are two to five civil and criminal courts of inferior jurisdiction, and in every district a District Court, and five to ten Civil and Criminal Courts of Superior Jurisdiction. On account of this network of Civil and Criminal Courts, the Brahmin Vakils are distributed all over the country in large numbers. The Village Trio in many cases act as law touts to the litigants. As many of the law touts are Brahmins, as they in most cases figure as important witnesses, and as most of the judicial officers are Brahmins, it is no wonder that many of these Non-Brahmin litigants flock to the Brahmin Vakils instead of the Non-Brahmin Vakils, who are very few in numbers. Thus, many of these ryots and peasant proprietors are always under obligations to these Brahmin Vakils and Brahmin law touts.

The Revenue Officials that are in touch with the villagers are the Deputy Collectors, the Tahisildars and Revenue Inspectors. The Judicial Officers that try the cases of these Villagers are the Sub-Judges, District Mumsiffs and Sub-Magistrates. These Sub-Magistrates are always drawn from the Revenue Officials, and most of these Revenue Officials exercise Magisterial Duties. The following figures, which are approximately accurate, will speak for themselves :—

#### DEPUTY COLLECTORS.

Brahmins	108	} 206
Non-Brahmins	50	
Christians, Eurasians, &c.	26	
Mohammedans	22	

#### TAHISILDARS.

District.	Brahmins.	Non-Brahmins.	Mohammedans.	Christians and Others.
1. Ananthapur	7	3	1	—
2. North Arcot	5	6	0	—
3. South Arcot	5	3	1	—
4. Bellary	7	2	1	—
5. Chingelput	3	6	—	—
6. Chittore	3	3	—	—
7. Coimbatore	6	6	—	1
8. Cuddapah	6	4	—	—
9. Ganjam	7	—	—	1
10. Godavery	7	4	—	—
11. Guntur	7	3	1	—
12. South Canara	3	3	1	1
13. Kistna	11	3	—	—
14. Kurnool	8	3	—	—
15. Madras	1	—	—	—
16. Madura	6	2	—	—
17. Malabar	3	5	—	1
18. Nellore	7	4	—	—
19. Niligiris	2	—	—	—
20. Ramnad	4	7	1	—
21. Salem	7	1	1	1
22. Tanjore	8	4	—	1
23. Tinnevely	5	4	—	1
24. Tirichinapally	6	2	1	—
25. Vizagapatnam	6	4	—	—
TOTAL	140	82	8	7

Thus it is clear that the important Revenue Officials are mostly found amongst the Brahmins, in spite of the fact that there is a Board Standing Order providing for the adequate representation of all communities in the services. The Brahmin Revenue Officials roughly double the Non-Brahmin Revenue Officials, in spite of the fact that the proportion of the Brahmins to Non-Brahmins is 1 : 23.



## JUDICIAL FIGURES.

—	No.	Brahmins.	Non-Brahmins.	Christians and Eurasians.	Mohammedans.
<b>31st March, 1913—</b>					
Sub-Judges -	18	16	2	—	—
District Mumsiffs -	162	119	32	9	2
<b>31st March, 1916—</b>					
Sub-Judges -	19	13	5	1	—
District Mumsiffs -	185	142	34	6	3
<b>1st January, 1919—</b>					
Sub-Judges -	42	26	12	3	1
Permanent -	18	9	8	1	—
Sub pro tem., &c.	24	17	4	2	1
District Mumsiffs -	191	145	35	6	5
Permanent -	126	91	27	6	2
Sub-pro tem., &c.	65	54	8	—	3

These figures show clearly what position the Non-Brahmins are relegated to in the Judicial Service. The Non-Brahmin District Mumsiffs are only 18 per cent. of the total number.

## OTHER OFFICIAL FIGURES.

—	No.	Brahmins.	Non-Brahmins.	Christians and Eurasians.	Mohammedans.
District Registrars -	26	17	4	1	4
Assistant Registrars of Co-operative Credit Department -	10	8	1	1	—

These are the two departments that deal with the agriculturists mostly, but yet the Non-Brahmin proportion is very insignificant.

With these figures it is interesting to compare the figures of officers granted with King's Police Medals. Out of 41 awards, 16 were won by the Europeans, 13 by the Non-Brahmins, 1 by a Christian, 5 by the Mohammedans, and only 6 by the Brahmins. This is a sad commentary on the efficiency of the Brahmins in the discharge of hard and responsible duties.

I have shown how the officials, who are expected to be in close touch with the rural and agricultural classes, and who exercise their authority and power over them, are mainly drawn from a single community, the Brahmins.

## AN AUTOMATIC ELECTORAL MACHINERY.

A large contingent of Brahmin lawyers distributed all over the district, with the aid and co-operation of the Brahmin Officials, both Revenue and Judicial, and further assisted by the law touts and the Brahmin Village Trio, command the elections. Thus, the Brahmin Electoral Machinery is complete without any special organisation or special efforts to defeat a Non-Brahmin candidate. The various branches of this Brahmin organisation automatically work with tremendous results, without any kind of appeals from their Brahmin Whips. The distinguished authors of the Joint Report, in considering the condition of the rural classes, stated: "It is just because the Indian ryot is inarticulate and has not been directly represented in our deliberations that we feel bound to emphasise the great claim he has upon our consideration. *He has never exercised vote on public questions. His mind has been made up for him by his landlord or banker or his priest or his relatives, or the nearest official.* These facts make it an imperative duty to assist and to protect him, while he is learning to shoulder political responsibilities." The authors forgot to mention the Vakil in the category of those that influence the ignorant ryot. The banker is often a Vysya who is always in the hands of his Brahmin Lawyer or Official. Thus, from the standpoint of the illustrious authors themselves, the ryot and the smaller landed gentry can never exercise their vote independently to the detriment of a Brahmin. What safeguards did the authors provide to assist and protect the ryot while he is learning to shoulder political responsibilities? His position will be made worse. Now, having conferred some political power on the so-called representatives, under the proposed reforms, if no sufficient safeguards are provided for their adequate representation, they are sure to suffer under a clannish oligarchy. The broadening of the franchise instead of proving an advantage to the hard-working ryot will be a decided disadvantage, for, if he exercises his vote in favour of a candidate from his community in whom he has confidence, he will be incurring the displeasure of the Brahmin Karnam, Revenue Inspector and Tahisildar. If, on the other hand, he votes for the nominee of the Brahmins, he will be cutting his own throat with the very weapon with which he has to guard himself against the attacks of Brahmin oligarchy. The result of this will be discontentment of the agricultural population who hitherto have been docile and loyal.

Further, the authors said that "the fraction of the people who are town dwellers contribute only a very small proportion to the revenues of the State," and that "the rural classes have the greatest stake in the country, because they contribute most to its revenues." This is the important plank on which the Non-Brahmins urge special representation. It is we that are the tillers of the soil and producers of wealth; it is

we that pay the revenues of the State ; it is we that contributed largely to the war loan, and it is we that mostly keep the internal peace and defend the country from external invasion ; but, yet, we will be nowhere in the Councils. Perhaps, the political theory "no taxation, no representation" has become obsolete. If this political maxim is to be applied in the case of India, special representation should also be granted to the Non-Brahmins in the Madras Province.

On account of the various influences and factors mentioned above and admitted to a certain extent by the distinguished authors in the Joint Report, it is clear that general electorates will return only Brahmins. How can an orthodox Brahmin, with his caste exclusiveness and his supposed Divine origin really and effectually represent the Non-Brahmins? As long as caste system remains with all its present day concomitants, as long as the Brahmin remains on the holy citadel of aloofness from, and superiority to other communities, a general election on territorial basis will further perpetuate the class divisions, giving room for more latent antipathy, resentment and indignation between the two communities in the electoral campaigns. Therefore, it is idle to expect any spirit of citizenship or nationality to be developed in the people when the Non-Brahmins acutely feel that they are not sufficiently represented in the Council. They will be mere empty phrases when they give scope only for the formation of a close Brahmin oligarchy. We will have in the Madras Province a foreign but yet sympathetic bureaucracy replaced by a Brahmin oligarchy, which will be more rigid, exclusive, stereotyped and conservative. If the British Parliament really wants to train the peoples of India on the road to responsible government, the only effective way for the early realisation of the ideal is to grant communal electorates to backward communities. If they are not granted, it will result in discontentment of the vast masses of rural population. The very fact that, when all other minority communities are demanding for communal electorates, this minority community of the Brahmins, instead of demanding for separate electorates, oppose the same, because they are sure that most of the general seats can be very easily secured for them under the present conditions in Madras.

#### RESERVED SEATS.

Having made out a case that special safeguards should be provided for the effective representation of the Non-Brahmin communities of Madras Province, it is necessary to examine the method of reservation of seats in plural member constituencies suggested in lieu of communal electorates, and show how they do not satisfy the needs of the communities, for which special representation is considered necessary. In my memorandum submitted to the Franchise committee, I stated that reservation of a number of seats in plural-member constituencies is a half measure of very doubtful utility, for Non-Brahmin members returned from General Electoral Rolls through plural member constituencies cannot be *real* representatives of the Non-Brahmins, and they cannot be in a position to safeguard their interests *adequately* when they have to depend upon the sufferance of the mixed electorates in which the predominating influence will be exercised by what has been called the "politically minded community," consisting, as it does, at present mainly of the Brahmins.

#### OBJECTIONS TO RESERVED SEATS.

They are threefold :—

(a) Reservation of seats is opposed to the principles underlying responsible Government. A member returned through General Electoral Roll is not responsible to the community to which he belongs. In para. 189 of the Joint Report, the authors, in explaining this cardinal feature of Responsible Government, say that "Our objective is the realisation of Responsible Government. We understand this to mean, first, that the members of the Executive Government should be responsible to—because capable of being changed by—their constituents ; and, secondly, that these constituents should exercise their power through the agency of their representatives in the Assembly." They further explain in para. 131 that "the electors send men to the Councils with power to act in their name, and the Councils commit power to Ministers, over whom they reserve control in the form of the power of removing them from office. The elector controls his Government, because, if his representative in Council supports Ministers of whom he disapproves he can at the next election change his representative." If a member of a certain community is elected by the mixed electorate, he is not the representative of that community alone, but the representative of all the communities that are included in the General Electoral Rolls. He is rather the general representative, but not a special representative of a certain community. Such representation cannot, by any stretch of imagination, be Communal Representation. So it is clear that that representative does not act in the name of the electors of that community, but acts in the name of all the electors in the General Electoral Roll. Further, the communal elector cannot change his communal representative returned through General Electoral Roll in the next election if the representative supports Ministers of whom he disapproves. If a communal representative desires to seek re-election, he naturally tries to satisfy, in the first instance, both the communal voters and the remaining general voters ; and, in the second instance, only the general voters as against the communal voters, for he has to seek the sufferance once more of not only the communal electors, but also the general electors. It is also clear that in the case of a backward majority community like the Non-Brahmins, it is the "politically-minded" Brahmin community that decides its candidate. So, in the natural course of things, a communal representative cannot be responsible to the communal electors, but to the Brahmin electors who decide his fate in the next election. It is anomalous and illogical to call such a representative a communal representative. Therefore, a communal member returned through mixed constituencies may justify his name of a reserved member (seater)—*i.e.*, he may be very reserved without openly expressing his views on the controversial questions of the day. It is extremely difficult for any self-respecting member of the Non-Brahmins to undertake this inconsistent responsibility, for he is responsible to his community, not because he is elected by the communal constituents, but because he is a member of the community, and he is responsible to the general constituents, for he has to seek their sufferance and their votes decide his fate. Thus a communal member has to discharge two conflicting responsibilities, and his position becomes inconvenient.

(b) Reserved seats may hamper the political education of politically and educationally backward communities like the Non-Brahmins. In Chapter VI, the conditions of the problem, the authors express their anxiety for the ryot and peasant, realising that they are very poorly equipped for politics, and it is highly necessary to impart political education to the ryot (paras. 136 and 146). In the Madras

Province, while the Brahmin is for advanced politics, the Non-Brahmins have yet to learn the alphabet of politics. A mixed electorate is not at all the best school to give political education to the Non-Brahmins or agricultural classes, because they will have no scope to receive political education when they are dragged behind the wheels of a more advanced community like the Brahmins, who always dabble in politics for more reasons than one. The South Indian Liberal Federation of Madras, in their memorandum to the Madras Government, stated that "communal electorate is a school of political education in which a comparatively slow and ill-organised community can best study its interests in relation to the interests of the country, and bring itself into line with other communities, so as to march side by side with them, and not be dragged on by any of them. A mixed electorate, even with provision for a certain number of a particular community being returned, gives no scope for a less assertive community to think and act for itself. It has to be content with allowing itself to be dragged behind the wheels of a more aggressive, but by no means a more patriotic, community." The result of the mixed electorates will be that they will not create any political consciousness in the less advanced Non-Brahmins, for they will not be induced to interest themselves in politics, as their attempts to gain political training will be frustrated by being dragged by more assertive and politically advanced Brahmins.

(c) Reserved seats do not return real representatives who can completely and effectively safeguard the interests of the Non Brahmins. The influences and circumstances that operate in returning Brahmin members in general electorates also work in equal degree in returning a Brahminised Non-Brahmin Member or a nominal Non-Brahmin representative for a reserved seat with a General Electorate Roll. On account of the Brahmin influence and power mentioned above, the provision of reserved seats with mixed electorates will lead to the following results also :—

(1) It may give rise to pacts or compacts between a Brahmin candidate and a Non-Brahmin candidate. A Non-Brahmin candidate, who is not liked by the majority of Non-Brahmin voters, may, with the help of a Brahmin candidate, by mutual exchange of support, be returned to the Council. Further these pacts will result in always returning a Brahmin candidate to the remaining seat or seats in plural-member constituencies—i.e., these do not give room for a Non-Brahmin candidate to be returned to the general seat or seats.

(2) The Brahmins, being a well organised community, may *en bloc* vote for a Brahminised Non-Brahmin candidate, and thus turn the scale between two or more rival Non-Brahmin candidates. The packed voters may influence the elections in three ways :—

- (i) When there are more than two Non-Brahmin candidates for the same seat, the packed voting of the Brahmin electors alone may decide in favour of their own candidate without a single Non-Brahmin vote, for the Non-Brahmin votes are apt to be divided between the other rival candidates.
- (ii) Sometimes it may so happen that a few Brahmin votes may turn the scale in favour of a Non-Brahmin candidate upheld by the Brahmins, for the packed Brahmin vote with a few Non-Brahmin votes may form a majority.
- (iii) The Non-Brahmin voters, seeing that the Brahmin voters are *en bloc* voting to a certain candidate may be easily influenced to vote for that candidate—i.e., the packed voting of Brahmins may lure the Non-Brahmin voter to vote to that candidate alone.

In this connection I may meet one of the arguments advanced very often by the opponents of communal electorates. It is often stated that as long as the predominating influence of the Brahmins over the other communities exists they would exercise that influence to the same extent both in the communal electorates and mixed electorates to return Brahminised Non-Brahmins to the Councils. This argument does not hold good for a moment for two reasons :—

(a) In a communal electorate, the task of the Brahmin is an uphill one, for he has to rely upon only Non-Brahmin votes, and he has no Brahmin votes to start with. On the other hand, in a mixed electorate, the Brahmin can have a good start with the packed Brahmin votes, and his task is an easy one. It is this difference which actuates the Brahmin community to meddle in mixed electorates, so as to return Non-Brahmin puppets who can be danced to their tunes, and it is this that makes them abstain from interfering with the elections in communal electorates.

(b) In communal electorates the influence of the Brahmin is very much lessened on account of four considerations of factors—namely, Natural, Physical, Personal and Communal.

- (i) *Natural*.—In a communal electorate, the Brahmins have no votes and they have no concern. Human nature abhors meddling in the affairs of others in which he has no direct concern or interest.
- (ii) *Physical*.—It is difficult to constitute a polling booth for every village. A number of villages grouped together may have a polling booth which may be at a distant place. On the day of election, the Brahmin who is expected to influence certain voters may have some other business elsewhere. A Brahmin, having no vote, may not much care to go to the Non-Brahmin polling booth and influence the Non-Brahmin voter. On the other hand, in a mixed electorate the Brahmin who happens to go to the polling booth to exercise his vote does not like to keep quiet, but tries to influence others.
- (iii) *Personal*.—A Brahmin, who has a right to vote, in the natural course of things, exercises his vote to his best interests. He not only exercises his vote for his own interests, but influences Non-Brahmin voters to exercise their votes to his interests. It is natural for a voter to think that because he has the right to vote, he is called upon not only to exercise his vote, but also to influence others to vote in a certain manner.
- (iv) *Communal*.—In a mixed electorate, a Brahmin voter likes to exert his influence on others to the best interests of his community, because he has a right to vote, and because his community or communal members have the right to vote and a Brahmin non-voter tries to influence the Non-Brahmin voters, as his community exercises votes in the electorate. In a communal electorate the Brahmins have no place in voting and communally they feel that because their community has no vote, they should not bother themselves.

From the above observations it is clear that those who have no vote in the electorate altogether do not have the same zeal and earnestness, inclinations and opportunities for influencing the elections.

Further, the Pro-Brahmin Non-Brahmin representatives cannot effectively and completely safeguard the interests of the Non-Brahmins. Whenever the interests of the Brahmins and Non-Brahmins conflict they are sure to safeguard the interests of the former, or at least adopt a policy of non-interference or rather of benevolent neutrality. As long as caste reigns supreme in the Hindu social polity, and as long as socio-religious differences between various communities continue acutely, it is futile to expect the interests of all communities in India to be identical. When the interests conflict, how can a communal member returned through mixed electorates safeguard the interests of his community? I may briefly mention here a few questions on which the interests of the Brahmins and Non-Brahmins are not identical:—

- (i.) *Education.*—They differ at the outset with regard to the policy to be adopted. While the Non-Brahmins demand for more attention to Primary and Secondary education, the Brahmins demand for more Universities and colleges. While the latter advocate more grants and subsidies to Sanskrit pathshalas and scholarships to Sanskrit students and Brahmin widows, the former advocate for more agricultural and technical schools and scholarships to agricultural and backward classes. It is very likely that there will be considerable divergence of opinion between the two communities on the question of female education, for a Brahmin girl is called upon to discharge the duties of a mother at a very early age. Questions relating to the admission of the untouchables into schools and colleges, recognition of Christian Missionary Schools and Colleges, introduction of religious education in the curricula of studies, and many others will arise in course of time, and there is no unanimity of opinion in these matters between the various communities. In this connection it may be stated that the education of Non-Brahmin youths has been much affected by the control of Brahmin principals and headmasters over hostels attached to colleges and schools, for they provide only vegetarian diet suited to the Brahmin students but not to the Non-Brahmin students, who are bred up from their infancy on non-vegetarian diet.
- (ii.) *Hereditary Village Karnams.*—In the interests of the Non-Brahmin communities, it is highly necessary to do away with the hereditary inheritance of the village karnams, whose influence and power I have already described. They are, as a class, mostly found amongst Brahmins, and they are naturally anxious to preserve this important hereditary office in their community. A recent resolution in the Madras Legislative Council with regard to the travelling allowances to village officers, moved by a Brahmin member, is a step in that direction, for it is the Brahmin karnam that often visits the taluq centre.
- (iii.) *Public Services.*—The attempts of Brahmin politicians to get cancelled Board Standing Order No. 128, clause (2), providing for the representation of all communities in the public services, and indirectly condemning the preponderance of a single community like the Brahmin in any branch of administration, the resolutions of Mr. T. Rangachari and other Brahmin members to get the Civil Courts Act so amended as to vest the power of appointing the Sub-judges in the High Court in which the Indian element is Brahminical, the advocacy of the Brahmins for open competition by mere literary test in all grades of services—all these are detrimental to the Non Brahmins, and are strongly opposed by them. There are also differences between the two communities with regard to the standard and tests required for different departments of public services.
- (iv.) *Religious Endowments.*—It is a bare truth that the religious endowments, Chattram funds and other benefactions were mostly endowed by the Non Brahmins, but now utilised for the Brahmins, in the name of religion. In India religion plays a wonderful part. To stifle any attempt at reformation of the society the people are made to cry out that the religion is in danger. To direct the utilisation of certain endowments or funds they invoke the help of religion. The attempts of the Brahmin lawyers, politicians and officials have always been to direct these large endowments for the betterment of their own class in the name of religion and national culture.
- (v.) In questions relating to occupancy rights in minor inams, allocation of village and town sites to the Untouchables or Depressed classes, Christians and Brahmins, homes exclusively for Brahmin widows and other subjects, there are differences of opinion.

#### A QUALIFIED DEMAND.

Our demand for communal electorates is a limited one, for we demand it for a short period, say, 25 or 30 years, as a "temporary expedient in a transitory stage" in which all communities and all classes, the humble ryot, the rural peasant and the ignorant cultivator may be trained to start on the road to the attainment of self-government. The Bill provides in Clause 28 for the appointment of a Periodic Statutory Commission for the purpose of inquiring into the development of representative institutions and other connected matters. So there will be scope for the said Commission to consider periodically the necessity for the retention of communal electorates.

I understand Messrs. Chandiah, Chakkarai Chetty and Wadia were examined on behalf of the Madras Presidency Association, and deposed that the South Indian Liberal Federation was exaggerating the Brahmin influence. The Madras Presidency Association was brought into existence by the Brahmin politicians to counteract the work of our Federation. It is not a really representative body. Of the gentlemen examined by the Committee, Mr. Chandiah is a Brahmin convert to Christianity. Mr. Chakkarai Chetty is also a Christian and a brother-in-law of Mr. Chandiah. Mr. Wadia is a Parsee and Theosophist of Bombay. None of them can represent the Non-Brahmin Hindus of Madras.

#### THE URIYAS.

The Uriyas form a Minority Community in the Madras Province, their population being 1,604,321. They differ from their neighbouring Andhras in language, race, customs and manners. Not even a single Uriya was returned to the Madras Legislative Council through election from the time of the establishment of the elected Councils in India. Even in the Municipality of Berhampur they could not secure a single elected seat although they are in a majority. Considering their importance as a separate community and considering their vested interests, the Madras Government usually nominated an Uriya Zeminadar to represent them in the Councils. Under the present scheme the number of nominated seats will be so few that it is difficult to nominate an Uriya always. Further the Uriyas demand two elected representatives in the Councils. In para. 18 of the Franchise Report the Committee stated that claims for

separate electorates were placed before them by the Uriyas of Madras, and they dispense with their demand by simply saying that they did not feel justified in admitting their claim, without assigning their reasons. The Uriyas of Madras will not be content with such a summary disposal of their claim for separate representation. The Anglo-Indians, numbering about 25,965, the Europeans, numbering about 12,692, were given each a separate seat, and Indian Christians, numbering 1,137,208 given three separate seats. So, it is just and reasonable that the Uriyas differing in language and race, and forming a minority community, should be protected by the grant of two separate seats.

### CONCLUSION.

The question of Communal Electorates to the Non-Brahmins is a living one. It has stirred both the Communities in Madras. Non-Brahmin officials, traders, landed gentry and peasants are undergoing innumerable sufferings on account of this open demand of their Non-Brahmin leaders for their proper share of representation in the Councils and Public Services. They are enduring the harsh treatment meted out to them with patience, confiding in the even handed justice of the British Parliament, the Mother of all Parliaments and free Institutions.

If this provision of Communal Electorates is not inserted in the Bill by amending the Schedule, there will be transfer of power without adequate representation of the Non-Brahmins, resulting in oppression and liable to crystallise itself into an adamant rock on social, spiritual and esoteric foundations. The Non-Brahmins will be thoroughly dissatisfied with the Bill, and I am afraid that discord between the two Communities and discontentment will grow day by day. If this great Reform Scheme is to work smoothly for the betterment of the people at large, grant of Communal Electorates is the only means to attain that end.

### APPENDIX V.

LETTER AND MEMORANDUM received from *M. Ramachandra Rao* and *M. Chencheyzer*, representing Audhra Conference, on 25th August, 1919.

Sir,—Referring to your letter, dated 15th August, 1919, expressing the inability of the Joint Select Committee to give a hearing to us and desiring us to submit a memorandum on the subject for the consideration of the Committee, we have the honour to append hereto a memorandum containing the views of the Committee which we represent. The memorandum was presented to the Secretary of State and the Viceroy by an influential deputation from the 11 Telugu Districts of Madras Presidency, and contains the views of Telugu speaking people in that Presidency on the subject of the constitution of a separate Province for them. We have been asked to bring to the notice of the Joint Select Committee that in any Scheme of self-government a rearrangement of the Provinces on a linguistic basis is an essential reform for securing national solidarity. It is hardly necessary to point out that no Province in India, with the exception of Burma, represents a natural unit, and that the existing administrative divisions are so heterogenous as to prove a hindrance to good government. In fact, the authors of the joint report have in para. 246 dealt with this matter, and have expressed a clear opinion that a redistribution of provincial areas is necessary and should be effected by a process of consent of the people concerned. They also expressed the opinion that one of the earliest duties incumbent on the reformed provincial governments should be to test provincial opinion in regard to schemes directed to secure the redistribution.

2. In this connection we venture to invite attention of the Committee to Clause 12 of the Government of India Bill relating to the constitution of new provinces. The clause as drafted does not provide for the ascertainment of public opinion before a new province or a sub-province is constituted, nor does it contain any safeguards that the same form of administration as prevailing in the Province from which it is separated would be guaranteed to the new Province. We feel that the proposal for the appointment of a Deputy-Governor and the creation of Sub-Province is beset with difficulties. In the first place the clause does not define the relation between the executive of a major province and the executive of a minor province. We presume that a legislature will also be created for the minor province with subordinate powers of legislation. If this is the intention, various questions such as the powers of the two legislatures, the powers of representation of the minor province on the legislature of major province, the question whether the administration of the minor province will be entrusted to ministers, these and other questions arise for consideration. If it is the intention of the framers of the Bill that all these questions should be left to the decision of the Governor-General in Council, we see very strong objection to the clause as it stands. We therefore suggest that that portion of the clause as relates to the creation of sub-provinces under a deputy Governor should be deleted and that a new province should only be created when a Governor's province can be constituted with a local legislature such as that indicated in the Bill and with a Governor of the same status as that provided for in the Bill. Our Committee believe that the time is come for the constitution of a separate province for the Telugu Districts of the Madras Presidency and that the public feeling in the Districts concerned is ripe for such a change.

We request that the Joint Select Committee will be so good as to consider the views herein set out and those contained in Memorandum and to place them on the records of the proceedings of the Joint Committee so that the views of the Conference which we represent may be placed before Parliament.

We have the honour to remain,

Sir,

Your obedient servants,  
M. RAMACHANDRA RAO,  
pp. M. CHENCHENZER.

45, Westminster Palace Gardens, Artillery Row.  
25-8-19.

To the Clerk to the Joint Committee, Government of India Bill.

(0.189.)

## MEMORANDUM.

The history of Indian administration under British rule reveals a steady growth in the number of provinces in the country, due alike to the gradual expansion of British territory and the need of its rearrangement for administrative purposes. The growth has, therefore, been chronological and was not based on any logical, linguistic or ethnic considerations. Warren Hastings' Regulation Provinces of Bombay, Bengal and Madras have now grown into 15 provinces differing from one another in area, population and importance, and in language, manners and customs. In the present arrangement of provinces, the Mahrattas are divided between Bombay, the Central Provinces and the Nizam's Dominions; the Telugus, between the Central Provinces, Nizam's Dominions, Mysore State and Madras Presidency; the Canarese, between Madras Presidency, Mysore State and Bombay; the Uriyas, between Madras and Behar Provinces and till recently, Central Provinces. Such an arrangement clearly indicates that the grouping was haphazard and that neither ideals of administrative efficiency, nor those of national upbuilding have ever operated in its determination.

2. Nevertheless, there have arisen individual administrators, from time to time, who have had the perspicacity to discover the error in the existing territorial divisions and sketched a correct plan of distribution. Sir John Strachey pointed out that "the political limits of the provinces have little connection with any physical characteristics." Sir Thomas Holderness, observes that "with the exception of Burma, no province represents a natural unit; that is to say, the provinces do not stand for differences of race or language or geographical distribution. They are purely administrative divisions of territory." Sir Bampfylde Fuller wrote, "It would have been well for the country, had its divisions into provinces for purposes of government followed the lines marked by race and language, so as to re-inforce the sympathy which arises from similarity, by feelings of pride in the local government. The existing administrative divisions are so heterogeneous as to have a directly contrary effect." In 1870, Sir George Chesney advocated the constitution of Orissa into a separate province, and in 1900 Sir Francis Younghusband urged the necessity of giving to Sindh a distinct Provincial administration.

3. The object of such a re-organisation would, in the first place, be to develop that *sub-national* spirit which, in a properly constituted province, as pointed out by Sir Thomas Holderness, is not far removed from the beginning of national life. The upbuilding of the Indian nation is only possible on a plan of federation in which each provincial factor shall occupy a sub-national position. To secure this end, the Provinces should be homogeneous and be devoid of elements that lead to inequality of progress, so that, various subordinate centres of self consciousness may come into existence, around which, national life groups itself into distinct units. A clear stretch of contiguous territory, a common language and literature, common traditions and deep down a strong similarity of temper and character—these would constitute an adequate title for the different language-bound communities to be outlined each into a single entity and accorded all those communal and political institutions which illustrate and feed that unity. The existing conglomeration of peoples and provinces has not permitted the creation of such Provincial entities. Pride in local government has not been developed in adequate measure. Local patriotism which, in proper relationship to the larger national consciousness, ought to be "the only safe and sure incentive to right political execution," has not been duly fostered. Again, the present arrangement has manifestly resulted in impairing efficiency of administration by entrusting the administration of the province to men who have had to learn more than one language in the same province. The location, too, of the seat of authority and the centre of influence in one part of the province as against another, has resulted in markedly diminishing the influence of some communities and even denying them certain opportunities for self-development.

4. Some of the evils, notably those which have made administration cumbersome and inefficient, have been recognised by the authorities. The British administrator, however, has not so far paused to consider schemes of constructive re-organisation put forward by the nation-builder. Such events, as the Partition of Bengal, the addition of Assam to East Bengal at one time, and the coupling of Orissa with Behar are instances which prove the absence of true political insight in him in working out changes of real moment and magnitude. On 3rd December, 1902, Lord Curzon's Government wrote:—"The question of territorial and administrative redistribution of India is indeed, in our judgment, one of the most urgent and vital of the many problems for which we are at present endeavouring to find a solution." For the first time, however, a right solution was attempted by the Government of Lord Hardinge when they re-united the five Bengali speaking divisions into one province and integrated the Hindi speaking population of Behar and Chota Nagpur into another. But Orissa was tacked on to Behar, only because the Government of the day had not the imagination to take on hand a comprehensive scheme of reform affecting the whole country.

5. The fault did not lie with the Government alone. Popular ideals had not taken shape, and no constructive plan of Indian Nationality or of Indian Self-Government had been evolved, till the need for this emphasis upon the place and function of language was recognised as of paramount importance. Even the foremost men of the country advocated a re-union of Bengal as a remedy for the evils of Partition; and beneath all the persistent protests against this enforced dismemberment, one looks in vain for any large-eyed policy of territorial reorganisation. Likewise Behar's plea for separation was more for its advancement in education and influence than for integration as a part of a comprehensive scheme. More in tune, indeed, with the idealism of the present day, was the public opinion that faintly expressed itself when the Berars wished to be added to the Maharashtra, though any larger scheme of reorganization was not then enunciated. Latterly the Uriyas, the Sindhis and the Canarese have also put forward claims to separate provincial integration. The Andhra movement however, aiming at the construction of the whole country on linguistic lines, is the first organised effort, working as a true reflex of the larger national ideal.

6. Lord Hardinge's despatch (25-8-1911) laid down that a settlement of boundaries, in order to be satisfactory and conclusive, should provide convenient administrative units. These are at once furnished by contiguous tracts of country, where the people speak a common language. That is why Lord Hardinge had begun the annulment of the partition with a decision to "reunite the five Bengali speaking divisions, and form them into a presidency to be administered by a Governor-in-Council." Again, in paragraph 19, he proceeds to say, "We are satisfied that it is in the highest degree desirable to give the Hindi speaking people, now included within the Province of Bengal, a separate administration. These people have hitherto been unequally yoked with the Bengalees and have never, therefore, had a fair opportunity for development"

As a second principle, His Lordship also declared that "The settlement should satisfy the legitimate aspirations of the people." During the last few years, a new consciousness had dawned upon the people that

opportunities for self development, scope for civic discipline, chances for the cultivation of one's own language and literature, and above all conditions for effectual provincial autonomy, could exist only when each language-area has a scheme of administration wholly unto itself. Recognising this, Lord Hardinge writes in para. 19, as follows: "There has, moreover, been a very marked awakening in Behar in recent years and a strong belief has grown up among the Beharees that Behar will never develop until it is disassociated from Bengal." And Lord Hardinge recognises another factor, when he writes in paragraph 12, "No doubt, sentiment has played a considerable part in the opposition offered by the Bengalees and in saying this, we, by no means under the importance which would be attached to sentiment, even if it be exaggerated.

"The settlement should be clearly based upon broad grounds of political and administrative expediency." What Lord Hardinge's Government intended by it is made clear from paragraph 12:—"As matters now stand, the Bengalees can never exercise in either province that influence to which they consider themselves entitled by reason of their numbers, wealth and culture. This is a substantial grievance which will be felt all the more keenly in course of time as the representative character of the Legislative Council increases, and with it, the influence which these assemblies exercise upon the conduct of public affairs. There is, therefore, only too much reason to believe that this bitterness of feeling will become more and more acute." Another sentence in the despatch emphasises the same idea, where it is said, "that belief among the Beharees (that Behar will never develop until it is disassociated from Bengal) will, unless a remedy be found, give rise to agitation in the near future and the present is an admirable opportunity to carry out, on our own initiative, a thoroughly sound and much deserved change." A comprehensive scheme of reform is now advocated to bring about similar changes all over on the lines indicated in annexure II.

7. The advantages of such a rearrangement are obvious. The removal of the evils already out-lined brings, in its train, results of great value to the progress of the country. The ideal of provincial autonomy would have the surest chance of fulfilment only in homogeneous provinces. In them alone would solidarity of feeling and pride in Local Government develop, and the people thereof having a common language and literature, and inspired by common traditions, would be best able to examine their civic laws and social institution from a common standpoint and judge of their common need for reform and legislation. Lord Hardinge's scheme of Provincial autonomy would bring into existence separate, stable self contained and self-reliant States, in which no one community could retard another in its progress. It is only thus that "All the nationalities in India would be simultaneously started on the road to self-development and ultimate self-government. Those, which advance rapidly, would be given greater facilities and would necessarily be more independent than those that lagged. No greater facilities could be given to the peoples of India than the fostering of local patriotism by the construction of a new map of India on an ethnological and linguistic basis and the consequent friendly inter-racial competition for civilised progress and ultimate autonomy."

8. The organisation of Indian provinces, on natural and linguistic lines, forms but the first step in the achievement of that provincial unity, which is essential to the perfect flowering of Indian nationalism. For the singleness of political administration would prove of no farther significance, if it did not avail itself of those vital forces which sustain and develop communal life among a people. And any Government to be fruitful of those benefits which all Governments exist, must, in the daily business of administration, relate itself intimately to the life and habits of the people, whom it seeks to govern. Administration is really no more mechanical than education depending for its success in a very vital measure, on the inner psychology of relations between the governing and the governed. One great defect of British administration in India would appear to be the lack of correspondence between the mind of the English rulers and of the Indian people between the demand for organisation and the impulse to respond. Thus, though essentially democratic in temper, the British scheme of Government has lain on its Indian subject races with the weight of arbitrary bureaucracy, while on the other hand, it has found its task of administration peculiarly hard and unsatisfactory, even with a people who have been for ages accustomed to democratic forms and institutions of self-government.

9. One important reason for such small measure of success is doubtless the fact that the daily administration is carried on in a language not understood by the people. The increasing employment of English educated Indian interpreters has never proved any real palliative to the evil of government in a foreign language. For, where the fountain of authority is foreign in *personnel*, the more faithfully and efficiently the task of interpretation is discharged, the more completely does the administration retain its impress of an alien character. So that, government by the English educated Indian has often-times proved itself as an un-Indian in tone and temper, as that by European officers uninformed of the ways of Indian life. Things seem to have been somewhat better, if not radically different, in the days when European administrators learnt the language of the land and were more intimately in touch with the habits and characteristics of the people.

10. But with the universal acceptance of English as the language of administration has come into being a body of English officials with set notions of how to govern India, and a great army of English educated Indians, who function only as passive media for the transference of ideas from the really governing to the vast mass of the governed. These Indian officials, without any power of initiative, have had only the result of putting further away from the vision of the rulers the real people of the land, so shutting off that natural exchange of influences which ought to exist between the governing and the governed. The few Indians in the higher ranks of service have had absolutely no influence in altering the tone and temper of the administration. While Indian opinion in the Legislative Councils has perhaps helped to moderate the rigour of English ideas, it has failed in its essential purpose, because it did not clearly enough realise or interpret the needs of Indian life. If this explanation be right, the one and only remedy must be in the complete adoption of the vernacular as the language of administration in the land, and in the necessary modification of the *personnel* of government at least to the limit of the District administration in accordance therewith. But this does not mean that, in the sphere of the highest government the use of English would not prove essential both in the interest of the uniform evolution of national administration in the land and for the dominance of the finer tradition of the British Raj. But allowing for the inevitable supremacy of both language and *personnel* in the highest sphere of executive government the fountain sources of legislation and administration must be laid entirely in the realm of the vernacular, rendering possible the freest and fullest discussion of all vital problems of public interest, and their publication, as deep and wide, as would be necessary to reach the millions toiling in the Indian villages.

11. Such dominance of the vernacular in administration is bound to make it infinitely easier, more satisfactory, and more efficient, by enlisting on the side of good government the whole force of popular will, where it is substantially in agreement with the will of the executive, by facilitating a full and clear understanding by the people of the purpose and value of the various reforms to be introduced, and by ensuring natural and substantial justice, effecting incalculable saving in time and money, and ultimately by simplifying law and procedure in harmony with the social instincts of an essentially agricultural race. Thus, in many known and unknown ways, the introduction of this reform would make the British Government the nearest approach to a truly national institution springing from the heart of the people and deriving in strength, not from an objective fountain of power, but from the moral and emotional relation of its fundamental unity with the highest interests of national life.

12. Then, again, there is the general proposition, which has found acceptance with all classes of thinkers, that the children of a race would be best educated in and through their own mother tongue; but the full significance of the fact would be realised only when, in a rightly constituted province, the full vigour of national life expresses itself in a rich and varied glorification of the vernacular. The evil of forcing an alien language on the people has served to dry up, at their sources, the very fountain-springs of national power. A century of European education has left the Indian mind richer by a new language but seriously impoverished on the side of initiative and originality. The very extent of apparent success which has attended this tremendous educational experiment may really be accounted as the measure of its failure from the point of view of the evolution of a true national culture. And if it be true that the individuality of a people's culture is their greatest treasure in the eye of humanity, that nothing may weaken or destroy, then surely the primary duty of Government would lie in the restoration, to each vernacular, of that dominance which English now holds over all. For, if a culture is to be constantly replenished and kept alive as a growing entity, the language, which is its vehicle, must be accepted as the one medium of self-expression. Provinces so reorganised, become at once distinctive and potent states, federated together to constitute the mighty Indian Nationality of the future. As separate, self-governing states, acknowledging a suzerian power over themselves, they prepare the vast continent for that ultimate autonomy, which has been acknowledged as the ideal. The demand for self-government, safeguarded and exalted by the high ideal underlying the scheme of reorganisation, would not be exposed to the cavil that it emanates from the self-seeking classes; for, on the plan on which it is designed, it develops a policy beaten out into harmony with the needs of the nation, and serves primarily and for ever the requirements of the millions that toil. Again, provinces thus organised and strengthened would enjoy legitimate opportunities for independent self-development and foster distinctive tributary cultures, whose commingling enriches the central stream of national life; and while there is no antagonism between the consciousness of a separate sub-nationality and national pride and patriotism, modern thought and experience agree in the conclusion that nationalism would surely be counted highest which is compounded of the finest contrasts within the unity of one culture type. From whatever view-point the problem of India's future may be examined, the conclusion is irresistible that for a solution to be final and satisfactory the statesmen in India should display great imagination and courage and carve out natural self-contained provinces, each sustained by a thought of internal unity and organised on a self-governing basis, and all held together and uplifted by a common ambition to realise the individual soul in a life larger and diviner than its own.

## ANNEXURE I.

THE TABLE SHOWING THE EXISTING CONDITION OF THE PROVINCES IN INDIA.

Provinces.	Number of Districts.	Area in square miles.	Population.
1. Ajmere-Merwara - - - - -	2	2,711	501,395
2. Andamans and Nicobars - - - - -	—	3,143	26,459
3. Assam - - - - -	1	52,959	6,713,635
4. Beluchistan - - - - -	6	45,804	414,412
5. Bengal - - - - -	28	78,412	45,483,077
6. Behar, Chota Nagpur and Orissa - - - - -	21	83,205	34,490,084
7. Bombay - - - - -	26	123,064	19,672,642
8. Burma - - - - -	41	236,738	12,115,217
9. Central Provinces and Berar - - - - -	22	100,345	13,916,308
10. Coorg - - - - -	1	1,582	174,976
11. Madras - - - - -	24	141,726	41,405,404
12. North-West Frontier Province Districts and administered territories).	5	16,466	2,196,933
13. The Punjab - - - - -	29	97,209	19,974,956
14. United Provinces - - - - -	48	107,164	47,182,044
15. Delhi has been made an enclave - - - - -	—	507	391,828



## ANNEXURE II.

## REORGANISATION OF PROVINCES ON THE BASIS OF LANGUAGE WOULD ALTER THE MAP OF INDIA AS FOLLOWS :—

Provinces.	Language.	Number of Districts.	Area in square miles.	Population.	Relative size in relation to Belgium.
1 Ajmere Merwara	Local dialects of Rajasthani and Hindi.	2	2,711	501,395	11,300 square miles
2 Andamans and Nicobars		—	3,143	26,459	
3 Assam	Bengali 46 per cent., Assamese 22 per cent., Hindi and Uriya.	12	52,959	6,713,635	
4 Beluchistan		6	45,804	414,412	2 times.
5 Bengal	Bengali	23	78,412	45,483,077	
6 (i) Orissa, including (ii) Uriya tracts of Ganj m and Vizagapatam in Madras Presidency.	Uriya	—	(i) Orissa 13,770 (ii) the rest 10,000	6½ millions	10 times.
7 (i) Behar, Chota Nagpur, excluding Orissa, (ii) Hindi speaking area of Central Provinces.	(i) Behari, (ii) Hindi, the rest.	—	(i) 70,000 (ii) 40,000	30 millions 7½ millions	
8 (i) Berars (ii) Mahratta speaking area of Central Provinces, and (iii) of Bombay.	Marathi	—	110,000 (i) Berars 17,718 Bombay (ii) 37,192 the rest (iii) 20,932	37½ millions 3 millions 6 millions 4½ millions	
9 Gujarathi speaking area of Bombay.	Gujarathi	6	75,892	13½ millions	7 times.
10 Sindh	Sindhi	6	18,710	3½ millions	1½ times.
11 Coorg		1	47,066	3,513,435	4 times
12 Andhra Province (Telugu speaking area in Madras Presidency).	Telugu	11	1,582	174,976	6½ times.
13 Dravida Province (Tamil speaking area in Madras Presidency).	Tamil	10	73,318	14 millions	
14 Malbar Province	Malayali	1	50,000 square miles including Madras	15 millions	4½ times.
15 Kannada Province (Bombay and Madras).	Kanarese	7	5,794	3,015,119	½ of Belgium
16 North-West Frontier Province.		5	29,015	6,265,919	
17 The Punjab		29	16,466	2,196,933	2½ times.
18 United Provinces		48	97,209	9,974,956	
19 Delhi (Enclave)		1	107,164	47,182,044	
			557	391,828	

## ANNEXURE III.

## THE ANDHRA CONFERENCES.

Number of the Conference.	Place.	Date.	Number of delegates.	Name of the President.
The First Andhra Conference	Bapatla, Guntur Dt.	May, 1913	800	Hon'ble Rao Bahadur B. N. Sarma Garu, B.A., B.L., Member, Madras Legislative Council (Now member, Imperial Legislative Council).
The Second " "	Bezwada, Kistna Dt.	April, 1914	1800	Nyapati Subbarao Pantulu Garu, B.A., B.L., Member, Imperial Legislative Council (Now General Secretary of All India Congress Committee).
The Third " "	Vizagapatam, Vizag Dt.	May, 1915	1000	Sree Raja Panuganti Ramarayanam Garu, M.A., Member of the Imperial Legislative Council.
The Fourth " "	Cocanada, Godavary Dt.	May, 1916	1200	Hon'ble Rao Bahadur M. Ramachandrarao Pantulu Garu, B.A., B.L., Member, Madras Legislative Council.
The Fifth " "	Nellore, Nellore Dt.	June, 1917	999	Konda Venkatappayya Pantulu Garu, B.A., B.L., Secretary, Andhra Conference Standing Committee, Guntur.
The Special " "	Bezwada, Kistna Dt.	Sept. 1917	780	Ch. V. S. Narasimharazu Garu, B.A., B.L., Ex-Member of the Madras Legislative Council.

## ANNEXURE IV.

## RESOLUTIONS ON THE QUESTION OF THE ANDHRA PROVINCE.

## FIRST CONFERENCE.

Resolution :—

That as some of the Andhras are of opinion

(1) That to ensure efficient administration and the promotion of the best interests of the people of India, the Government will, sooner or later, have to make language areas the territorial basis of provincial administration ;

(2) And that provincial administration on such a basis is necessary in order that both the Self-Government on colonial lines pleaded for by the Indian National Congress and the provincial autonomy approved of by the Government of India may develop on healthy and natural lines, this Conference requests the Andhra Conference Committee, now appointed, to ascertain public opinion on the question whether the Government should be asked to constitute the Telugu Districts into a separate province.

(Sd.) B. N. SARMA,  
*President.*

## SECOND CONFERENCE.

Resolution :—

(i) That to ensure the efficient administration and the promotion of the best interests of the people of India, language areas have to be made the territorial basis of provincial administration as far as possible ;

(ii) That provincial administration on such a basis is essential to the fulfilment of the ideals of self government enunciated by the Congress and of provincial autonomy foreshadowed by the Government of India ;

(iii) That this Conference is of opinion that it is desirable to constitute the Telugu speaking areas of the Madras Presidency into a province : and

(iv) That this Conference urges that public opinion be focussed on this matter by the formation of leagues and other means.

(Sd.) N. SUBBA RAO,  
*President.*

## THIRD CONFERENCE.

Resolution :—

(a) That to ensure efficient administration and the promotion of the best interests of the people of India, language areas have to be made the territorial basis of provincial administration as far as possible ;

(b) That provincial administration on such a basis is essential to the fulfilment of the ideals of self government enunciated by the Congress, and of provincial autonomy foreshadowed by the Government of India ; and

(c) That it is proper and necessary to constitute the Telugu districts in the Presidency into a separate province.

(Sd.) P. RAMARAYAN,  
*President.*

## FOURTH CONFERENCE.

Resolution :—

This Conference is of opinion

That in order to ensure efficient administration, to promote the best interests of the people, and for the fulfilment of the ideals of self-government in India and as a practical measure for realisation of these ideals, the division of provinces should be based as far as possible on the principle of language ;

That provincial administration on such basis is essential to the fulfilment of the ideals of self government enunciated by the Indian National Congress and of Provincial Autonomy fore-shadowed by Lord Hardinge in his Despatch dated the 25th of August, 1911 ;

That it is proper and necessary to constitute all the Telugu districts into a separate province ;

And this Conference, therefore, resolves that the Government be requested to create such a province as early as possible after the termination of the war.

(Sd.) M. RAMACHANDRA RAO,  
*President.*

## FIFTH CONFERENCE.

Resolution :—

This Conference is of opinion

That in order to ensure efficient administration, to promote the best interests of the people, and for the fulfilment of the ideals of self-government in India and as a practical measure for realisation of these ideals, the division of provinces should be based, as far as possible, on the principle of language ;

That Provincial administration of such basis is essential to the fulfilment of the ideals of self-government enunciated by the Indian National Congress and of Provincial Autonomy foreshadowed by Lord Hardinge in his Despatch dated the 25th of August, 1911 ;

That it is proper and necessary to constitute all the Telugu districts into a separate province;  
And this Conference, therefore, resolves that the Government be requested to create such a province as early as possible after the termination of the war.

(Sd.) K. VENKATAPPAYYA,  
President.

## SPECIAL CONFERENCE.

Resolution :—

This Conference is of opinion

(1) That in order to ensure efficient administration, to promote the best interests of the people, and for the fulfilment of the ideals of self-government in India and as a practical measure for the realisation of these ideals, the division of the provinces should be based, as far as possible, on the principle of language;

(2) That Provincial administration on such a basis is essential to the fulfilment of the ideals of self-government enunciated by the Indian National Congress and of Provincial Autonomy foreshadowed by Lord Hardinge in his Despatch dated 25th of August, 1911;

(3) That it is proper and necessary to constitute all the Telugu districts into a separate province;

(4) And therefore this Conference prays the Secretary of State for India and the Government of India to create such province as soon as possible.

(Sd.) CH. V. S. NARASIMHARAZU,  
President.

## APPENDIX W.

MEMORANDUM Handed in by Mr. Sapru on 26th August, 1919 (See Question 7243).

I am in favour of the proposition that it is desirable to bring about the progressive realisation of responsible government in India, and I generally accept the proposition contained in the preamble of the Bill introduced into Parliament. I have, however, one doubt. It seems to me that the second clause of the preamble is not sufficiently wide to provide for the extension of responsible government in the Central Government. The preamble as it is worded restricts the introduction of responsible government to the Provinces only. Even if it be finally decided to try the experiment for the time being in the Provinces, I should widen the scope of the Bill so as to provide for responsibility in the Central Government, in due course, without fresh legislation. In my opinion, however, it is necessary and desirable to introduce some element or form of responsibility into the Central Government simultaneously with responsible government in the Provinces. I would suggest that subjects such as salt, income-tax, rail ways, posts and telegraphs might be made transferred subjects, subject, of course, to certain reservations in regard to the last three, so far as they affect military considerations. It also seems to me that it would be possible to place a Minister in charge of those subjects, which, in the Provinces, would be transferred subjects.

With regard to the Central Government, I would also urge that the number of Indian members of the Executive Council should be equal to that of the European members.

With regard to the Provinces, I would, in particular, refer to two questions, viz., (a) the transfer of certain subjects, and (b) the subject of the divided purse.

As to (a), I think that the transfer of subjects to popular control in the Provinces should be on a liberal scale, but whatever other subjects may or may not be transferred, I strongly urge that Education as a whole should be immediately transferred. On this subject I stand firmly by the recommendations of the Feetham Committee, of which I was a member, and I regret that I am wholly unable to accept the views of the Government of India in regard to this matter. I think that it would be a fatal mistake to divide Education into water-tight compartments. It should be treated as a whole. I do not wish to say anything as to the transfer of primary education, as the Government of India are agreed that it should be a transferred subject. It is particularly with regard to secondary, technical, and higher education (including medical education) that I wish to emphasise that they should be transferred. The Government of India have had the control of these branches of education for over sixty years, and although I am prepared to recognise what they have done in regard to them, I am bound to say that from the national point of view the result has been very unsatisfactory. In my opinion, these branches of education have suffered, first, because funds adequate to the growing needs of the country have not been found; secondly, because the whole system has been too mechanical and lifeless, and ill-adapted to the social and economic development of the people; thirdly, because of the poor quality of the teaching agency in schools and colleges; and fourthly, because during the last 15 or 20 years educational questions in India have not been decided on purely educational grounds but upon ultimate considerations of political expediency. I strongly object to education being mixed up with politics, official or non-official. Under the present system of control, it is impossible to hope that the educational expert will come into his own. As it is, the final decision on educational policy rests with the Secretariats. I am not prepared to admit that the present system is efficient, and that the transfer to popular control will make it less efficient. At present, the whole controversy between the official and the non-official view centres round the question of expansion versus improvement. At the back of the Indian mind lies the feeling that expansion has been disfavoured by the Government because of political considerations, and that is what is largely responsible for the suspicious attitude of the general public towards the educational policy of the Government. Whilst I am strongly in favour of quality being improved, I do not think it is impossible to increase the quantity *pari passu*. This will, however, involve considerable financial outlay, and it may be necessary to continue to be a reserved subject, there will be considerable difficulty in financing it. I may add that it is beyond doubt that Indians are prepared to find more money for education when and if they feel that they have the power to control educational policy. I need only refer to the large donations that have been made by the general public and the Princes in India for the establishment of the Benares Hindu University, and

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also by the Mahomedans for that of a Muslim University. Apart from this, large donations have been made in the past in almost every Province by private individuals for the advancement of secular education. I do not think that there is any force in the contention that the transfer of the subject will lead to the lowering of the standards. The Feetham Committee have provided what I submit are ample safeguards against any such danger. The question of education is pre-eminently a national one, and vitally affects the life of the people in every aspect. If we are to qualify ourselves for full responsible government, the training of the younger generation should be left in our hands. In any case, applying to it the tests laid down in para. 238 of the Montagu-Chelmsford Report, it seems to me that education in all its branches is a fit subject for transfer, and that, if this does involve risks, they are well worth taking. I would add that most of the educational experts who appeared before the Feetham Committee supported the transfer of education as a whole. Speaking with special reference to the United Provinces, from which I come, I would say that the present head of the Government, Sir Harcourt Butler, who was formerly the Education Member of the Government of India, supported such transfer. In the United Provinces the record of the Government in regard even to primary education has not been good, and in regard to technical education we have had a series of disappointments. The question of a Technological Institute at Cawnpore was taken up so far back as the time of Sir John Hewitt, and it has not yet been solved.

I now come to the subject of the divided purse. In my opinion, the divided purse is undesirable for the following reasons:—(i) It will leave no point of contact between the two divisions of the Government. (ii) It will leave the Legislature without effective control over either section of the Budget. (iii.) Instead of fostering a spirit of give-and-take between the two divisions of the Government it will promote friction. (iv.) From the taxpayer's point of view, it is desirable that there should be a single authority who should raise the taxes for provincial purposes. (v.) The system of diarchy is only a temporary expedient, and ultimately all subjects must be transferred. It is therefore desirable that the two divisions of the Government should, during the transitional period, understand each other's difficulties and point of view.

With reference to the transfer of the subject of industrial development and the position of the Minister in relation to the Government and the Governor, I have nothing to add to the recommendations of the Feetham Committee, save that, in my opinion, the status of the Governors of the United Provinces, the Punjab, and Behar and Orissa and the method of their appointment should not differ in any respect from that of those of Bengal, Madras and Bombay.

TEJ BAHADUR SAPRU.

Advocate, High Court of Allahabad.  
Member of the Imperial Legislative Council.  
Late Member, United Provinces Legislative Council.  
Late Member, Feetham Committee.  
Fellow and Member of the Syndicate of the Allahabad  
and Benares Universities.  
Member, All-India Moderates' Deputation.

#### APPENDIX X.

MEMORANDUM submitted to the Joint Select Committee on the GOVERNMENT OF INDIA BILL (1919) and connected matters by the *Deputation of the All-India Conference of the Moderate Party*, on 28th July, 1919 (See Question 1039).

1. INTRODUCTION.—The signatories to this Memorandum are members of a deputation appointed under the authority of an All-India Conference of the moderate Party held in Bombay on the 1st and 2nd November, 1918, "to urge on British statesmen, members of both Houses of Parliament, political associations, the Press, and the British Public generally, the wisdom and necessity of supporting the Montagu-Chelmsford Reform Scheme and giving legislative effect to it at an early date, with such modifications and improvements as have been formulated or suggested" in the Resolutions of the Conference.

2. GENERAL ATTITUDE.—We have supported in the main the Joint Report of the Secretary of State and the Viceroy, and we would regard it as a substantial first step towards the progressive realisation of responsible government in India if its proposals be adopted without curtailment. At the same time we advocate certain modifications and improvements in the scheme which seem to us desirable and in certain cases necessary to make it yield the utmost results of which it is capable.

3. DIARCHY.—We are aware of the objections advanced against diarchy or dual government by its critics. But we have not come across any alternate proposals which, while avoiding dual government, at the same time fulfil the terms of the declaration of policy made by His Majesty's Government on 20th August, 1917. We have accepted the decision reached in the Joint Report that the progressive realisation of responsible government could be attained only by dividing the functions of Provincial Governments into two parts, one to be administered by a Minister or Ministers responsible to a legislature with a substantial majority of elected members, the other by the Executive somewhat on the present footing. We have accepted the decision as satisfactory because the Secretary of State and the Viceroy have proposed several safeguards expressly for the purpose of minimising the inconveniences of dual government during the transition period. According to the scheme the two parts of the Government are to meet together frequently. All subjects that overlap and all subjects of capital importance should be decided at meetings of the whole Government. In the legislature and before the public the Government is to present a united front. All orders of either half of the Administration are to issue in the name of the whole Government. In particular the Budget is to be a common subject. The resources of the Province and all its revenues, whether derived from taxation or executive measures like revision of land assessment or

increased licence fees, are to be the common possession of the Executive Council and the Ministers, subject, no doubt, to certain fixed charges like the contribution to the Central Government. Taxation is to be a transferred subject, and must be approved by the Minister in charge, but every proposal under this head is to be made under the authority of the whole Government. We are convinced that, tempered in these ways, diarchy is a practicable plan, and when it is remembered that it is intended only for the transitional period the objections to it cease to be in any way formidable.

4. **THE ALTERNATIVE SCHEME.**—The scheme propounded by five heads of Local Governments as a substitute for that of the Joint Report is open to the objection that it lacks the element of responsibility. Further, it does not make any provision for future stages of progress towards responsible government and vests too great a discretionary power in the Governor over the entire field of administration.

5. **THE GOVERNMENT OF INDIA'S RECOMMENDATIONS.**—In their letter of 5th March, 1919, the Government of India have made many proposals in modification of the original scheme. We will first summarise the more important of these proposals before making any comment thereon.

1. The heads of the five Provinces which have had Civilian Governors should continue to be chosen from the Indian Services.

2. Where the Governor is a non-Civilian, there should be two European members of the Executive Council, not one as proposed in the Joint Report.

3. A thorough division of finances should be effected between the Executive Council and the Ministry. The balances, the yearly surplus, the sources of income or taxation should all be apportioned between the two halves. Both must have powers of taxation and borrowing. One half may make good the deficiency in the Budget of the other half, according to a scale agreed upon. The Budgets should also be separate. For instance, no resolution may be moved cutting down the provision for a reserved subject in order to increase the provision for a transferred subject.

4. The resolutions of the Legislative Council on the reserved Budget or on the transferred Budget are not to be binding on the Government.

5. Taxation proposals made by the Executive Council may be removed to the Grand Committee.

6. In the interval between the dismissal of a Minister and the appointment of his successor the Governor may take over the administration of the transferred departments.

7. In case a Council is dissolved by the Governor and the succeeding Council does not agree with him, he may resume the transferred subjects with the sanction of the Secretary of State and have them administered by the Executive Council.

8. Joint deliberation of the two parts of the Government should not be ordinarily resorted to.

Every Government order should be issued in a form which will show clearly from which part it emanates.

9. No fresh transfer of subjects should be made at the end of five years.

10. The composition of the Grand Committee should reflect that of the present Legislative Councils. (The proposals on this point have since been modified by the Government of India by the reduction of the Grand Committee to 33½ per cent. of the total strength of the Provincial Legislatures.—*Vide* Letter No. 5 of the Government of India, dated 28th May, 1919.)

11. The Governor should have power to certify any Bill on a reserved subject, not merely a Bill on a reserved subject falling within certain categories mentioned in the Montagu-Chelmsford Report.

12. The Legislative Council should not be allowed to appeal against the Governor's certificate to the Governor-General in Council.

13. The Governor should decide which departments are to have Standing Committees, and which matters are to be placed before them.

14. The appointment of Under-Secretaries should be optional. They may be chosen from the nominated or elected section, and they are to draw no salaries.

15. In the Government of India there should be no Standing Committees and no Under-Secretaries.

6. **THE EFFECT OF THE RECOMMENDATIONS.**—A perusal of the above list is sufficient, in our judgment, to show that, even if only a part of the recommendations be adopted, the effect will be such a great curtailment of the scope and value of the Scheme originally proposed as to make it unacceptable even to its supporters, and also to make it almost unworkable. In fact the publication of the letter of the Government of India of the 5th March and of their letters reviewing the reports of the Southborough Committees has already had a depressing effect on the public mind of India, which has recently been much agitated by other causes. In paragraph 7 of the letter of the 5th March the Government of India say: "It has been no purpose of ours either to whittle down the scheme or to expand it. We take the scheme in the report as one which, in all its essentials, has our full adherence; and our sole aim has been to translate it into a working plan which will be free from obvious defects, will be in accord with the policy of His Majesty's Government." We confess we fail to see how this claim can be seriously made for these proposals. Among other things, they make the position of the Minister virtually impossible by, on the one hand, making him responsible to the Legislature, and, on the other, reducing him to the level of an agent of the Governor; and secondly, by denying to the Legislature even a modicum of financial control which lies at the root of all constitutional power, they leave nothing but the name of responsible government in a scheme designed to "realise" it in redemption of the promise of His Majesty's Government.

7. **IMMEDIATE MINISTERIAL RESPONSIBILITY.**—The original scheme allowed a period of six years (the life-time of two Councils) during which the Minister would not be removable by the Legislature. The Government of India have recommended that the responsibility should be there from the very start, and the Secretary of State has embodied the change in the Bill. We should gladly accept this modification as being in advance of the proposal in the Scheme provided it were accompanied by its logical corollary, namely, endowing the Minister with the power requisite for the fulfilment of his responsibility. In the Scheme itself it was explicitly stated (para. 239): "We do not contemplate that from the outset the Governor should occupy the position of a purely constitutional Governor who is bound to accept the decisions of his Ministers." The position is made worse by the proposals of the Government of India and clause 3 of the Bill. As the Bill provides that from the start the Minister is to be responsible to the

Legislature in the sense that he is removable by its adverse vote, it should logically follow that the position of the Governor should be that "of a purely constitutional Governor who is bound to accept the decisions of his Minister," and we urge that the provisions of the Bill be amended accordingly.

8. THE POSITION OF THE MINISTER.—Neither the Joint Report nor the letter of the 5th March enable us to understand with the Minister's salary should be left, as it is in clause 3 (1) of the Bill, to be determined by the Governor with the sanction of the Secretary of State. It is important that the clause should declare that the salary of the Minister shall be the same as that of a member of the Executive Council.

The Minister's responsibility is rendered difficult for two reasons. First, he has to work with officers not of his choice, nor under his complete control, but who have access to the Governor and may invoke his intercession. Secondly, the Governor is held responsible in the last resort for the welfare of his Province, and has power to direct the Minister to take action against his judgment in certain circumstances specified in the Instrument of Instructions. These limitations, we trust, are to last only for a short period, and the Governor will soon assume the constitutional position of having to accept the advice of his Minister. In the event of his dismissing a Minister and being unable to find a successor, he may dissolve the Legislature. But, if the new House take the same view of the matter in dispute as the old, the Governor must have a clear instruction to yield. The recommendation made by the Government of India that even then the Governor should be empowered to carry out his will by resuming the transferred subjects, if need be, is likely to lead to disastrous results, and will not, we trust, receive any countenance. A general election in the circumstances assumed is in reality an appeal to the judgment of the constituencies on a more or less clearly defined issue, and that judgment must be loyally accepted by the Governor.

The fact that the Governor is a member of his Executive Council and is intimately associated with its members in the administration of the reserved subjects should make him extremely careful how he interferes with the work of the Minister. As a resolution of the Moderates Conference has it:

"Whatever power may be given to the Governor in Council to interfere with the decisions of the Governor and Ministers on the ground of their possible effects on the administration of the reserved subjects, corresponding power should be given to the Governor and Ministers in respects of the decisions of the Governor in Council affecting, directly or indirectly, the administration of the transferred subjects."

We are aware that, since this resolution was passed, the idea of interference with the Minister by the Governor in Council has been replaced by the idea of interference by the Governor acting singly. But this is an improvement in form only, and does not remove the occasion for our pointing out the essential disadvantages of the Minister's position when compared with that of the Executive Councillor.

9. PROVINCIAL EXECUTIVE COUNCILS.—The Bill, following the advice of the Government of India, keeps the numbers of members of the Executive Councils at four. We note that the Secretary of State says in his explanatory memorandum that ordinarily there will be one European and one Indian, but that, if a second European be in any case appointed, a second Indian will be likewise appointed. We would, however, press the original idea of reducing the number to two, one to be a European and one to be an Indian, and this should be embodied in the Bill. Briefly stated, our grounds are these:—

- (1) It has never been found necessary in any Province to appoint four members.
- (2) After the appointment of a Minister or Ministers, even three members of the Executive Council will be too many.
- (3) As more subjects are transferred, the need for more members will be even less.
- (4) The retention of the provision for the appointment of four members of the Executive Council may be urged as a serious ground for resisting the transfer of subjects in the future and increasing the number of Ministers.

10. JOINT PURSE *versus* SEPARATE PURSE.—The arguments against the Joint Purse as propounded in paras. 65 *et seq.* of the Government of India's letter of 5th March, 1919, might appear cogent if applied to a scheme under which there would be a permanent separation between reserved and transferred subjects. But this distinction between the official and the popular part of the Government is only a temporary make-shift, leading up to eventual absorption of the reserved subjects to be controlled by a common machinery. That being so, it is desirable during the transition period to associate the two wings as far as possible as contemplated in para. 256 of the Reform Scheme. We would also refer to para. 246 in which it is stated that "wisdom lies not in equipping each of the different elements with a complete and separate paraphernalia of its own and trusting to their orbits lying sufficiently apart for collisions to be avoided, but in taking every opportunity of bringing the two elements into contact so as to induce the habits of joint action." And in para. 256 of the Report a "financial settlement" as between reserved and transferred heads was condemned as unduly rigid and provocative of friction. The fact that each settlement was made binding for a series of years would not prevent its being constantly attacked if it was thought to lead to the undue endowment of reserved subjects at the necessary cost of the transferred.

The Joint Purse arrangement as explained in para. 257 of the Report is decidedly preferable. Its main advantages are that:—

- (1) It closely associates the two wings of the Government and permits Ministers to put forward objections to any proposed increased allotment, for reserved heads in view of the claims of the transferred while, on the other hand, Ministers get an opportunity for appreciating the necessities of the reserved subjects.
- (2) The members of the Executive Council, and above all the Governor, with whom the decision must rest in the event of the two wings of his Government being at issue, are not likely to belittle popular demand for expansion of outlay on transferred heads, pressed as this is bound to be in the Legislative Councils, and there is therefore less likelihood of friction occurring under the Joint Purse system than under a system of Separate Purse, which would at the very start give rise to acute opposition to the proposals of Government on the part of the Legislature.
- (3) The interests of the reserved subjects will not suffer by the whole Budget being submitted to the vote of the Legislative Council. They will be further safeguarded by the Governor being able, if he thinks it necessary, to restore any allotment which may have been cut down by the Legislative Council, while the fact that additional taxation must be proposed by a responsible Minister makes it certain that this will not be undertaken till no other legitimate method is open for financing the transferred heads.

(4) It will be to the interest of both wings of the Government to avoid undue friction in view of the future Commission to consider further developments.

We would therefore adhere to the plan in the Report, subject, however, to the suggestion which Sir Sankaran Nair has made, namely, that, instead of stating, as in the Report, that the supply of the reserved subjects will have priority over that of the transferred subjects, it should be simply stated that the Executive Government as a whole will apportion the revenue between the transferred and the reserved subjects, and the Budget so framed will be placed before the Legislature.

11. BUDGET RESOLUTIONS.—We note with satisfaction that the proposals of the Government of India on this subject have not found favour with His Majesty's Government in the Bill now before Parliament. The clauses of the Bill on this point, however, are defective and require to be amended in several respects.

CLAUSE 9.—Proviso (b) under sub-clause (2) authorises an encroachment on the power of the Legislature to regulate the Budget of transferred subjects. The Governor is to have power in cases of emergency to authorise such expenditure as may in his opinion be "necessary for the safety or tranquility of the Province or for the carrying on of any department." In the first place the Governor must be under an obligation, when he takes such extraordinary action, to certify in specific terms the nature of the emergency that compels it. In the second place the Bill should mention expressly the contingency of the Legislative Council refusing supplies for a department, for that we understand to be the justification for giving the Governor power to sanction expenditure "for the carrying on of any department." In the third place we consider that in such a case the Governor should sanction only such expenditure as was incurred on the department during the preceding year, neither more nor less. In the fourth place, the Instrument of Instructions must contain an express injunction to the Governor that he must not frequently resort to this extraordinary action. Otherwise he might refuse altogether to come to terms with his Legislature.

The expenditure exempted from the yearly vote of the Council by proviso (c) should include only the contribution to the Imperial Exchequer, the interest on the public debt, and the salaries of certain high officers appointed by the Crown. We would urge that the dignity and financial control of the Legislative Council would be impaired by the inclusion of the salaries of any considerable portion of the Services under the category. The principle on which the discrimination rests is elucidated by the following passage from the report dated 1849 of a Committee appointed to recommend a constitution for the Australian Colonies:—

"It appears to us hardly consistent with the full adoption of the principles of Representative Government that as to a large part of the public expenditure of the Colony the Legislature should be deprived of all authority; nor does there appear to us any real occasion for imposing a restriction upon the powers of that body which manifests so much jealousy as to the manner in which those powers may be exercised. The expenditure thus provided for is all incurred for services in which the Colonists alone are interested. The Colonists themselves are mainly concerned in the proper and efficient performance of those services; and it appears to us that they ought to possess, through their representatives, the power of making such changes from time to time in the public establishments as circumstances may require. . . . We conceive that it might be advisable by such instructions to restrain the Governors from assenting to Acts making any alterations in the salaries of their own officers, or of those of the Judges, and some others of the public servants, unless these Acts contained clauses suspending their operation until they should be confirmed by Your Majesty's immediate authority. It appears to us that this course ought to be adopted, because we consider that the salaries of the principal officers of the Colonial Governments ought not to be changed without Your Majesty's direct concurrence. . . . We doubt not that such claims would be respected by the local Legislatures, whatever reductions they might see fit to make in other cases; but we think that Your Majesty ought to secure them even from the risk of a hasty and ill-considered decision to their prejudice, occasioned by some temporary excitement. Subject to these qualifications, we are of opinion that complete control over the Colonial expenditure ought to be given to the respective Colonial Legislatures."

Proviso (d) to clause 9 (2) is intended, we recognise, to reproduce a practice which has been found necessary in the Parliament of the United Kingdom. Seeing that at present it is open to members of the Legislative Council to propose any financial measures in the form of resolutions or Bills, subject to previous leave of the Governor in particular cases, it is eminently desirable to allow them in the future to propose increase of expenditure under one head, provided it is balanced by decrease under another, so that the total of the budgeted expenditure is not exceeded. This change we understand to be recommended by the Government of India in the closing sentences of para. 73 of their letter of 5th March. But we do not agree to the limitation laid down by them that the proposed reduction and increase should both relate either to the reserved or to the transferred Budget. Such a limitation would be necessary in their system of a divided Provincial purse; but as we are decidedly against it, and in favour of the original proposal of a Joint Purse, we are opposed to the limitation.

12. GRAND COMMITTEES.—Strong exception is taken by many friendly critics of the Reform Scheme to the device of Grand Committees, but they have become reconciled to it because these bodies were to consist of 40 or 50 per cent. of the Legislative Council, with a bare majority of nominated over elected members. The Government of India now suggest that the Grand Committees should consist of reduced percentages varying from 28 to 37 of the strength of the Council. We strongly object to this suggestion, for thus all vital legislation will be in the hands of a body even smaller than the present Legislative Council.

13. APPEAL AGAINST THE GOVERNOR'S CERTIFICATE.—We are of opinion that the proposal contained in the Montagu-Chelmsford Report (paras. 252 and 254), giving to the Legislative Council the right, by a majority vote, to request the Governor to refer to the Government of India, whose decision on the point will be final, the question whether the certified Bill deals with a reserved subject, should be embodied in the Bill. We think it is not right to abandon it. The objection taken by the Government of India, in para. 82 of their letter of 5th March, 1919, that such a reference by the Legislative Council to the Government of India "would impair the Governor's authority and increase the difficulties of his position," presupposes that occasions for such certificate would be frequent and appeals also would always be insisted upon by the Council. It is, on the contrary, more likely that occasions on which the Governor's certificate would be open to Council. It is, on the contrary, more likely that occasions on which the Governor's certificate would be open to Council. It is, on the contrary, more likely that occasions on which the Governor's certificate would be open to Council. It is, on the contrary, more likely that occasions on which the Governor's certificate would be open to Council. The existence of a right does not in reality deal with a "reserved" subject, would be few and far between. The existence of a right of appeal in favour of the Legislature against the Governor's certificate is intended to serve as a check against capricious or perverse use of discretion by a Governor. If the Governor is right in giving the certificate, an

appeal to the Government of India will only vindicate his position. But if he is unwise or indiscreet in the exercise of the enormous power and discretion with which he is going to be, under the new arrangements, invested, and if the Legislature has no remedy against it, its temper is more likely to be inflamed than conciliated. The Government of India say further that in these matters the question will only be a question of fact "about which in most cases no doubt can reasonably arise." If no doubt can reasonably arise, it may be reasonably assumed that the Legislative Council will not, by a majority vote, refer the matter to the Government of India. It will do so only when the certificate has been given by the Governor with reference to a Bill which cannot reasonably be said to deal with a reserved subject. We, therefore, press for the proposal to be given effect to in the Bill and not abandoned, as has been done in the Bill as drafted. In this connection we may point out that the Crewe Committee on Home Administration of Indian affairs recommended that the Governor-General should not certify legislation for enactment by the Council of State without previous approval by the Secretary of State (*vide* para 14, page 6, of the Report). By a parity of reasoning, the Governor should not have absolute power of certification given to him without providing for an appeal to a higher authority against such certification.

14. **STANDING COMMITTEES AND UNDER-SECRETARIES.**—Provision should be made in the Bill for the appointment of Standing Committees and Under-Secretaries as recommended in the Joint Report, not only in Provincial Governments, but also in the Government of India.

15. **GOVERNORS OF PROVINCES.**—We cannot but view with misgiving the recommendation of the Government of India that for a time the Governors of the United Provinces, the Punjab, the Central Provinces, Behar and Orissa, and Assam should be chosen from the Indian Services—that is in effect from the Indian Civil Service. The Government of India's letter mentions an "understanding" to this effect. If there be one, we must express our disapproval. The office of Governor in future will be one of extraordinary difficulty and delicacy, and requires a combination of qualities which could ordinarily be expected only among persons trained in the public life of a free country and the practice of parliamentary institutions. While we would not shut out the best talent of the public services of India, we think the rule should be to choose the future Governors, as far as possible, from the public life of Great Britain.

16. **THE INSTRUMENT OF INSTRUCTIONS.**—This document, as drafted by the Government of India, calls for a few remarks. As has been stated already, it should include an instruction that the Governor should yield to the verdict of the constituencies when he has dissolved the Council and appealed to them. Instruction VIII mentions the legitimate interests of the European and Anglo-Indian community. "Legitimate" ought not to be construed to mean "existing" or "recognised at present." The Criminal Law and the Arms Act and the practice as regards recruitment and conditions of certain services allow these communities certain privileges which it should be open to the Legislatures to modify. If the Governor considered them legitimate, he could maintain them in disregard of the wishes of the Legislature. No. XI safeguards the interests of schools and colleges maintained by religious bodies. If they now have any undue advantage, and the Legislature desires to do away with it, it should not be left to the Governor to set aside the decision of the Legislature. In general, expressions like "legitimate," "recognised," "unfair discrimination," must not be so interpreted as to bar the removal of existing inequalities and injustices.

17. **CHANGES AFTER FIVE YEARS.**—Paragraph 260 of the Montagu-Chelmsford Report held out the expectation that five years after the first meeting of the reformed Councils the Government of India should consider applications from the Provincial Governments or Legislatures for the modification of the lists of reserved and transferred subjects and make recommendations to the Secretary of State; and also that they should be able to direct that Ministers' salaries should be voted annually by the Legislature, and that, failing any such direction by the Government of India, the Legislative Councils should have power to demand by resolution that Ministers' salaries should be so voted. On account of the proposal of the Government of India to make the Ministers responsible to the House from the start having been embodied in the Bill, the latter object of para. 260 does not survive. But the importance of the first part of that paragraph not only remains unaffected, but becomes all the greater, on account of the Functions Committee's Report having been framed presumably on the understanding that, whatever grievances there may be in any Province as to its recommendations to transfer certain departments and reserve others falling short of public expectations, the people of the Province through their Legislative Council will have an opportunity, five years after the new Councils come into existence, to have their grievances redressed by claiming, and, if a case is made out to that effect, getting some "reserved" department or departments "transferred" to Ministers—a claim which may conceivably receive even the support of the Provincial Government. For instance, in Bombay, the Governor's Executive Council, we believe, was equally divided on the question of making "land revenue" a "reserved" subject. The three Indian members of the Functions Committee strenuously urged that "land revenue" be made a "transferred" subject in Bombay. They were defeated by a majority of only one in the Functions Committee, and they gave in presumably on the understanding that it was only a question of a short period of five years more, at the end of which the reformed Legislative Council, backed up, it may be, not by an equally divided but by a majority vote, possibly even a unanimous vote of the Governor's Executive Council, will be able to secure the removal of "land revenue" from the "reserved" list and its inclusion in the "transferred" one. If this legitimate expectation is now going to be frustrated on account of the opposition of the Government of India to this proposal for a survey after five years, the Report of the Functions Committee as to the "reserved" and "transferred" subjects in the various Provinces will have to be immediately modified by adding to the latter some of the subjects which the Committee have deemed it right to "reserve" at the start. The opposition of the Government of India (*vide* para. 111 of their letter of 5th March, 1919) is based on the ground that it is desirable that the changes now to be made should continue "for a prolonged period" and should not be disturbed until the proposed statutory Commission came after ten years and reported, and that no expectation of intermediate advance should be held out to the people. Apart from the unfairness of this proposal to block progress and prevent the fulfilment of legitimate expectations even in the case of advanced Provinces, while starting them on a career of responsible government on the express understanding that they may legitimately expect a further advance after five years of successful administration of the limited number of departments at present proposed to be "transferred," the Government of India fail to see that "a prolonged period" of no change would intensify and increase inordinately the demand which accumulated grievances would impel the elect of the people to make at the end of the "prolonged period." Timely advance checks extravagant demands. "A prolonged



period" of no progress places a premium on them. We are strongly of an opinion, therefore, that the Government of India's opposition to the first part of the proposal contained in para. 260 of the Montagu-Chelmsford Report should be over-ruled and the provision in question be embodied in the Bill in clear terms. Omission to do so would not reconcile thoughtful opinion in India to the report of the Functions Committee as to "reserved" and transferred" departments in the various Provinces.

18. THE FRANCHISE COMMITTEE'S RECOMMENDATIONS.—(a) These have our support generally, and we do not approve of the changes suggested by the Government of India, but we strongly advocate a system of direct election to the Legislative Assembly from the very start. (Messrs. Surendra Nath Banerjea and Sastri dissent from this view.) In particular we uphold the decisions of the Committee as regards the mode of election to the Council of State, the number and composition of the Legislative Assembly, the grant of representation to the Universities, the relative proportions of urban and rural representation, and the proportion of seats assigned to the Mahomedans of Bengal. On this last point we wish to make one observation. In the Lucknow compact the Bengal proportion and the United Provinces proportion were considered mutually dependant, and in a less degree all the proportions must be considered as one whole, so much so that to disturb any one them is inevitably to disturb all, and so reopen a dispute happily settled by mutual agreement.

(b) NON-BRAHMIN HINDU COMMUNITIES.—On this vexed question the All-India Conference of Moderates passed the subjoined resolution unanimously as a compromise—

"The franchise should be so broad and the electorates so devised as to secure all classes of taxpayers their due representatives by *election*, and the interests of those communities or groups of communities in Madras and the Bombay Deccan and elsewhere who at present demand special electoral protection should be adequately safeguarded by introducing a system of plural constituencies in which a reasonable number of seats should be reserved for those communities till the first Parliamentary Commission of Enquiry."

(c) WOMEN'S FRANCHISE.—We wish to recommend that women should be admitted to the franchise on the same qualifications as men, differing in this respect both from the Franchise Committee and from the Government of India. Messrs. Surendra Nath Banerjea and Sastri do not accept this view for the reasons stated in the report of the Franchise Committee.

(d) DISQUALIFICATIONS OF CANDIDATES.—We dissent emphatically from the Government of India's opinion in favour of the retention of the present list of disqualifications. The Committee's revised list is on sound lines, but we wish they had removed the bar on account of dismissal from Government service. We would press the view of the minority of the Committee (consisting of Lord Southborough and Messrs. Banerjea and Sastri) that it is wrong on principle to maintain a disqualification which arises from and may be cured by Executive action.

(e) RESIDENTIAL QUALIFICATION FOR CANDIDATES.—The Committee recommend that candidates should have a residential qualification in Bombay, the Punjab, and the Central Provinces, but not in the other Provinces. It appears to us, however, that there is no justification for this discrimination, and we would abolish it throughout.

19. THE FUNCTIONS COMMITTEE'S RECOMMENDATIONS.—(a) We are strongly of opinion that, if education and industries be not wholly transferred, the reforms will be robbed of half their value. They are two of the subjects with whose proper administration the future of the Indian people is intimately bound up, and should be entrusted to their elected representatives.

(b) LAND REVENUE should be a transferred subject in Ryotwari Provinces.

(c) PROVINCIAL TAXATION has been already mentioned as a subject that should be transferred.

20. DIARCHY IN THE CENTRAL GOVERNMENT.—We urge strongly that an element of responsibility should be introduced into the Government of India by placing some departments under a Minister who will be amenable to the control of the Legislature. Salt, Income Tax, and "General Stamps" suggest themselves readily to the mind in this connection. Subject to conditions imposed by military considerations, Railways and Posts and Telegraphs may also be dealt with in the same way. These are essentially departments which render services to the public, and there cannot be any political considerations operating against their transfer to popular control, subject to the conditions above mentioned. Again the power of the Government of India to supervise the administration of transferred subjects in the Provinces is obviously one which should be exercised by a Minister responsible to the Legislative Assembly. In this connection we invite attention to para. 18 of the statement by Sir James Brunyate appended to the Crewe Committee Report, p. 21, in which he outlines a grouping of all-India subjects into the categories of "controlled" and "popular," though with a more limited object.

The third formula enunciated in the Montagu-Chelmsford Report lays down that the authority of the Government of India shall not be impaired in any way. In other words, whatever means might be adopted to make it increasingly amenable to popular influence, it shall remain independent of popular control. The elected representatives of the people are to have greater opportunities of criticising and embarrassing the Government without the check, as in the case of the members of the Provincial Legislative Councils, imposed by a sense of responsibility. It is the absence of this element of responsibility which forcibly strikes the authors of the Joint Report as the fundamental defect that vitiates the existing system of government and the Congress-League Scheme. And it is the introduction of this element into the Provincial Legislatures that constitutes the chief value of the declaration of August, 1917. Such being the importance of this principle, which is to be the keystone of the new fabric, how can its application be withheld from the most important sphere, viz., the Government of India, where it is needed at least as much as anywhere else? The Report does not contemplate, nor is it compatible with the line of argument adopted therein, that at any particular time when the people may be supposed to be ripe for it the entire Government of India should at one stroke be brought under the control of the popular representatives. The scheme propounded in the Report is based on the principle of "successful stages" and "progressive realisation," which applies to the Government of India as much as to the Provincial Governments. Those who are capable of managing education, local self government, and industries in the Provinces will surely be able to administer the Salt and Income Tax departments. The mere extension of the range of jurisdiction can create no new problems, and should, therefore, give rise to no feeling of hesitation or anxiety.

One of the main objects of the scheme is to provide a machinery for securing future advance which will obviate the need for agitation. To a certain extent this object will be attained by the proposal to appoint Commissions periodically under the authority of Parliament with the express purpose of recommending suitable stages of progress in the Provincial sphere, but so far as the Government of India is concerned neither initial nor subsequent advance is explicitly provided for. The result is that agitation will be inevitable, and from that point of view the scheme stands self-condemned. It is plain that the people of India will not rest content with authority in Provincial matters. Her destinies are largely in the hands of the Government of India. To take no steps to bring some part of it under the authority of the people, argues an inability to appreciate the dominating factor in the Indian political situation, viz., the desire of the people to have a hand in the shaping of their destinies. This idea is referred to here and there with approval in the Report, but no definite provision has been made for carrying it out, nor is there any attempt to define the stages by which the goal of full responsibility is to be reached. "The inevitable result of education in the history and thought of Europe," say the authors of the Joint Report, "is the desire for self-determination; and the demand that now meets us from the educated classes of India is no more than the right and natural outcome of the work of a hundred years." But the Report provides no method in the Central Government of satisfying this natural and legitimate demand.

It cannot be contended that the transfer of a few provincial services to popular control constitutes a serious step towards this end. Some comfort may be derived from the language of paragraph 288, which says that one of the duties of the periodic Commissions will be to examine and report upon *the new Constitution of the Government of India*, but the hope is rendered almost illusory by the words "with particular reference to the working of the machinery for representation, the procedure by certificate, and the results of joint sessions." It appears, thus, that the Commissions will have power to recommend not constitutional changes with a view to the establishment of popular government, but small improvements in the constitutional machinery which experience may render necessary or desirable. We are left in no doubt in regard to this matter. The Report itself states that the object of the proposals set forth in it is to make a beginning in responsible government in the Provinces, which must be completed before a similar process is begun in the Government of India. We are unable to understand the necessity of waiting for the completion of responsible government in the Provinces. *Hanoz Delhi dur ast* fails to convince us. In the world there is no such sharp demarcation. The affairs of life are inextricably intertwined, and progress in any one direction means increased capacity in all other directions. Apart from this, we have to guard against the inevitable danger that if the bureaucracy is taught to regard any part of the Government as specially its own, it will bitterly resist all attempts to transfer it into other hands. The Cabinet must bear in mind that the bureaucracy has to be taught at least as much the virtue of subordinating its self-interest to the good of the country as the people of India the art of governing themselves. Moreover, the progress of responsible government in the Provinces will be injuriously affected by the limited vision of an unreformed Government of India, which is to have not only overriding and concurrent power of legislation, but also the power of acting as an arbiter between the Governor and his Council and of sanctioning the removal of services from the reserved to the transferred group.

The only justification urged for this glaring omission to provide for the popularisation of the Government of India is found in paragraph 190: "For such hybrid arrangements precedents are wanting; their working must be experimental, and will depend on factors that are yet largely unknown. We are not prepared, without experience of their results, to effect like changes in the Government of India." The excessive caution displayed here is utterly inconsistent with the spirit which animates the Report. It anticipates confidently that within five years of the beginning of the experiment sufficient progress will have been made to justify making Ministers responsible to the Legislature and to admit of an increase in the number of transferred services, and bids the first Commission enquire whether full responsible government may not be conceded at least in some Provinces. The Report no doubt also contemplates the withdrawal of a subject from the control of Ministers, but the exercise of this power has obviously been provided for more to give an air of logical completeness to the scheme than for any practical purpose. We are unable to understand, therefore, why the Secretary of State and the Viceroy, who are so hopeful of the success of the experiment in the provincial sphere, should lose courage and be filled with apprehension when it is proposed that popular control should be extended to the national sphere also. Unless this is done, the scheme will be inconsistent with itself, the spirit of the declaration of 1917 will not have been fully carried out, and England will not be able to claim justly that she has set India firmly on the road to self-government.

The Report says that progress in every domain cannot go on at the same pace. There need be no correspondence in the steps which are taken to enable the Indian and the Provincial Governments to march to their appointed goal. The Minister or Ministers in charge of the transferred subjects in the Government of India will be responsible to the Legislative Assembly and not to the Council of State. The relations between the two Houses may be revised in other respects also, though *prima facie* there does not seem to be any need for it. The critics of the Council of State may become somewhat reconciled to it if certain departments are placed under the control of the Legislative Assembly.

21. FISCAL AUTONOMY.—Fiscal independence is the next important thing that we earnestly press for. England imposes free trade on India, and in the opinion of most Indians this policy stands in the way of the development of indigenous industries and manufactures. We are aware that some inter-Imperial arrangements are contemplated by which a system of preferential tariffs may be established. We trust that they will be equitable in their incidence on India, not merely in name, but also in fact. Subject to such limitations the Government of India and the Legislative Assembly should be given the same power of regulating their tariffs that the Dominion Governments and Legislatures enjoy. This would mean in practice that the Government of India should no longer be under an obligation to refer tariff proposals to the Secretary of State for his previous sanction, and that when the Legislative Assembly, agreeing with Government, has passed those proposals the Secretary of State will as a rule refrain from refusing sanction to them. This will be an act of bare justice to the people of India, and is based on a principle the adoption of which has been unanimously recommended by the Committee appointed under Lord Crewe to consider among other things the future relations between the Secretary of State and the Government of India.

22. THE VICEROY'S EXECUTIVE COUNCIL.—The Joint Report and the letter of the 5th March agree in recommending a second Indian member in the Executive Council of the Viceroy. We do not consider this adequate. Seeing that the numerical limit of the Council is now to be taken away, the rule for the future

should be that one half of the Executive Government should be composed of Indians, including the Minister, if one should be appointed.

23. **PRESIDENTS OF POPULAR HOUSES TO BE ELECTED.**—The official scheme of reforms, seeking to train the people of India in the exercise of responsible government, proposes to create for the purpose a legislative assembly in the Government of India and legislative councils in that of the Provinces. These bodies are intended to afford the elected representatives of the people a constitutional means of expressing their will. In the provincial sphere this will, being, of course, the will of the majority of elected representatives, is to be carried out, as regards certain functions of government, by Ministers dependent for the tenure of their office on the pleasure of the majority of the Legislature and, as regards the other functions, by Executive Councillors, except in certain cases removed from such control by the certificate of the Governor. In the sphere of the Central Government the will of the majority of the Assembly can never prevail by itself: it must be concurred in by the majority of another House, called the Council of State, or by a majority of a joint session of the two Houses. The Governor-General likewise has it in his power by issuing a certificate in a specific form to remove a subject altogether from the jurisdiction of the Assembly. In both spheres, therefore, the Executive has the means of overriding the decision of the popular Houses whenever it deems such a course absolutely necessary. This safeguard being provided, it becomes possible, and to make the training of the people in responsible government effective it becomes necessary, to make the popular Houses fully popular. This view does not seem to have been vividly present to the minds of the distinguished authors of the official scheme.

The popular character of these houses is likely to be seriously impaired by one of their proposals—that the President should be the head of the Government and the Vice-President an official nominated by him. We take strong exception to this provision, and hope the public will do the same. So far as we know, there is no constitution where a popular House is presided over by the head of the Executive. Even the Reichstag of Germany is no exception. When the scope and functions of the popular Houses in India are subject to strict limitations, why they should be further constrained by the presence and authority of the Viceroy or the Governor it is difficult to understand. Barring a few persons of eminence and courage, the other members must feel more or less oppressed under the eye of one who is the fountain of honour and patronage, and the freedom of speech which is the very breath of a popular House cannot but be prejudicially affected. If these exalted officials were to be invariably chosen from the public life of Great Britain, there might be the surety of the high traditions of the Mother of Parliaments being made familiar and maintained in India. Even then our objection would only be weakened, not altogether obviated. But the official scheme makes governorships open to the services in India. This would greatly reduce the chances of impartial administration of the standing orders, the maintenance of the privileges of the House, and that broad-minded tolerance of full-dress debates, piquant personalities and fearless criticism of Government measures which give to the proceedings of Parliament their peculiar value and character. We know that it will take time for the extraordinary impartiality and solicitude for the honour of the House which characterise the office of the Speaker of the House of Commons to grow up in India. It is precisely for this reason that we would lose no time in training non-official Indians to such high responsibility, and it is not clear to us how or in what respects a member of the Indian Civil Service, for example, however distinguished and efficient he may be, would be better fitted than an eminent lawyer, let us say, to interpret the rules of the House, to give prompt and correct decisions on points of order, and to hold the scales even between the parties or between the Government and the private member. Long exercise of executive authority would tend rather to unfit a man for the duties of President of a popular House.

24. **THE PUBLIC SERVICE IN INDIA.**—Clause 24 of the Bill gives to the Executive rule-making power in relation to the Public Service in India, and Clause 26 provides for the appointment of a Public Service Commission. It is stated in the Secretary of State's Memorandum regarding the Bill (p. 11): "This Part deals with questions affecting the public Service on the lines recommended by the Government of India in the Despatch of 5th March (paras. 43 to 55)." The whole tendency of these paragraphs of the Despatch is to buttress the position of the various Services—it may be in varying degrees—against possible interference by Ministers or Legislatures in India. The acceptance of the Government of India's proposals will increase the by no means small difficulties of Ministers and prevent, more or less effectually, the Legislatures from reforming the conditions of the Services as they may deem it right to do in the public interest. Scarcely any other administrative question has aroused so much interest among Indians during long years as the subject of the Public Services, and naturally they do not view with equanimity the prospect that even when they are endowed with a modicum of political power they will be deterred from dealing with the Services. The Governments of the United Provinces and Behar and Orissa proposed that "appointments, etc., of Provincial Services" should be a transferred subject, but their proposal has not been accepted. Our views on the subject are those stated by Prof. A. B. Keith in para. 29 of his Minority Report (Report of the Crewe Committee, p. 47), but we do not approve of his suggestion that the legislation of the subject should be passed before the coming into operation of the Reform Scheme. We urge that the clauses of the Bill be amended accordingly.

25. **SECRETARY OF STATE IN COUNCIL AND INDIA OFFICE.**—We are glad that the Bill provides that the salary of the Secretary of State shall in future be paid out of moneys provided by Parliament. For the rest it was decided to await the publication of the Report of Lord Crewe's Committee before definite proposals were made. "It was then intended," says the Memorandum of the Secretary of State, "to lay that Report before the proposed Joint Committee proposals as to provisions to be included in the Bill."

The Crewe Committee's Report has since been published, and we shall state in brief our views on the proposed reforms in the "Home Administration of Indian Affairs." The Report was not unanimous, three members, Sir James Brunyate, Mr. B. N. Basu, and Prof. A. B. Keith, having put in separate minutes or reports. We regret the Committee have not made any recommendations upon the question, which statutory functions now vested in the Secretary of State should be discharged in the United Kingdom, and which functions should be discharged in India. We would accept generally the views of Sir James Brunyate in regard to the classification of the functions into those which should form the subject of statutory devolution, those that should be delegated to the authorities in India, and those that should form the subject of convention or conditional devolution (paras. 6 to 17 of the Statement, pages 21 to 24 of the Report). The present stringent financial control of the Secretary of State has arisen from the statutory declaration in section 21 of the principal Act in regard to the Revenues of India. We are also in favour of the grouping of subjects

as proposed by Sir James Brunyate in para. 27 of his statement. We agree with the five recommendations of the majority of the Committee under the head "Relations between the Home and Indian Administrations," subject to the qualification as regards recommendation (iii.) (para. 35 of Report),\* that in our opinion the guiding principle should be "that the administrative control of Parliament over the Government of India exercised through the Secretary of State should continue, except in so far as the control of the Legislature on the spot is substituted for the present Parliamentary control." (Resolution X (a) of the All-India Conference of the Moderate Party.) The reason for this is obvious—that there should be responsibility either to the people of India or to the people of England.

As regards the Secretary of State's Council, our position is that "until the India Council can be abolished by substituting Indian control for the control of Parliament over the affairs of India, it should be a mere advisory body with its strength reduced to eight members, four of whom should be Indians." (Resolution X (d) of the All-India Conference of the Moderate Party.) Three out of the four Indian members should be appointed in the manner recommended in para. 24 of the Committee's Report, and the fourth direct by the Secretary of State as recommended in Mr. Basu's Note (para. 15, p. 34). Of the remainder one-half may be persons who have served the Government of India and not left India more than three years earlier, and the remainder may be appointed at the absolute discretion of the Secretary of State. The term of office of members should be fixed at not more than five years; they may even be given the option to retire at the end of three years. We agree with Sir James Brunyate "that the present Bill should re-establish the Council of India for a named period only, say, twelve years, so as to enable the whole matter to be re-examined at the next decennial inquest. Then, if the Council be still required, its life can be extended, but the onus of proof will lie on its defenders. If it is found not to be wanted, its term of life will run out automatically." (Para. 28 (3) of Statement, p. 29 of Report). If it is worth while keeping up the Council at all, it is of no utility in our opinion to strip off its title and status and call it by another name as the majority of the Committee recommend in para. 24 of their Report. We agree on this point with Sir James Brunyate and Mr. Basu. But we do not think it necessary to maintain it at its present strength, and have suggested that it may be composed of eight members for the reason that with the transfer of a number of departments to popular control and the larger delegation or devolution of power to the Provincial or Central Governments in India itself it should be possible to abolish several departments of the India Office and to reduce the quantity of work in others. We cannot think that the volume of work will remain anything like what it has been. The Committee have recommended (para. 29) "the transfer of the agency work of the India Office to a High Commissioner for India or some similar Indian governmental representative in London." We hope that suitable Indians will be appointed to this new office at least as freely as the British, and we would suggest that the High Commissioner should be assisted by an Advisory Board or Committee, of which not less than one-half of the members should be Indians. The existence of such an advisory body will produce confidence among Indians that their interests are safe.

We would press the proposal made in the joint scheme of the Indian National Congress and the All-India Moslem League, and repeated in Mr. Basu's Note (para. 17, p. 35 of Report), "that there should always be an additional Indian permanent Under-Secretary of State." We would further urge that a fair proportion of the higher officials of the India Office should be selected from among Indian officers of the Governments in India. Competent men with the requisite knowledge and experience are available, and they may be brought here on deputation for, say, three years. We endorse Mr. Basu's strong plea on this point. We are glad that the Committee have not recommended any "formal system of interchange of appointments between members of the India Office and the Indian Services." We do not think it necessary, and are not persuaded that it will even be expedient, to depute officials from here for periods of service in India.

On the question of the apportionment of the charges of the India Office between British and Indian Revenues, we approve of the Committee's recommendations embodied in para. 32 of their Report (p. 12).

We strongly differ from the Committee's recommendation that a Select Committee of the House of Commons on Indian affairs as proposed in para. 295 of the Montagu Chelmsford Report should not be appointed. Parliamentary control over Indian affairs will cease when a system of complete responsible government has been established in that country, but during the period of transition Parliament will remain responsible for a substantial and very important part of the governance of India, and we are convinced that the proposed Committee will exert a wholesome influence on administration. We do not share the Crewe Committee's fear that there will be interference in details. This is improbable in the last degree. The report of the Select Committee, published a little time before the annual Indian debate, is more likely to increase the interest of other members in Indian affairs than, as Lord Crewe and his colleagues apprehend (para. 33 of Report), to confine it "within even narrower limits than at present." Nor is there any reason to make it a Joint Committee of both Houses of Parliament. The annual Indian debate refers primarily to finance, and takes place only in the House of Commons. We may mention that as far back as 1894 the Indian National Congress urged that there should be such a Select Committee of the House of Commons.

26. We urge that the views put forward and suggestions made in this Memoranda be given effect to in the Bill now before Parliament and in the rules made thereunder

SURENDRA NATH BANERJEA, *President*.  
 W. A. CHAMBERS,  
 M. G. CHITNAVIS,  
 K. G. GUPTA,  
 B. S. KAMAT,  
 H. N. KUNZRU,  
 B. C. MITIER,  
 M. RANCHANDRA RAO,  
 PRITHWIS CHANDRA RAY,  
 K. C. ROY,  
 V. S. SRINIVASA SASTRI,  
 C. Y. CHINTAMANI, } *Hon. Secretaries*.  
 N. M. SAMARTH, }

23, Westminster Palace Gardens,  
 Victoria Street, London, S.W.1.  
 July 25, 1919.

\* "As a basis of delegation, the principle of previous consultation between the Secretary of State and the Government of India should be substituted in all cases in which the previous sanction of the Secretary of State in Council has hitherto been required"

## APPENDIX Y.

EXTRACTS from Note on Report on Indian Constitutional Reforms sent to the Bengal Chamber of Commerce by Messrs Graha & Co., Calcutta, on 6th September 1918, handed in by Sir James Meston, K.C.S.I., on 26th August 1919. (See Question 6997.)

"Budget Procedure, paragraphs 255-7.—It is proposed that the first charge on the revenues shall be the contribution to the Government of India, the second charge the allocations to the reserved subject, and the balance whatever it may be, will be handed over to the Ministers who, if they have not got enough funds for their needs, may propose new taxation.

"All matters regarding the budget may be discussed in Council and presumably transfers may be proposed as between the reserved and transferred subjects, or as between items in the transferred subjects. The Governor may refuse to accept resolutions regarding the reserved subjects, but as regards transferred subjects the budget would be altered according to the resolutions.

"The whole subject bristles with difficulties, but we can scarcely imagine a scheme less calculated to avoid endless discussion and friction, both between the members of Government, and in the Legislative Council, than the scheme proposed.

"Even at present there are endless resolutions and discussions on the budget, proposing transfers from the unpopular to the popular heads, and it is certain that if the scheme as proposed is carried into effect discussions and friction will be interminable, and the Governor's veto will be exercised in an innumerable number of cases.

"It is certain that the legislature responsible for the transferred subjects, left with the balance of the revenue after other interests have been satisfied, will harbour a grievance which will be expressed by their manner of treating the budget.

"The inadvisability of the proposed system has been argued from different standpoints

"It has been argued by one side that it is grossly unfair on the Ministers to leave them with the entire onus and odium of taxation when the reason for the taxation may be the extravagance of the Executive Council; on the other hand it has been argued that since the taxation is imposed and collected by Government as a whole, the onus and odium must fall on them whether the reserved or transferred subjects are responsible for the taxation.

"Further we are strongly of the opinion that the responsibilities to be transferred should be real, and unless the Indian politician is made to understand that combined with the pleasure of spending money there is the disagreeable duty of extracting it from others, no lesson in self-government will be learnt.

"It has been pointed out that it is proposed to transfer all the popular subjects such as education, sanitation and public works, and to reserve the unpopular subjects such as police and law courts; if to these is added taxation, for we maintain that unless taxation for transferred subjects is in some way labelled it will be regarded as Sircari taxation, whoever may be responsible for its inception, then the Governor and his Executive Council will be cursed for all the evil doings of Government, and the Ministers will be blessed for all the benefits conferred.

"In our opinion an attempt must be made to allocate certain sources of revenue to the Executive Council, and other sources to the Ministers, just as is done between the Government of India and the Provinces, and to earmark these sources of revenue, and if either the Executive Council or the Ministers want more money they must raise it themselves by taxation.

"It is argued that since the Executive Council under the Governor is responsible for the essential items of Government they must not be allowed to run the risk of shortage of funds owing to famine, especially because their principal source of revenue is the Land Revenue; this contingency is however safeguarded by the Famine Relief Fund (paragraph 204). It is also argued that the large heads of provincial revenues are small in number; this is true but should not present an insuperable difficulty. Land Revenue, Excise Judicial Stamps, Forests and Registration are all large heads.

"It is not in our province to work out a scheme providing for separate heads of revenue to be allotted to reserved and transferred subjects, but we are satisfied that it can be done.

"We therefore recommend that the Provincial Revenues should be carefully examined and an attempt, should be made to allocate them to reserved and transferred subjects in proportion to probable initial expenditure on the lines of the allocations to the Government of India and the Provinces, and that the parts of Government in charge of the reserved and transferred subjects should in the future be separately responsible for increased or new taxation necessary for their own subjects.

"We object to the alteration of any part of the budget if by this is meant the right to transfer from one subject to another.

"In the British Parliament the House of Commons cannot vote money for any purpose whatsoever, except at the demand and upon the responsibility of Ministers of the Crown; it cannot of itself insist on the raising of money by taxation or otherwise, or on spending it on a particular object; it can only agree to or refuse the proposals of the Ministers.

"We therefore recommend that resolutions on the reserved subjects, if carried, shall not be binding on the Governor, and the resolutions on the transferred subjects shall only be binding in so far as they follow the procedure laid down for the British Parliament and that no resolutions shall be allowed to be discussed which propose transfers from one subject to another."

## ADDENDA TO APPENDIX Y.

## REVENUE AND EXPENDITURE OF BENGAL—REV. EST., 1917-18.

(Figures given in 1000's of Rupees.)

	REVENUE.		EXPENDITURE.	
	Reserved.	Transferred.	Reserved.	Transferred.
1. Refunds	—	—	2,30	—
2. Assignments	—	—	82	—
3. Land Revenue	2,99,05	—	34,38	—
4. Stamps (Judicial)	1,73,00	—	4,95	—
5. Excise	—	1,55,00	—	10,21
6. Provincial Rates	1,20	—	—	—
7. Forests	15,00	—	7,30	—
8. Registration	—	19,60	—	11,60
9. Interest	6,05	—	4,71	—
10. General Administration	—	—	25,17	—
11. Law and Justice	11,07	—	1,01,10	—
12. Jails	14,00	—	30,64	—
13. Police	1,87	—	1,22,84	—
14. Education	4,75	4,65	25,08	56,04
15. Medical	—	3,90	—	27,75
16. Sanitation	—	23	—	6,10
17. Political	—	—	2,98	—
18. Agriculture	—	1,35	8,06	3,49
19. Scientific	26,10	—	6,60	—
20. Superannuation	56	—	34,02	—
21. Stationery and Printing	1,31	—	14,34	—
22. Miscellaneous	6,96	—	3, 7	—
23. Irrigation Major	2,96	—	3,52	—
24. Do. Minor	—	—	—	—
(a) P. W. D.	—	7,87	—	11,79
(b) Civil	—	6,30	—	11,10
25. Civil Works—	—	—	—	—
(a) Civil	—	—	14,52	—
(b) P. W. D.	—	—	—	71,50
Total	5,63,88	1,98,90	4,49,70	2,09,58
	1,98,90		2,09,58	
GRAND TOTAL	7,62,78	26,5 %	6,56,28	31,9 %

## APPENDIX Z.

MEMORANDUM handed in by Chandranath Sarma for the Assam Association.

MY LORDS AND GENTLEMEN,

During the stay of the Secretary of State at Calcutta, in the cold weather of 1917, the Assam Association was allowed to send its representatives to wait upon him and His Excellency the Viceroy and to present an address defining the claims of the Province of Assam to constitutional reforms.

At the sitting of the Southborough Committees at Calcutta last cold weather, the Assam Association again had the privilege of sending its representative to submit before the two committees its views on Franchise and Division of functions for the Province. It was about that time that the note published by the Honourable the Chief Commissioner of Assam became public and the whole country viewed with alarm the one-sidedness of the proposals contained therein.

The note would look like an advocacy on behalf of the Britons residing in Assam and an effort to reduce the effects of the privileges promised to the people in the proposed Reform scheme. The public of Assam as well as this Association and its branch associations held several meetings to protest against the views of the Honourable the Chief Commissioner of Assam and many of those proceedings were published in the local as well as in the Calcutta newspapers.

*Recommendations in para 35 of the Government of India Despatch dated March 5th last.*—This Association now views with alarm and respectively begs to protest against, the recommendations of the Government of India contained in para. 35 of the Despatch dated the 5th March last, wherein it is proposed not to grant to Assam the same type of government as is proposed for the other major Provinces of India, including even the Central Provinces, which obtained a legislative council of its own after Assam, and the percentage of educated people wherein is much below that of Assam. The reason assigned for this differential treatment is that two-thirds of the whole Province are composed of Hill tracts which will be excluded from the operation of the Reform scheme. The red colour in the map attached to the Despatch shows the insignificance of the area where reforms are proposed to be granted compared to the portion sought to be excluded. Consequently the administration of the Hill Districts has been made the centre of many suggestions against

the full introduction of the measures of reform in Assam; nay, even those matters which have been favourably considered in respect of other Provinces have been ignored in the case of Assam on account of those Hill Districts. There seems to be no other reasons for treating Assam in this manner except what is stated above. In point of education Assam is only behind the three Presidencies and in matters of representative institutions from time immemorial it perhaps stands the first in India. It is, therefore, of utmost importance to consider why or how the Hill Districts will suffer by the introduction of the proposed reforms into the plains and how far will the plains be hampered by the exclusion of the Hill Districts.

*Hill Districts.*—It has been very vividly described by the Honourable the Chief Commissioner of Assam in his note that the Hill tracts cover 50,500 square miles out of 77,500 square miles, "the Division of Function Committee" states at page 33 of its report that two-thirds of the whole province are included in the Hill and Frontier Tracts.

*Population of Hill tracts insignificant.*—Now on a comparison of population and income of the two divisions it would seem that the vastness of the Hill tracts does not mean anything and would not affect any question connected with the proposed reforms. The Hill tracts contain only 7,13,635 people, whereas the smaller area of the plains contain 60,00,000 people approximately bringing the total to 67,13,635 (*vide* page 75 Franchise Committees' Report).

*Income of Hill Districts insignificant and they are dependent upon the plains.*—In point of expenditure also this vast tract is mainly dependent upon the one-third tract. The following table will clearly show how much money the plains are to furnish to the Hills:—

Names of Districts.	Receipts.	Net expenditure.
1. Gora Hills - - - - -	2,25,094	2,46,723
2. Khasi and Jaintia - - - - -	3,53,858	10,23,543
3. Lushai Hills - - - - -	1,05,494	2,54,878
4. Naga Hill - - - - -	1,19,689	3,10,848
5. North East Frontier - - - - -	58,369	4,84,030
Total - - - - -	8,62,504	23,20,022

The above figures show that instead of the plains districts being in any way indebted to the Hills, the latter depend upon the plains to the extent of Rs 14,67,518 for their administration. The Honourable the Chief Commissioner of Assam does not wish the Legislative Council to have anything to do with these Hill tracts—they being recommended to be directly under him—but at the same time suggest that "as the Legislative Council has power to pass laws which may be applied to the Hill Districts, the administration of the Hills must be financed from the plains." The above argument does not seem to be quite sound and fair towards the plains. The Committee for the Division of Functions in their report recommends that the tracts in question should be excluded from the jurisdiction of the reformed Provincial Government. Taking that as the correct point of view, the question that naturally arises is "who is to finance the administration of the Hills?"

*Political Importance of the Hills make it an Imperial concern.*—The political importance of the Hill Districts makes it a matter of Imperial concern. The North East Frontier, the Lushai Hills, the Naga Hills and the Garo Hills have all more or less of frontier importance, and should therefore be made an all India concern, not only on account of their frontier importance but also for general civilising influence, the entire cost of this mission being proper to be borne by the Central Government, and governed under the agency system by the Provincial Governor.

*Plains are made to pay for the Hills, and that is again urged as the reason to withdraw privileges.*—It would be a grievous wrong done to the people of the Valleys if under the above circumstances the existence of the hills be made a reason (1) to refuse them an advanced type of Government along with the other provinces of India, (2) to saddle them with the cost of administering some districts with which they are not very much concerned, (3) to withdraw the paying Departments allowed to be "transferred" in other parts of India from the list of transferred subjects in Assam.

Regarding the recommendations } DIVISION OF FUNCTIONS.  
of the Southborough Committee.

The opinion all over India is that all Departments should be in the hands of the people, and that there can be no responsible Government without the control of finance. But in the case of Assam, even the subjects transferred in other Provinces have been recommended to be "reserved." The Departments of "Forests," "Excise," "Public Works," "Fisheries" and "Education" are very important ones so far as the Assamese people are concerned. While the people fought earnestly for their inclusion among the "transferred" subjects, the official element opposed it as strenuously. It is therefore necessary to examine each of these subjects somewhat in detail.

*Forest.*—It is said that where the greater part of the work of the Forest Department lies in the excluded areas the question of transfer of Forests hardly arises. It is evidently doubtful. A good deal of work of the Forest Department is carried on in the plains as well, otherwise there would have been no necessity for the huge expenses on establishments and pay of high officers in the Valleys much more than in the hills. We are not sure yet whether the hills show more profit in the Forest Department or the plains; but it is sure that the bulk of the Department's works is carried on in the plains. However, it would give an immense satisfaction to the people if the Forest Department of the Hills be separated from that of the plains, and the latter be put under a minister.

*Excise.*—The reasons adduced for not recommending the Excise Department to be administered by the ministers are quite untenable. It is regrettable that the members of the Committee could so far misunderstand matters. The reasons given at page 33 of the report clearly tend to indicate that the opium habit being strong in the population of the Assam Valley, there is some chance that the effort to check the spread of the habit to the hills will weaken if it be administered by a popular minister. If the Committee has obtained this information from officials, it can only be said that it would have been better for it to rely on this point on the evidence of the representatives of the people, who stated that a popular minister would

try his utmost to discourage the opium habit, as he would be aware of the havoc which this pernicious habit has been creating among his own people. Some officers who are better informed entertain a fear exactly the other way (*vide* Mr. Botham's note and evidence before the Committee). The recent affair in the Assam Council between Rai Phanidhar Chaliha Bahadur and the Honourable Sir N. D. Beatson Bell is clearly illustrative of the real state of affairs. One cannot do better than quote the Rai Bahadur's speech representing the Assam Public opinion in the matter, and refer to the Honourable the Chief Commissioner's reply thereto:—

Thus said the Rai Bahadur, who is the elected representative of the Municipal bodies in the Assam Valley:—

"The Excise Department contributes the largest amount to the Provincial receipts. They have been increasing by leaps and bounds. In 1917-18 they were Rs. 53,74,000, in 1918-19 (revised) Rs. 58,61,000. The opium revenue (opium and its preparation and sale proceeds) alone comes to Rs. 33,50,000. This Department is an eyesore to the educated Indian community, and to all who have the welfare of the country at heart. The sooner the opium habit is stopped the better it is for the people and the Government. The traffic has been encouraging immorality, and indolence has deteriorated the Assamese race, and it is feared that if the opium trade is retained, the Assamese race will be almost extinct within about two hundred years hence. Experience shows that the closing of some shops, and the raising of the treasury price do not help the people a jot. They bring an increased amount of revenue, but do not reduce the number of opium eaters who are steadily increasing."

The reply of the Honourable the Chief Commissioner need not be stated in extenso. He did not controvert or try to controvert any of the facts enumerated in the Rai Bahadur's speech, but found fault with him for having eaten the salt of Government, and wearing the honour conferred upon him with pride, and at the same time making an embittered attack on the whole excise department throwing mud at the Government (*vide* Assam Gazette, April 23rd, 1919, p. 87, Part VI). This clearly shows that the educated section of the community is against the spread of the opium habit. In this matter—especially in Assam—the beaureaucracy has failed, and a popular minister alone will be able to check the spread of this habit, and thus save his people from the chance of extinction. There can be no truth in the observation that a minister's administration of the plains Districts in this matter will weaken the effort to check the spread of this habit to the hills. There being no other ground on which this subject has been recommended to be reserved, it is earnestly hoped that you will kindly include it among the "transferred" subjects.

*Public Works Department.*—In discussing the Public Works Department the Government of India seems to be prepared to transfer buildings connected with "transferred" subjects, roads, etc., not of military importance and municipal tramways. The Southborough Committee however did not see its way to recommend this subject to be transferred in Assam, because among the most important duties of this department are the construction of the hill and frontier roads. The argument of the Committee does not at all hold in the light of the Government of India despatch, and this Association therefore humbly prays that no differential treatment be meted out to Assam in this respect.

*Fisheries.*—The only other Department transferred in other parts of India but reserved in Assam is the Fisheries. Assam and Bengal are the most fish eating Provinces in India. It has been recommended to be reserved in Assam on the ground—it seems—that in Assam restrictive measures taken to protect fish have been unpopular, and the administration of fisheries is closely connected with Land Revenue Department. Both the above reasons are untenable and it is evident that all the earning departments are recommended to be reserved in Assam by assigning even the most far fetched reasons for doing so. The restrictive measures alluded to were the award of Rs. 10/- as reward for the killing of a crocodile in the Brahmaputra river. The Brahmaputra river extends from Tibet to Bay of Bengal. The crocodiles also breed in large numbers. Under these circumstances it became very easy for a class of professional crocodile killers to kill the animals in those portions of the Brahmaputra which are near to the towns and take the rewards daily or weekly. In this way thousands of rupees were drawn annually by these fishermen without any appreciable reduction in their number as this operation is carried on only during a few months and only in a few miles of the Brahmaputra river, without devising any means to stop the crocodiles from going upstream or down or to find out the places where they lay their eggs and breed. It is impossible to see how this weighs against the people or, why objection to such a measure should be made the bases of reserving the subject. The Government also considered the objection reasonable and accepted the resolution moved in the council in the matter. In any case it would seem to be hard reasoning to reserve any subject, until the people learn to swallow an unpopular measure. The better course seems to be to make them feel and learn for themselves, especially in petty matters like these.

*Fisheries not connected with Land Revenue Department.*—It is also not understood how the administration of the fisheries is closely connected with Land Revenue Department either, being under different laws administered under different principles. The Committee itself considers the subject to be allied to industries and Co-operative Credit and the Government of India thinks it more allied to Agriculture.

*Education.*—Education in all its branches ought to be given in the hands of the popular Minister. It is frequently urged by the Anglo-Indian Press and also by Government officials that higher education is responsible for the agitation for all sorts of political rights and privileges, and there is a strong popular belief that the average Government official is no friend of high education; it is already in the air that the present ruler of this province also does not view the extension of higher education very favourably in spite of the pronounced policy of a benign Government that "India must rise by Education, and that educational advancement must have a predominant claim on the resources of the Empire," the question of opening one additional class in the local college to avoid 150 to 200 boys from being deprived of collegiate education has remained unheeded. Under the circumstances this Association respectfully urges that it would be a mistake to take any risk in respect of the educational policy. People have learnt to value education, and any retrograde policy cannot but make the people disappointed and discontented.

*No Saving Department transferred in Assam.*—The most noteworthy fact in the whole Report is that not a single earning department of any importance is proposed to be "transferred" in Assam. The members of the Committee put more weight on the official evidence in this matter than to the claims of the popular representatives. That the Honourable the Chief Commissioner of Assam has not shown much solicitude towards the popular advanced demands regarding Reforms, will be evidenced by his note, which is throughout illiberal and unsympathetic (advocates mainly the cause of the Britons), and by the note of the five Provincial Governors, of which he is a signatory. This Association respectfully begs to submit that the



reforms have become necessary only on account of the inability of the Civil Service to properly appreciate the popular feelings and ideas and its reluctance to part with power. The Association feels that official objections to transference of subjects in Assam are mainly due to such reluctance more than anything else. In this unfortunate Province there will be no chance of unsophisticated statesmen from England coming to rule over it if the recommendation of the Government of India be adopted. The result will be that the "administration" of the "transferred" subjects which are only spending departments but at the same time most important subjects for the welfare and advancement of the people, by a popular Minister, under a civilian ruler may end in failure, and the failure would be explained as due to the incapacity of the people to govern themselves.

### FRANCHISE.

While in para. 229 and 230 the joint M.C. report very strong reasons are given for not perpetuating divisions and stereotyping existing relations between the existing classes by giving them special representations, the Honourable the Chief Commissioner of Assam strongly advocated the opposite views. The Southborough Committee has now recommended class representations in Assam on a very lavish scale and without giving due consideration either to the importance of the communities who are refused communal representation or to the unimportance of the classes, who, it is recommended, must have seats assigned to them either by election or by nomination. In Assam the Europeans do not form even one three-hundredth of the total population, but the proposal of the Honourable the Chief Commissioner to reserve ten seats for them out of a total of forty elected seats has been substantially complied with by the Franchise Committee. The Indian National Congress during the last session protested against this view by a resolution and the Assam Association as well as the public of Assam in many meetings protested against this view. The Southborough Committee has recommended at page 78 of its report that there should be an *urban seat* (meaning a member to be elected for the Schillong Municipality.) It has been urged by the Honourable the Chief Commissioner of Assam because thereby he hopes to get an European to be returned to the Council.

*Planting Seats.*—Five seats have been recommended for the planters. These five will be perforce Europeans.

*Commerce and Industry Seats.*—Unless the qualifications to this seat be not so defined as to include all traders, merchants and shopkeepers who pay an income of Rs. 25/- or above per annum, the seat will also go to the Europeans. The great bulk of commercial concerns in this province are not registered companies, and it will be a gross injustice to the real trading community in the province to define the franchise qualifications for this seat as proposed by the Committee. The Association humbly prays that the definition may be altered as suggested above.

*Seat for Europeans and Anglo-Indians.*—There are no Anglo-Indians in Assam as a distinct class except a few telegraph signallers and such others. There is neither a distinct class of Europeans in Assam except planters, Government officials and miners. It is inconceivable why then there should be a seat reserved specially for Europeans or Anglo-Indians, whose interests will be amply represented by the official and non-official seats they have been given.

*Seat for Indian Christians.*—In the same page the committee recommends that a seat should be reserved for Indian Christians. The Indian Christian Community in Assam is neither numerous nor so politically important as the Ahom Community. Why then is a seat reserved for the Indian Christians when there would be so many European Christian members official and non-officials to protect their interests as Christians and so many Indian members to protect their interests as Indians.

*Labour Seat.*—The seat meant for labour is also unnecessary at present unless employers of labour are excluded from the category.

*Nomination of a Member from the Excluded Tracts.*—There seems to be no necessity for a seat for a member from the excluded tracts. If the tracts be directly under the Governor it is not seen how a member from those tracts would help the Governor by merely sitting in the Legislative Council. If, however, that seat is retained, the Assam Association urges that the member must be a native of the Hills.

*Regarding Distribution of Seats.*—It will be seen at page 75 of the report that there are altogether 3,637,400 Hindus in the Province and 1,868,528 Mahomedans. The number of seats at present recommended are Hindu seats 18 and Mahomedan seats 12, while agreeing to the 12 seats for Mahomedans, my Association claims more seats for Hindus and a proportionate enlargement of the Legislative Council if necessary. The only community which can claim a special treatment in Assam is the Ahom Community who ruled in Assam till only a hundred years ago if special treatment be accorded at all. My Association notices with sorrow also the fact that in some cases the accepted calculations and principles are disregarded in the distribution of the seats. At page 79 the committee evidently distributed the seats on calculation of the population by thousands. Among non-Mahomedan seats Kamrup has been recommended to have two seats with its 306 thousands while others are recommended just their dues according to the calculation by thousands. Among Mahomedan seats Goalpara has been given two seats with a Mahomedan population of only one hundred and twelve thousands. It looks like robbing Kamrup of one seat to give it to the Mahomedans of Goalpara. This Association would not grudge the extra seat granted to the Mahomedans, but it certainly objects to the lessening of a Hindu seat from Kamrup and thereby from the total.

### RE: THE GENERAL RECOMMENDATIONS OF THE GOVERNMENT OF INDIA.

The recommendations of the Government of India in their despatch, dated March 5th, are inconstant with original report and declaration of the 20th August. The Assam Association endorses the views of Sir Sankaran Nair generally and take special exception of the following proposals in the despatch:—

1. I. C. S. Governors of all provinces except Madras, Bombay and Bengal.
2. Composition of the Executive Council.
3. The difference in the status and salary of an Executive Councillor and Minister.
4. The proposal that secretaries and permanent heads of departments should have direct access to the Governor.
5. A definite allocation to each half of Government of receipts from transferred and reserved subjects. In Assam it is significant that not a single earning department worth the name has been recommended to be transferred.
6. Giving no voice to the Legislative Council in matters of taxation regarding reserved subjects.
7. Proposal that no appeal is to be allowed from the certificate of the Governor, nor is any reference

to be made in such a matter to the Government of India or the Secretary of State, before certifying a bill.

8. Proposal to appoint under-secretaries by members of council or ministers, which are to be honorary and informal.
9. Joint deliberation of the whole Council not being the ordinary rule.
10. Regarding treatment of finance by the Executive Council independently of the ministers and the Legislative Assembly.
11. Authority of Parliament and the Governor-General of India on the transferred subjects.

The Assam Association humbly places the above facts for your consideration, and prays that they may have the systematic treatment that their importance demands.

I have the honour to be,

My Lords and Gentlemen,

Your most obedient servant,

*Chandranath Sarma,*

General Secretary, Assam Association.

#### APPENDIX AA.

STATEMENT supplied by Messrs. *Bardaloi* and *Baruah* at the direction of the Committee and received on 6th October, 1919. (See Question 6974.)

#### TO THE PRESIDENT OF THE JOINT COMMITTEE ON INDIAN REFORMS.

My LORD,

We thankfully avail ourselves of this opportunity offered to us for filing an additional written statement and beg to state as follows:—

The last statement that we made before the Committee was that the original proposal of the Honourable the Chief Commissioner of Assam was much in advance of the proposal made by the Government of India. Of course, we do not agree with the Chief Commissioner that the people of the two Valleys are irreconcilably different from each other, and therefore two different centres should be the headquarters of the two portions of the divided council. The people of the two Valleys are no more different from each other than the people of 24 Pergannas in Bengal are different from the people of Chittagong or Serajgunj in the same Province.

We have already submitted in our previous memorandum—while discussing the unreasonableness of the Southborough Committee's recommendations regarding functions—that “all departments in the Provincial Administration should be in the hands of the people.” At the same time we submit that the scheme submitted by the Honourable the Chief Commissioner conclusively and authoritatively supports our contention that Assam is fit for a more advanced system of popular administration than what the Government of India has proposed even for what are called “Advanced Provinces.”

The Honourable the Chief Commissioner of Assam found his scheme feasible, and never doubted that he would be able to meet the expenses of such an administration. But the Government of India object to it, because more advanced Provinces would not get it, and they therefore propose for Assam a system of government which is only a makeshift and no council government at all. We beg to submit that no advantages under the Reform Scheme finally adopted should be denied to Assam because of the vague term “backward” applied to it by the Government of India.

We respectfully place the above before the Committee and pray that due consideration may be given to the unanimous public opinion of the unhappy Province.

The main objections of the Government of India are two-fold, viz:—

- 1.—The administration would be topheavy because the area left after the exclusion of the Hill Districts would not be able to pay the increased expenses, and that people would not like to spend the 3 lacs surplus for this purpose.
- 2.—The people are politically and socially backward.

#### 1st OBJECTION.

I. The Hill Districts may be large in area but they do not contribute much. The exclusion of the Hill Districts from Assam would make Assam richer by 14 lacs of rupees, an amount which would be more than sufficient to meet any ambitious scheme of Reforms in that Province.

II. Even if the Hill Districts are not excluded and the money raised from the ryots of the Plains are spent on the Hills without any justification whatever, Assam would be able to pay for an advanced system of administration.

The two Commissionerships shall be abolished in any case, and their average salaries of Rs. 3,000 each per month, their office expenses (they have two big offices with about 20 to 25 officers), the salaries of the personal assistants, the costs of their steam yachts, etc., would be more than sufficient to pay the increased expense.

The revenue of the Province is yearly increasing from permanent causes, namely, the influx of large numbers of settlers from Bengal, and the acquiring of lands for special cultivation by monied individuals and Companies. When the authors of the Montague-Chelmsford Report found the gross revenue of the Province to be Rs. 171 lacs only and expenses Rs. 150 lacs, leaving a surplus of Rs. 21 lacs only; the year after that, viz., in 1916-17 the gross receipts was Rs. 184 lacs and the gross expenditure only Rs. 148 lacs, leaving a surplus of about Rs. 36 lacs. The surplus in the year 1917-18, might be about the same if not more.

The Southborough Committee recommended the exclusion of Hills from the operation of the Reforms. But though the Hill people are as much non-Assamese as Bhutyas are non-Bengalese, the ryot of the Plains are made to pay 14 lacs of rupees for the Hills, and then they are called poor and backward, and advanced popular administration is proposed to be denied to them. In years past Assam had been made to pay for these Hills on account of their contiguity we state that it is now about time to rectify that wrong. Almost all the Hill Districts are Frontier Districts of more or less Political importance, and if the people there are to be civilised they ought to be All-India concerns instead of being a burden to Assam financially and a bar to Assam in its political progress.

## 2nd OBJECTION.

Socially, Assam is not a bit more backward than any other Province in India, and we need only refer to the evidence of Sir Archdale Earle in support of that fact. In higher education it has been rapidly rising, and to quote the remarks of the Director of Public Instruction in his educational report of the year 1917-18, "Assam continued to hold its place at the head of the Provinces with reference to the success of its students in the various university examinations from the matriculation to the degree."

Politically, we believe nowhere else in India a political institution like the Assam Association has steadily advanced in the style of a miniature national congress collecting the representatives of the people of different districts every year in pre-arranged places, whereto the ryots are invited in large numbers. The institution has now lived for more than twelve years and is a recognised institution, having active branches all over the Assam Valley districts. Similarly, the Surma Valley People's Association is also working in the same manner. It is true that Assam did not evince any tendency towards violent political activities as it showed during the serious agrarian riots of 1894, or like Bengal of recent years. But it is a matter to be considered that hopes have been raised in the minds of a cultured and intelligent people, inheritors of a very ancient civilisation, and the meting out of differential treatment converting the scheme into nothing, might produce extremely harmful results.

As regards Franchise the proposals made by the Southborough Committee as well as by the Government of India are not quite fair, and we have already discussed that question in our first written statement, and as the Committee has kindly promised to treat that as a part of our evidence, we refrain from making any further statements under that head.

In matters of distribution a strict policy has not been followed, e.g., it has been proposed that the most advanced District in the Province, viz., Kamrup District, should obtain two seats with a population of 300,000, whereas other districts and communities are allowed to have a seat for every 100,000 or less.

We have the Honour to be

Your Lordship's most obedient servants,  
N. C. BARDALOI,  
P. K. BARUAH

*Representatives of the Assam Association.*

Dated London the 30th September, 1919.

## APPENDIX BB.

PAPER handed in by Sir James Meston, on Tuesday, the 22nd of July.—(See Question 360.)

## ACCOUNTS, 1917-18.

## PROVINCIAL REVENUE.

(In crores.)

	BOMBAY.			UNITED PROVINCES.		
	Reserved Departments.	Transferred Departments	Total.	Reserved Departments.	Transferred Departments.	Total.
Normal revenues in Statement -	6,38	3,89	10,27	9,91	1,51	11,42
Deduct contribution - - -	88	—	88	3,27	—	3,27
Balance, normal revenues - -	5,50	3,89	9,39	6,64	1,51	8,15
Normal expenditure - - -	6,89	1,77	8,66	6,26	1,08	7,34
Add 1½ per cent. margin to reserved expenditure.	09	—	—	—	—	—
Surplus (+) or deficit (-) -	- 1,48	—	—	—	—	—
Adjust by half share of Excise -	1,55	- 1,55	—	—	—	—
Resultant revenue - - -	7,05	2,34	9,39	—	—	—
Resultant expenditure - - -	6,89	1,77	8,66	—	—	—
Resultant surplus - - -	16	57	73	—	—	—

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## PROVINCIAL REVENUE—continued.

(Thousands of Rupees.)

	BOMBAY.			UNITED PROVINCES.			Remarks.
	Total.	Reserved.	Transferred.	Total.	Reserved.	Transferred.	
I. Land Revenue -	4,91,54	4,91,54	(a)	6,50,76	6,50,76	(a)	(a) The receipts from fisheries, if there are any, are not separately shown in the accounts.
IV. Stamps (Court fees).	46,51	46,51	—	1,04,01	1,04,01	—	
V. Excise - - -	3,11,06	—	3,11,06	1,38,32	—	1,38,32	
VI. Provincial Rates -	—	—	—	1,72	1,72	—	
IX. Forest - - -	63,12	—	63,12	61,17	61,17	—	
X. Registration - -	9,25	—	9,25	7,37	—	7,37	
XII. Interest - - -	11,39	11,39	—	14,97	14,97	—	
XVIIA. Courts of Law -	8,99	8,99	—	8,75	8,75	—	
XVII B. Jails - - -	3,62	3,62	—	3,95	3,95	—	
XVII C. Police - - -	97	97	—	1,15	1,15	—	
XVIII. Ports and Pilotage	1,65	1,65	—	—	—	—	
XIX. Education - - -	9,51	9,50	1	6,73	6,73	—	
XXA. Medical - - -	4,60	1,61	2,99	1,12	18	94	
XXB. Sanitation - - -	8	—	8	42	—	42	
XXIA. Agriculture - -	2,28	—	2,28	2,73	—	2,73	
XXIB. Scientific, &c. -	1,48	1,48	(b)	23	23	—	
XXII. Superannuation -	4,80	4,80	—	1,07	1,07	—	
XXIII. Stationery and Printing.	1,96	1,96	—	1,70	1,70	—	
XXV. Miscellaneous - -	2,55	2,55	—	4,79	4,79	—	
XXVI. State Railways— Net Receipts - - -	—	—	—	—	—	—	
XXIX. Major Works :— Direct Receipts— Land Revenue due to Irrigation.	15,87 26,74	15,87 26,74	— —	1,02,14 20,80	1,02,14 20,80	— —	(b) The receipts from registration of births, deaths and marriages, if there are any, are not separately shown in the accounts. The Museum receipts do not finally appear in the Provincial books.
XXX. Minor Works - -	3,83	3,83	—	2,89	2,89	—	
XXXI. Civil Works - -	5,34	5,09	(c) 25	5,26	4,26	(c) 1,00	
TOTAL - - -	10,27,14	6,38,10	3,89,04	11,42,05	9,91,27	1,50,78	(c) Estimate, details by departments as regards buildings not being shown in the accounts.

## ACCOUNTS, 1917-18.

## PROVINCIAL EXPENDITURE.

(Thousands of Rupees.)

	BOMBAY.			UNITED PROVINCES.			Remarks.
	Total.	Reserved.	Transferred.	Total.	Reserved.	Transferred.	
1. Refunds - - -	7,05	3,22	3,83	2,16	1,24	92	(a) The charges for fishery collections, if there are any, are not separately shown in the accounts.
2. Assignments - - -	1,05,19	97,09	8,10	2,93	2,87	6	
3. Land Revenues - - -	84,35	84,35	(a)	96,20	96,20	(a)	
6. Stamps (Court Fees) -	79	79	—	1,16	1,16	—	
7. Excise - - - - -	11,14	—	11,14	4,77	—	4,77	
8. Provincial rates - -	—	—	—	—	—	—	
11. Forest - - - - -	33,54	—	33,54	32,05	32,05	—	
12. Registration - - -	3,87	—	3,87	3,03	—	3,03	
13. Interest - - - - -	5,60	5,60	—	10,34	10,34	—	
18. General Administration	21,40	21,40	—	18,17	18,17	—	
19A. Courts of Law - -	57,25	57,25	—	66,85	66,85	—	
19B. Jails - - - - -	13,97	13,97	—	23,29	23,29	—	
20. Police - - - - -	1,07,84	1,07,84	—	1,25,50	1,25,50	—	
21. Ports and Pilotage -	1,10	1,10	—	—	—	—	
22. Education - - - -	79,96	38,96	(b) 41,00	66,19	46,19	(b) 20,00	(b) Approximate.

## PROVINCIAL EXPENDITURE—continued.

(Thousands of Rupees.)

	BOMBAY.			UNITED PROVINCES.			Remarks.
	Total.	Reserved.	Transferred.	Total.	Reserved.	Transferred.	
24A. Medical - - -	20,34	3,21	17,13	13,93	(c) 3,49	10,44	(c) Includes 1,50 for the Lucknow Medical College and Agra Medical School hospitals which will possibly be treated in the same way as the College and the School.
24B. Sanitation - - -	7,83	6	7,77	22,45	—	22,45	
26A. Agriculture - - -	14,63	—	14,63	14,48	—	14,48	
26B. Scientific, &c. - - -	2,84	2,84	(d)	1,52	1,34	18	
29. Superannuation - - -	41,19	41,19	—	38,61	38,61	—	
30. Stationery and Printing	14,36	14,36	—	8,61	8,61	—	(d) The expenditure on registration of births, deaths and marriages, and on vital statistics, if any, is not separately shown in the accounts.
32. Miscellaneous - - -	4,87	4,87	—	1,97	1,97	—	
33. Famine Relief - - -	(e) 35,46	35,46	—	(e) 25,22	25,22	—	The Museum charges do not fall on the Provincial books.
35. Protective Irrigation - - -	(f) 28,10	28,10	—	(f) 14,35	14,35	—	
40. Subsidised Companies -	—	—	—	5	5	—	(e) The proposed allowance figures, the actuals for the year were 20 and 4 respectively.
41. Miscellaneous Railway Expenditure	—	—	—	—	—	—	
42. Major Works:— Working Expenses	17,89	17,89	—	35,03	35,03	—	(f) The proposed allowance figures, the actuals for the year were 26,39 and 6,66 respectively.
Interest on Debt - - -	27,43	27,43	—	41,11	41,11	—	
43. Minor Works - - -	28,33	28,33	—	3,12	3,12	—	(g) On the assumption that there are no roads, bridges and ferries of military importance.
44. Railways - - -	—	—	—	—	—	—	
45. Civil Works - - -	89,75	53,37	(g) 36,38	60,89	29,03	(g) 31,86	
Total - - -	8,66,07	6,88,68	1,77,39	7,33,98	6,25,79	1,08,19	
Surplus (+) - - -	1,61,07	—	—	+4,08,07	—	—	

## APPENDIX CC.

The JOINT STATEMENT by Mrs. Herabai A. Tata and Miss Mithibai A. Tata, B.A. (Hons.) Representatives of the Bombay Women and the Women's Indian Association for Women's franchise work, supplied at the direction of the Joint Committee, and received on 13th October, 1919.

As is well known to all who are deep students of India's past history, the position of Indian women more than 5,000 years ago was very high. Women were not treated as inferior, or as unfit to take part in public life, but the fullest opportunities were given to them to develop their intelligence and capacities. We know that women used to attend, along with the men, the great seats of learning which were spread all over India, and which corresponded with our Universities. Women used to take keen interest in philosophical and political discussions. It is recorded that women in the villages in those days took part in the selection of the representatives for the village council, and they could be, and were, at times members of the village representative councils. Equality of opportunity was given to women as well as to men, and no legal barriers were placed in the way of their advancement.

Even in later days when women's activities were somewhat restricted on account of the constant invasions, and the necessity of protecting them from hardships, the Indian woman never entirely lost her high position. In the family, as the mistress of the house, she was practically supreme, and this is the case more or less even at the present time in India. In public life and administration there have been shining examples of Indian women, from Razia Begum to Ahalya Bai, and even right up to the present century.

Coming to the present time, the women of India are awake again to their capacities and claims; they feel that their activities should go beyond the home now, which for many centuries had been their sphere of influence. This is especially the case in the big cities, where women's education is progressing, though we believe it would have been more rapid if free and compulsory education had been introduced into India. In Bombay Presidency, the demand for women's education is great, and very often new schools cannot be established fast enough to cope with the demands. The number of women attending high schools and colleges increases yearly, and we feel that many more women would take higher education if the fees were not so high. There are more than 400 women graduates, many more undergraduates and women who possess a wide general knowledge, who are quite capable of exercising intelligent judgment. Women in Bombay Presidency are not hampered by many of the social restrictions with which women in other parts of India are

supposed to be hampered. The "purdah system" practically does not exist in Bombay; women are free to move about where they like, and there is practically nothing in their social conditions which would make it impossible for them to exercise the vote.

The Municipal vote has been granted to the women of the Presidency for more than 15 years, and they exercise it intelligently along with the men; no special privileges have been granted to them, and it has not been found that their "social conditions" prevent them from exercising their right properly. On the contrary, it has made them take an interest in public affairs, and has enlarged their mental horizon.

The graduates of the University have the right to elect some fellows for the University, and women as well as men avail themselves of the right.

*Public Work.*—The women of the Presidency, especially of the city, have been known to take great interest in social and public affairs. There are many women's associations which do good educational, social and civic work—*e.g.* The Seva Sadan, the Women's Indian Association, Gujerate Stri Mandal, Bhagini Samaj, Vanita Vishram, etc. Many of these associations conduct educational classes for women, which are attended enthusiastically. Most of these associations are conducted by women themselves, and the Secretary of the Seva Sadan is an Indian lady M.A., LL.B. The Bombay Presidency Women's Council has been started under the Presidency of Lady Lloyd, to help women to take greater interest and part in civic affairs. The work done by the Bombay Presidency women during the period of the war and the last famine is too well known to need detailed statement. Suffice it to say that women of all classes co-operated heartily in supplying materials, comforts and entertainment to the troops during the war, and thousands of rupees were collected by their efforts for the war fund. During the influenza epidemic and the famine the women of the city took conspicuous part in the relief.

The women of the Presidency are strongly of opinion that they should not be debarred from political rights, as they believe that the world has moved far enough to recognise that those who pay taxes should at least have a voice in the administration of the country. Requisitions were sent up to the Provincial Conferences and the National Congresses, and when the Southborough Franchise Committee visited Bombay, a requisition signed by about 800 educated women from the big cities of the Presidency was submitted to them, as expressing the desire of the women to be included in the Reform scheme. The Women are very much alive to political questions, they attend public meetings in large numbers, and they take a keen interest in what is going on around them, as can be seen from the different events which have happened not only in the cities, but also in the rural districts.

#### SOUTHBOROUGH FRANCHISE COMMITTEE'S REPORT.

The report of the Committee has caused bitter disappointment among the women of India, and especially in this Presidency. The women of Bombay met in a protest meeting in many hundreds, and we had speeches from women speakers in five different languages. A resolution of protest was unanimously passed, and eleven cables were sent to prominent people in England, including the Secretary of State for India.

We feel that the arguments brought forward by the Committee are untenable in the light of criticism; that enough pains have not been taken to do even bare justice to women but preconceived notions of women's inferiority have been the cause of the total rejection of Indian women from the electorates. Not only have they not been given a fair chance, but some injustice is done to women who have been honoured for their intelligence and capacity by public bodies. One or two instances will suffice. There are two ladies at present Honorary Fellows of the Bombay University—one a British lady M.A., the other the first Indian lady doctor M.D. of London—two women honoured by the University for their intelligence and capacity. They have the right to vote for the member returned by the University to the Legislative Council; henceforth if the Committee's Recommendations about women are accepted they will lose this right. Of course, numerically their votes do not count much, but it is the principle of equal opportunities and rights that we consider, and these ladies are the representatives of the intelligentsia of the women of the Presidency. When Lord Sinha was created a peer, why did India rejoice? Not because there was *one* Indian peer, but because the principle of equal opportunities and rights was established. Besides, if women are excluded from the higher vote, how can capable women take their seats on the Municipality or district board in the Presidency—a right which has just been granted to them by the Bombay Provincial Legislative Council—how can these women help feeling the stigma of inferiority cast upon their sex which the refusal of the vote implies, while their men clerks or chauffeurs, who may pay Rs. 120 as rent *p.a.*, can, if they wish, have the right. In what way do the social conditions prevent women from exercising the vote for the Legislative Councils, when they do not prevent qualified women from becoming Municipal Councillors?

#### WHY DO WE DEMAND THE VOTE?

1. We claim it first on the grounds of the equality of men and women. Women of India form just as important a half as men, and their sex merely should not disqualify them from taking part in public life—when they possess the other qualifications required of the men.

It has been recognised now in all progressive countries that the sex barrier has been a grave mistake, is out of date, unworthy of the times, a relic of past days when might was above right; all progressive nations are throwing down these artificial barriers, and inviting women to co operate with the men for the welfare of the State. Why should India lag behind others in this respect, create a legal sex barrier where one does not exist, and thus brand Indian women as inferior to their sisters in other countries.

2. The Government ought not to commit the same mistake as was made in England at the time of the Reform Bill of 1832 and the later Bills, of excluding women from political life, a course which led to very great bitterness, and created great disparity between the political education of men and women. We in India are now in the happy position of being able to start our political education on terms of equality. There is no reason whatever why women should not also be given that political education along with the men, instead of having to wait an indefinite number of years, falling behind the men, and possibly starting a fresh campaign of agitation which might ruffle the progress of Responsible Government in its initial stages—such a step would, in our opinion, be a grievous mistake. According to the proposed qualifications—which are based on

property—at the most a million women would be enfranchised, but that number would be quite enough to start with. We are of opinion that if literacy had also been made a qualification, there would have been a substantial number of women voters, and it would also have been a great impetus to acquire education. As matters stand at present, even graduates are excluded from voting.

3. The vote also has an educative value. Its possession will give women a keener interest to know about, and to take part in public life, which otherwise they would not do. There are many reforms which women could effect if they had the power. Education, sanitation, child welfare, housing, etc., do not receive the attention they deserve from the men, because women do not make their demands heard, and they cannot do so adequately unless they have the vote; the voting power is the basis of all rights and is the one essential thing. The men in England did not have much political knowledge before the Reform Bill of 1867; it was only after the grant of the franchise that important reforms in education, poor law, etc., were made. Indian women consider "service" as their duty—service in the house, family and state, and no barrier should be imposed on their willingness to serve and improve the condition of the country.

It is maintained by the Government in their Educational Reports that they are very solicitous about the education and progress of the women of India. Yet they are keeping back the very reforms which, more than anything else, will hasten the progress of women's education; for if women get the vote they can use it to do away with social disabilities which may exist, and the more men and women co-operate together the better for the country.

### "SOCIAL CONDITIONS OF INDIA MAKE THE GRANT OF THE FRANCHISE TO WOMEN PREMATURE AND UNPRACTICAL."

This plea of the Committee to exclude women is not just. The "social conditions" are not the same in all parts of India. The "purdah system" does not exist in the whole of India, only in some parts, and it is not right or just that women in one part of India should be made to suffer because women in other parts of the country are supposed not to be ready yet for the vote. What would people of England think if they were asked to wait for a Reform just because Scotland or Ireland was not ready to receive it—and India is many times larger than Great Britain. We are of opinion that even in the purdah districts the social conditions are not so stringent as to make it impossible for women to take an intelligent interest in public life. Indian women are noted for their commonsense and judgment which is developed by constantly managing with tact large families. The very fact that a woman lives in purdah does not prevent her from taking intelligent interest and part in public life. Who would say that the Begum of Bhopal is not capable or does not take interest in political affairs. This lady is in purdah, but she rules her state with great ability and attends the Ruling Chiefs' Conference at Delhi and makes speeches there. This is not the exception; there are many women estate holders in their own right, who manage their business with great capacity, though remaining in purdah. We are strongly of opinion that the purdah is not such an impassable barrier as the Report states. As to its being "premature," it is no more so in the case of women than in the case of men. It is not premature in the case of women who already exercise the Municipal vote, and there would be no difficulty in their exercising the higher right.

It would not be "unpractical" for women to exercise the vote; there would be no difficulty whatsoever in non-purdah districts; no special arrangements need be made for women voters. Even in places where the purdah system prevails, women who hold land and pay taxes will not be slow to avail themselves of the right. This is a permissive, not a compulsory measure, and only those women who wish to have the facilities will avail themselves of the vote. But how can the Committee judge what the effect will be without giving women even a trial? If women are given the opportunity, we are confident that they will rise to the occasion and show their fitness.

### IN DISTRICTS WHERE THE PURDAH SYSTEM EXISTS THE VOTE WOULD HARDLY BE A REALITY.

We have already pointed out that the purdah system does not prevail in the whole of India. The vote usually will be exercised by women who possess high qualifications and education, and usually these women have broken the purdah; others will soon give it up—the vote will be an impetus to do so.

Even if the vote is not exercised for some years to come, that is no argument for withholding the right. It is stated in the Report that in many districts not more than 40% of the men vote; according to the above argument the men also ought not to be given the vote. Whether or not there are many women who will exercise the right at first, we do not look at numbers, we stand for a principle; neither numbers nor sex should count, only fitness should be taken into consideration.

The Committee cannot say that in non-purdah districts the vote "will hardly be a reality." Women in big towns, especially in Bombay and Madras, are taking a keen interest in the affairs of the city, and they are sure to exercise the higher vote intelligently. Even if it is granted to a couple of thousand women, it will remove the stigma of inferiority from the whole of womankind.

Experience of all countries shows that when the franchise is extended to new electorates it takes some years before they get into the habit of exercising the right. It will be the same in India; there is no reason why the Committee should conjure up vague fears about women's franchise "not being a reality"—in a few years the women will get used to it. Even in enlightened England all women do not exercise the vote. Franchise questions are always complex, but that is no reason why they should not be attempted. Even if women get the vote, say twenty years hence—and they are bound to have it sooner or later—they will take just as much time to get used to the electoral machinery—perhaps even more, because there will be great disparity between the political education of men and women, and they would miss the co-operation of their men. Hence the fear is baseless and shows strange lack of historic insight.

## CONSERVATIVE FEELING WOULD BE AGAINST THE EXTENSION OF THE FRANCHISE.

Conservative feeling—if by that is meant old-fashioned opinion—in all countries has been against reforms, whether for men or for women, whether brought forward by Government or by the people's representatives. The Reform Bill of 1832 would never have been passed if the Government had been deterred by Conservative opposition. Even as late as 1917, many Conservatives were against the extension of the Franchise to women or to lower it for men, yet the last Reform Bill was carried through by Government. The Government need not look only to the Conservative feeling, for there is a strong feeling among the educated and thinking men of the country that it is necessary to extend the right to women. This has been demonstrated fully in many National Assemblies, Provincial Conferences, National Congresses; the educated men know that they cannot justly deny the rights to women when they are fighting for rights of Self-Government. Educated opinion ought to count just as much as Conservative opinion.

### THE WOMEN THEMSELVES DO NOT WANT THE VOTE.

This allegation also is not true, as the women are awake to their rights and desire to have them. There is great desire in many parts of India and many Women's Associations have been started, and they take an interest in what is happening in the country. Many requisitions had been sent by women from different parts of India to Provincial Conferences, the National Congress and lastly to the Southborough Committee, when it toured the country that women should not be excluded from the Reform Scheme. It cannot be said that Indian women do not want the vote. The educated women and property holders are very keen that their rights should be safeguarded, and they know that the possession of a vote gives them the power to do so.

Women are at the present stage of Indian history, the most important factor, and far the most potent influence for good or evil as you care to use them. Attempt to reform, without the co-operation of women, and you are simply raising a paper fabric on foundations of sand; the power of an Indian woman in her house is immense. By refusing the reform you are putting the Indian women further back into purdah, and you will make her more conservative than she is, and reform after reform will be useless. Make her believe that her help is wanted and welcome, make it possible for her to get the vote and you will have an ally who will be of greater use to reform and of greater motive power than many men, because not only will she influence present voters, but it is she who will train the children as they grow up.

Indian women are not in the habit of clamouring aloud for anything, and that is perhaps the reason why they escaped the attention of the Southborough Franchise Committee; but they cannot with consistency ignore the Congress resolutions, women's requisitions, and say that there is no demand for the extension of the franchise to women.

Besides, it is the duty of every true Government to make a reform which is good for the country, whether there is little or no demand for it. There was no demand for railways or telegraphs or other inventions; why did the Government give these to the people? But both Indian men and women demand the extension, and we hope the Joint Select Committee will give its favourable attention to it.

*Appended Paper.*

### WOMEN'S INDIAN ASSOCIATION.

*Madras, June 4th, 1919.*

DEAR MRS. BESANT,

The following facts we bring to your notice with the urgent request that you will use them to further the cause of the inclusion of women's rights in the Reform Bill. Our members are looking to you for all possible help in getting the proposed sex disqualification removed.

Yours faithfully,

MARGARET G. COUSINS.

### SUMMARY OF WOMAN SUFFRAGE WORK DONE IN INDIA.

DEMAND for the grant of the vote placed before Lord Chelmsford and Mr. Montagu by the representative All-India Women's Deputation on *December 18th, 1917*. Members: Mrs. Sarojini Naidu, Dr. Miss Joshi, Mrs. Saralabai Naik, M.A., Mrs. Srirangamma, B.A., Mrs. Annie Besant, Mrs. Kibe, Mrs. Dalvi, Mrs. Jinarajadasa, Mrs. Lazarus, Mrs. Chandrasekara Aiyar, Mrs. Cousins, Mus. Bac. Mrs. Herabai Tata, Begum Hasrat Mohani, Mrs. Guruswami Chetty, supported by telegrams from Lady J. C. Bose, Miss H. Petit, Mrs. Ranade, Mrs. Saraladevi Choudhuri, Mrs. Nilakanta, Mrs. U. Nehru, Miss Arundale, Mrs. Padmabai Sanjiva Rao and Miss Gokhale.

The demand was that "when the Franchise is being drawn up women may be recognised as 'people' and that it may be worded in such terms as will not disqualify our sex, but allow our women the same opportunities of representation as our men."

National Congress at Calcutta, 1917.—A Woman Suffrage Resolution appeared for the first time on the agenda paper, but owing to lack of time was withdrawn without discussion.

A woman was President of the Congress—Mrs. Annie Besant.

Bombay Provincial Conference, April, 1918.—A Resolution in favour of the removal of sex disqualification from the Reform Bill was moved by Mrs. Sarojini Naidu and passed unanimously and enthusiastically. Bombay Presidency contains 19 million people.



- Madras Provincial Conference, April, 1918.—Similar Resolution to above moved by Mrs. Guruswami Chetty, Sister Balambal seconded, and passed unanimously and enthusiastically. Mrs. Sarojini Naidu, President. Madras Presidency contains 40 million people.
- Malabar District Conference, March, 1918.—Similar Resolution moved by Mrs. Jinarajadasa and passed unanimously.
- In all these the Requisition asking that the subject should be put on the Agenda was signed by a large number of Women's Societies and prominent ladies of the Provinces.
- A Woman Suffrage Resolution was passed by the Provincial Congress Committees of the Central Provinces, the Punjab, the Madras and Bombay Presidencies and the United Provinces.
- THE INDIA HOME RULE LEAGUE voted in favour of Indian Woman Suffrage at its Executive Meeting in October, 1918.
- The Andhra Provincial Conference also passed a vote in favour of Woman Suffrage being included in the Reform Bill, which was proposed by Mrs. Lakshmi pathi.
- The Bombay Special National Congress and the Muslim League in September, 1918, passed the following Resolutions, the first, after a discussion, by a three-quarter majority, the second unanimously :
- RESOLUTION VII. : "Women possessing the same qualifications as are laid down for men in any part of the scheme shall not be disqualified on account of sex."
- RESOLUTION VIII. : "That so far as the question of determining the Franchise and the constituencies and the composition of the Legislative Assemblies is concerned, this Congress is of opinion that, instead of being left to be dealt with by Committees, it should be decided by the House of Commons and be incorporated in the statute to be framed for the constitution of the Indian Government."
- The Delhi National Congress, December, 1918, passed unanimously the first of the previous Resolutions, proposed by Mrs. Saraladevi Choudhuri, and spoken to by several Gujerati ladies.
- These two Congresses were the representative assemblies of all India and at each there were over 5,000 delegates and as many visitors, including hundreds of ladies.
- Requisitions expressing women's desire for the vote and explaining their reasons were sent to the Southborough Franchise Committee by all the 40 Branches of the Women's Indian Association, by the members of the former All-India Women's Deputation to Mr. Montagu, by the Women Graduates' Association, Bombay ; by Women's Branches of the Home Rule League ; by the Bharata Stree Mandal and other Women's Societies. Ladies representing the Bengal and Punjab Provinces interviewed the Committee, but the extremely difficult expert nature of their "oral examination" (as the Report itself names it) deterred other Indian ladies who are unaccustomed to such male cross-examination from requesting interviews and they put forward their claims by correspondence instead.
- Municipal Voting : For a number of years the Municipal Vote has been exercised by the Women of the Bombay Presidency intelligently and interestedly. A motion to extend the eligibility of women to election for the Corporation was defeated by a narrow majority. This year the Municipal Vote has been granted to the Women of the Madras Municipality. The Corporation were in favour of extending eligibility to women for election to the Corporation, but this was vetoed by the Government of Madras.
- Large Protest Meetings are to be held next week in Bombay and Madras by the combined Women's Societies in these cities to protest against the proposal of the Southborough Franchise Committee to disqualify women in the Reform Bill ; the mufassil towns are also sending in Resolutions of protest on the subject.

## APPENDIX DD.

'CABLEGRAMS received by the Joint Committee on various dates up to 15th October, 1919.

## I.—AFFECTING WOMEN'S FRANCHISE.

Received 16th July, 1919.

Bombay.

As President women's public meeting Bombay Saturday, have honour to submit resolution passed unanimously for sympathetic consideration and support. Resolution :—"Public meeting women Bombay protests against recommendation of Southborough Committee and Government India disqualifying women for franchise in reform scheme on grounds that social conditions India make it premature and unpractical to grant it. Meeting begs draw attention to fact that women in Bombay Presidency and other parts country already exercise franchise intelligently municipal and other elections. It urges there is no reason to consider it premature and unpractical for qualified women to exercise higher vote and requests that their sex should not disqualify. Meeting considers postponement this question distinct grievance, denial due rights to women likely deter their progress. It earnestly urges the Government India and British Parliament reconsider question removing sex disqualification."

Mrs. JAIJEE JEHangIR PETIT.

Received 27th July, 1919.

Bombay.

The Bombay Presidency Social Reform Association desires me as President to represent to you respectfully the associations great disappointment at recommendation of Southborough Committee against franchise to women in India in reform scheme, cause of social reform much discouraged thereby, and among women in India and large class of social reformers also there is growing feeling of dissatisfaction. Franchise

to women will greatly help cause of sanitation and education on which India's future greatly depends. Educated women by reason of intelligence and sound practical sense more deserving of franchise than uneducated classes to whom Southborough Committee have recommended elective right.

Sir NARAYAN CHANDAVARKAR,  
President Bombay Presidency Social Reform Association.

Received 30th July, 1919.

Bombay.

Bombay women favouring women's suffrage have read with pain and surprise Lord Southborough evidence before your Committee stating franchise to women in India not desired by women themselves. That belief is not founded on fact. Largely attended Indian women's meeting recently held in Bombay enthusiastically claimed franchise; similarly various women's representations were submitted to Southborough Committee. Women ask no favour but claim right and justice. If the vote is denied it will mean serious check to women's advancement in India.

JAIJEE JEHANGIR PETIT,  
President Bombay Women's Public Meeting.

Received 4th August, 1919.

Mangalore.

Forty-five branches Women's Indian Association controvert Southborough's evidence, they claim votes, protest against sex disqualification.

JINARAJADASA,  
Secretary.

## II.—AFFECTING BURMA.

Received 15th August, 1919.

Sagaing.

Sagaing Town Mass Meeting supports Burmese Deputation, urges Committee to hear Burmese delegates.

MYAHO, Chairman.

Received 16th August, 1919.

Kyaukse.

Kyaukse Town Mass Meeting disapproves final Burma reform scheme, and urges Joint Committee to hear Burmese Delegates.

POAUNG, Chairman.

Received 23rd, August, 1919.

Rangoon.

Dallah Mass Meeting disapproves revised Craddock scheme, and wholeheartedly supports Burma Deputation and all Burma Mass Meeting Rangoon of seventeenth.

OOPOSHIN, Chairman.

Received 23rd August, 1919.

Rangoon.

People of Burma assembled on 17th in All Burma Mass Meeting breaking all previous records, and necessitating three overflow meetings out of biggest Hall in Rangoon, congratulate His Majesty on successful termination of war establishing equality of nations great and small, protest against Craddock scheme as not conforming with their urgent needs, earnestly request amendment of Indian Reform Bill to include Burma, which should get at least same measure of reforms as major Indian Provinces and support Burmese Deputation and young men Buddhist Associations' general councils' demands, especially for equal representation with major provinces in Indian Legislative Assembly. Protest against Lieutenant-Governor's unfavourable reference to deputation and against so-called elders' conduct in holding packed private meeting with suppressed Agenda. Request publication of Viceroy's opinion on Craddock scheme for public criticism, urge that Burmese Deputation be heard before its final consideration by Parliament. pass Vote of non-confidence in present Burmese legislative councillors, who had set up clique against general public instead of regarding themselves as people's representatives.

CHITHLAING, Chairman.

Received 25th August, 1919.

Myangledin.

Well-attended Mass Meeting held at Myangledin town on 16th, unanimously resolved that Burma delegates now in England are all Burma delegates, and meeting strongly supports the Y.M.B.A. general council suggestions regarding reform scheme.

U. TUNU, Chairman.

Received 26th August, 1919.

Paungde.

Paungde Townspeople support Burmese Deputation.

PO THAN, Chairman Paungde Public Meeting.

## III.—AFFECTING FRANCHISE PROPOSALS.

Received 8th August, 1919.

Bombay.

Representation of Bombay native piece goods merchants' association for right to elect one member in Bombay Legislative Council under reform scheme being prepared and will be sent in due course. In the

meantime we request the Joint Committee to consider the necessity of giving us such right and not excluding us altogether, although we enjoyed such right from 1909, jointly with Indian merchants' chamber.

LALJI GOVINDJI and GOKALDAS JIVRAJ,  
Secretaries of Association.

Received 12th August, 1919.

Tezpur.

Ahom community extremely alarmed, vehemently protesting against Southborough franchise committee's report not supporting claims of Ahoms for separate electorate, and humbly refer to detailed representation dispatched on 29th ultimo to Secretary State India and President Joint Committee.

General Secretary, Ahom Association.

Received 15th August, 1919.

Labore.

Punjab Hindu Sabha, representing Punjab Hindus, conveys respectful but emphatic protest against franchise proposals adversely affecting them. Martial law prevented holding Conference and sending delegate when Southborough Report published. Communal representation in Punjab Councils unnecessary innovation. My letter dated 16th August, 1918, to Chief Secretary Punjab advocating alternative scheme on which I was examined by franchise Committee not discussed in Report. Its consideration by Joint Committee requested. Punjab Hindus since 1913 obtained seats equal to Mohammedans Sikhs regarded extra. Congress League compact never contemplated separation of Sikhs. If Congress League Scheme rejected in other respects why accepted for franchise? Punjab Hindus proposed representation in Imperial Council entirely inadequate. Combined effect of the proposals productive of discontent amongst Hindus. Pray if Mohammedans and Sikhs given communal electorate, Punjab Hindus, being important minority, must get it in provincial and Imperial assemblies number of Hindu seats be increased in both.

RAJA NARINDRANATH, President.

Received 25th August, 1919.

Tezpur.

Pray Mr. Redd's arguments before Joint Committee may be applied also to Ahoms, apart from their historic political importance which renders Ahoms' claims for separate electorate stronger than Madras non-Brahmins.

General Secretary, Ahom Associations, Assam.

Received 4th September, 1919.

Madras.

Southern India Panchamas deeply regret Committee's prejudice towards non-Brahmins. Non-tax-paying Brahmins belonging neither military nor labouring classes want displace British rulers and wield authority. Montagu their ally. Situation intolerable. Brahmins, non-Brahmins not like Englishmen, Scotchmen. Brahmins a foreign clergy enslaving ignorant superstitious people. Communal electorates alone will safeguard against minority rule. Brahmins intriguing and bargaining during war when we helped with men and money....

VENCUTACHELLUM UBRAMANIEM,  
President, Audi Dravidas, Rajah Panchama  
Representative, Madras Legislative Council.

Received 5th September, 1919.

Coimbatore.

Evidence of pro-Brahmins witnesses untrue. All non-Brahmin associations agree on necessity communal electorates for them in Madras. If not allowed, oligarchy will result, great discontent of masses follow. Reforms sure to fail. Pray remember our war services.

DEWAN BAHADUR KALINGAROYAR,  
President, Coimbatore District Non-Brahmin Association.

Received 9th September, 1919.

Bezvada.

Bezwada Non-Brahmin Federation presses communal representation. Protests against reference to Brahminised Madras Government regarding seats.

President.

Received 21st September, 1919.

Bellary, Madras.

The non-Brahmans of the Ceded Districts pray for communal representation through communal electorates. Non-Brahmin interests require special protection. They fear effacement in the political field. They strongly appeal to British democracy to preserve the freedom, equality, and justice hitherto enjoyed under British rule.

KRICHNAMACHETTY,  
Vakil, High Court.

Received 22nd September, 1919.

Bellary.

Ceded districts non-Brahmans pray communal representation through communal electorates. Non-Brahmans' interests require special protection. They fear effacement in political fields. Strongly appeal to British democracy to preserve hitherto enjoyed freedom, equality, and justice.

KRISHNAMACHETTY,  
High Court, Vakil.

Received 25th September, 1919.

Bombay.

Meeting Bombay untouchables resolves equitable distribution political power among Indians more vital than devolution. Communal representation only means all Brahmin witnesses social, Tories, political radicals committee to discount their sympathy evidenced for us to prove communal representation unnecessary as false time-serving Indian bureaucracy consisted of Indian theocratic oligarchy. Very dangerous for us strong objections to its Enthronement as opposite of democratic home rule. No deputation for want of funds, but communal representation proportionate to numbers strongly urged as enabling to emancipate ourselves from dehumanizing socio-religious disabilities imposed on us by cruel brahmanism.

PONDURANG BHATKAI, President.

Received 25th September, 1919.

Bombay.

People's Union Kamgar Sabha press for communal electorates. Backward committees emphatically protest (against) Joshi's nomination (as) delegate (at), Washington Conference when men from masses (are) available. Brahman delegates (are) political propagandists dependent on capitalists, workmen (have) no confidence (in them). Kindly be friend at Committee. Details posted.

BOLE.

Received 29th September, 1919.

Sholapur.

Sholapur backward classes in public meetings urge at least reservation of seats on Legislature for backward classes in Bombay Deccan, having English literates below two per cent., though anxious to secure communal electorates.

NURUSHANTAPPA UMBARJI, B.A., President.

Received 29th September, 1919.

Masulipatam.

Masulipatam non-Brahmins emphatically urge communal representation through separate electorates. Protest reference Indian governments concerning seats.

Secretary Non-Brahmin Association.

Received 2nd October, 1919.

Ganjam.

Ganjam district People Association consisting of large ryots, merchants, strongly protest proposed reference communal representation non-Brahmins to Madras Government: hostile influence predominating impartial treatment impossible. Pray decide joint parliamentary committee. Reforms without adequate protection fail.

Secretary.

Received 2nd October, 1919.

Nipani.

Backward castes of Nipani City publicly assembled pray seats on Bombay Council be reserved for all castes below two per cent. English Literacy.

President, YAMANAJIRAD AMBLE.

Received 4th October, 1919.

Trichinopoly.

Trichinopoly Adidravidas urge non-Brahman Hindu Electorate. Reference Indian Govts. undesirable, welcome committee decision.

TIVAPICHAI.

Received 4th October, 1919.

Erchingpoly.

Pray consider non-Brahmin Hindus British subjects. Communal Electorates indispensable. Reference Brahmins. Madras government undesirable. Committee decide.

THANGAVLU, President.

Received 4th October, 1919.

Trichinopoly.

Vis abrahna Mahapna Central Sabah in public meeting assembled respectfully urges recognition communal representation through communal electorates in Indian reforms. Otherwise constitutional progress impossible, unreal, dangerous, unworkable. Sure to give rise to grave discontent.

VISVANATHA ACHARI, President.

Received 6th October, 1919.

Masulipatam.

Non-Brahmin Divi taluq urge communal representation through separate electorate. Protest reference India regarding seats.

GADDE NARAYANA.

Received 6th October, 1919.

Poona.

Deccan Ryots Association respectfully urges reservation in plural constituencies of fair proportion of seats on Bombay Legislature for Bombay Deccan backward castes, meaning all non-Mahomedan castes having less than two per cent. English literacy, like Lingayeths Marathas, Malis Dhangars, Reddis Jains.

Under Southborough's Scheme these castes go unrepresented. Brahmin Councillors unfit to represent these castes witness their advocating secondary higher education at cost of primary. True some liberal Brahmins of moderate party advocate mass elevation but they form miserable minority, and, as their Bombay leader Honourable Paranjpye admitted, will everywhere be beaten in Council Elections by extremists, who are avowed enemies of social reform. Extremists opposition to Patel's inter-caste marriage Bill notorious. Tilak's paper "Kesari" comparing non-Brahmins to negroes and denounced them as base-born. Rowlatt Acts produced no upheaval in Bombay Deccan, because backward castes thoroughly loyal and uninfluenced by Brahmin agitation. Refusing communal representation bound to shake their faith in British justice would throw them in clutches of extremists ever ready to exploit popular discontent for any British purposes. Parliament's disregard of these hard facts will endanger British rule and political salvation of India. Southborough's report gives thirteen seats to less than million Mahomedans in Bombay Deccan, passing over eight million non-Brahmins. This very glaring injustice. Depressed castes should get one nomination seats per division.

KOTHARI, Secretary.

Received 7th October, 1919.

Madras.

Madras non-Brahmin public meeting emphatically reaffirms necessity communal representation communal electorate. Brahmin evidence deliberate misrepresentation. Protest referring back question local government support. Muslim demand preservation Caliphate.

RAI SAHIB M. VENKATARATNAM NAIDU,  
Chairman, Non-Brahmin Public Meeting Madras.

Received 8th October, 1919.

Madura.

Madura Visabrahma Mahapulasaba huge mass meeting urgent committee decide communal electorates. Protest reference Madras Government.

K. VELLAYNDACHARY, President.

Received 9th October, 1919.

Rajahmundry.

Godavari District Non-Brahmin Association meeting held 28th September resolved provision for communal representation through communal electorates essential for political existence of non-Brahmins. Pray disposal by Joint Committee without referring it to local or India Government.

M. RANGIAH NAIDU, Chairman.

Received 14th October, 1919.

Madras,

Indian Christian Association, Madras All-India Christian Conference, and Catholics earnestly press for communal electorate want education reserved six seats Madras Council, three seats Imperial Council.

DEVADOSS.

Received 14th October, 1919.

Coimbatore.

Coimbatore District Non-Brahmin Association prays Committee decision reference India Governments undesirable. Communal electorates absolutely necessary.

Secretary.

Received 14th October, 1919.

Tinnevely.

Non-Brahma public meeting Tinnevely strongly urge communal electorates, otherwise grave discontent. Reference Madras and India Governments undesirable.

SIVAGNANAM, President Elected Member Madras Council.

Received 14th October, 1919.

Coimbatore.

Coimbatore Visabrahmas Sabha meeting assembled prays recognition communal representation through communal electorates, or oligarchy sure to replace British government. Committee's decision reference Indian governments undesirable.

SUNDARAM ACHARY.

#### IV.—AFFECTING MISCELLANEOUS PROPOSALS.

Received 25th September, 1919.

Akot.

The Public meeting held yesterday unanimously beseeches his lordship to grant home rule for India under British sovereignty. In favour of different communal representatives.

President, Akot Birar, India.

Received 30th August, 1919.

Trichinopoly.

Conference held at Trichinopoly respectfully conveys his Imperial Majesty India's universal feeling deep attachment devotion his throne and person. tenders congratulations war's successful termination vindicating world's justice, re-establishing inalienable rights of self-determination, especially weak peoples. Conference, expressing universal intense discontent aggravated by Punjab administrative events, views reform Bill

disappointing entire failure for fulfilling declaration August, 1917. Further regrets statement repeatedly made India offered no substitute for diarchy is unfair because till joint report accepting diarchy issued, India was kept ignorant thereof obviously natural plan reserving power to Parliament in practice as in theory for direct legislation in matters imperial concern, and even special interests to larger degree than for self-governing dominions while effecting responsible government in all matters in Indian control government is satisfactory alternative. If diarchical scheme inevitable, conference supports congress deputation memorandum fully; urge creating broad electorate on educational low property qualifications irrespective sex, and abandoning all but direct election. Conference deems imperative alike England's India's interests incorporation of declaration of rights in coming statute advocated by Congress Moslem League.

HAITH RAJAH OF RAMUAD,

President, 25th Madras Provincial Conference.

#### APPENDIX EE.

MEMORANDUM by Rao Bahadur Chandri Lal Chand, B.A., LL. B., O.B.E. (Member Legislative Council, Punjab), received on 17th October, 1919.

I belong to that class in India which is known by the name of peasant proprietors. They are mostly independent tillers of the soil, and, being masters of their small holdings, do not owe allegiance to the big landlords so prominent in other Provinces. They are the most hard-working class in the country, but their true value can only be judged when it is realised that most of our fighting men belong to this class. The labourers or real tenants have not got the qualities and spirit of a soldier, and the landlords are too big for this profession. So most of our combatants who have won fresh laurels for the Empire by their valorous deeds at the front are drawn from this independent class of small farmers.

#### GENERAL REMARKS.

On the expediency of the new Reforms, I would say that it is necessary that England should lose no time in fulfilling her pledge. We Orientals expect some very great boons from sovereigns on auspicious occasions like the present, and it is in that light as well as in the way of getting our due rights that the new reforms will be welcomed by the humble peasants which I have the honour to represent.

#### THESE CLASSES FORGOTTEN IN THE PAST.

During the past 50 years of British rule in India we have been neglected, and this is one of the most serious charges against British statesmanship. We have neither the organisation to make noise nor the spirit of impatience to revolt, and hence it is that we have looked on placidly while preferential treatment has been accorded to the urban people. In matters of education, sanitation and medical relief we do not count much. We live in villages, and education has only expanded in towns. Our villages do not attract the attention of the Sanitary Department or the medical officers. The noisy section of our country, out of their selfishness and ignorance of our conditions, has totally failed to advocate our cause before the British Officers, and hence the apathy of the Government. The Government is just rousing from its lethargy, but we on our part have not got a sufficiently loud voice to thank the Government of the same, and our fears are that the clamorous section of India will scratch away the sympathies of the Government from us.

#### REMEDIES.

There are two remedies only.

1. Give the rural classes due representation, i.e., a representation proportional to their population and taxation. We form nine-tenths of the population, and pay nine-tenths of the taxes also. We won't speak of our usefulness in defending the Empire, but only pray that we may be treated on an equal basis with others. A man living in rural areas should be counted as one, and neither more nor less. This is also the true democratic principle, and no one should grudge the application of this principle as between urban and rural populations. We are told that we are comparatively inefficient; but, without admitting the force of this contention, I may be allowed to ask if that is the exclusive or even the chief, test that is applied when different people decide about their forms of Government. We have produced men like Justice Shah Din, Mian Mohd, Shafi, Sardar Dyal Singh in the present age, and our history is full of a proud record of practical talent and administrative capacity. There is no justification for urban people governing the rural classes. The Franchise Committee is to be congratulated on proposing a departure from the old practice and giving us separate seats in the Councils of the Empire, but their recommendations are very halting and they were not justified in giving us less than the nine-tenths of the total number of seats which is our due. Let there be an increase of the rural seats in all Councils if our status as men is to be recognised as equal to that of other men.

2. We should be given a proportionate number of posts in all departments and offices.

This seems to be at first sight a minor thing, but to those who know India, this is even more important than representation in Councils. The interests of the rural and urban classes clash in so many ways that real justice cannot be done if we do not have our own men to safeguard our interests in the ordinary day-to-day administration. I do not hesitate to say that in matters where there is a conflict of interests between two classes a British Officer will prove more sympathetic and successful than a man drawn from urban classes. The British Government has had to pass legislation like the Land Alienation Act and Usurious Loans Act in order to protect agricultural classes, which are practically identical with rural classes, from trading classes, which are practically identical with urban classes; and if in the matter of services of the country we are left to try our chance by competition alone, the result will be that Reforms, instead of proving a boon to us, will only serve as a change of masters, and this change will be for the worse. Departments which are meant for the amelioration of the agricultural and military classes will be thrown in the background, and all officers will

be packed with urban people. Although we will have a voice on the legislatures, yet we shall be out of the Executive. The feeling is very keen here, and unless the remedy is provided the peasantry, the backbone of the country, will suffer grievously. Let us therefore have nine-tenths of all posts and offices, big or small. The Punjab Government has of late done something in that direction, and, although this act contributed to the unpopularity of Sir Michael O'Dwyer, yet he commands great respect among the rural classes, and the love that the rural classes entertain for him is greater than the dislike that is shown by the urban people. The present instance also shows that we are less noisy and are accustomed to serve the best interests of the Empire rather than to launch on a noisy agitation and thus embitter the relations between the rulers and the ruled.

Pray do provide these two remedies in the Bill, and the British Raj will be perpetuated in India. If you fail in any of the above two remedies the failure in this connection may seriously affect the strength of rural loyalty which may lead to more disastrous results than any that have hitherto followed upon the agitation of urban classes. A transfer of power from the British bureaucracy to the Indian urban bureaucracy will cause more discontent than there is at present.

(Sd.) LAL CHAND.

#### APPENDIX FF.

MEMORANDUM on Indian Constitutional Reforms by Honorary Major Sir *Malik Umar Hayat Khan, K.C.I.E., M.F.O.,* Tiwana, of the Shahpur District, Punjab.

As I am on active service at the North-West Frontier Front and cannot get away to appear in person before the Joint Parliamentary Committee, I submit this as a Memorandum of my views on behalf of the Punjab-Muslim Association, as well as on behalf of the zamindar class from which the bulk of the soldiers and labourers are drawn. They form 90 per cent. of the population and contribute about 90 per cent. of the revenue to Government. The Punjabi soldiers drawn out of this class form 55 per cent. of the Indian Army, and, after the British Army, they are mostly responsible for the defence of the Empire. The above classes live generally in rural areas, and owing to lack of education, financial difficulties and other drawbacks incidental to their profession, have hitherto lagged behind in the race of life and have not been able to get their interests adequately represented. The other class, which may be roughly called the trading class, being possessed of capital and generally belonging to urban places, have been able to educate their sons from the very beginning of the British Raj, and have flooded the Government services and other lucrative professions, and, though a small minority, have been getting a lion's share of everything. Though some of the zamindars have now been educated, the places generally being already blocked, they cannot get their share of the loaves and fishes. In some of the offices there are cliques formed, and if a zamindar even gets a job it is made impossible for him to pull on. Some of these traders are scattered in villages where they are engaged in petty trade and banking. There is a large percentage of zamindars who are indebted to these bankers, so much so that they are absolutely under their thumb. The moneylenders can at any time put the zamindars into Court, get their property attached, and even get them sent to jail. As the Government revenue has to be paid in cash, and promptly, he has to depend on the village banker for obtaining loans, on which he has to pay abnormal amount of interest. A large number of these poor zamindars thus get a bare subsistence from their land. The condition of litigation is still worse. The judiciary is mainly recruited from educated members of the trading class; whenever there is a dispute between a trader and a zamindar it goes to a Munsiff, who in most cases belongs to the same class as the moneylenders and allows abnormal amounts of interest and compound interest, and there is but little chance of better justice in appeal as the class preponderates among the occupants of the higher bench. This is the lot of our poor zamindars at present and that of their brethren serving as soldiers and labourers, with the exception that some of the soldiers get a permanent income from their pay during the time of service. A great deal of this income, too, is spent in clearing the debts to the moneylenders incurred by household transactions. Under such circumstances when the proposed Reforms are introduced, this overwhelming majority of loyal citizens would not benefit much by them. It is for this reason that they have not shown much keenness to ask for the Reforms. It is the small class alluded to above which can take advantage of the Reforms and which is clamouring for them.

The changes likely to occur by the Reforms will be against the interests of the zamindars and will prove detrimental to their interests. At present this oppressed majority can approach a British officer, relying on his impartiality for the redress of its grievances, but in many cases this door will also be closed upon them, as the Reforms may put in an educated member of the trading class in the place, and he cannot be expected to be free from prejudice and partiality. It is common knowledge that soldiers and zamindars have not in the past been receiving at the hands of the Civil Authorities that treatment which their life and labour deserve. The members of the Indian Civil Service have not been unmindful of their interests, but this has been due to the element of the urban and trading class prevailing in the subordinate service.

The moneylenders had in many cases acquired landed property in villages before the Punjab Land Alienation Act and would have become the sole proprietors of land, had the Act not been passed. There are many areas where they are paying Government revenue up to the extent required by the Franchise Regulations. This would give them a chance of securing votes for their representatives even in rural areas. The zamindars who are in debt, and through them other zamindars, could easily be prevailed upon to help the election of the members of the trading class to the Council.

If this class is substantially returned as zamindars, to them will be added the members representing the taxpayers who belong wholly and solely to the same class, and when put together will have such an overwhelming majority that the voice of the zamindars will be totally drowned. The soldiers who are a part and parcel of the zamindar class will be in the same boat. With about 10 or 11 years' experience of the Councils I can safely say that wherever this class is predominant the smooth running of the Government machinery will be difficult. There will always be a danger of Government being defeated when a Bill is introduced which the members of this particular class are opposed or when a resolution is moved by one of the Indian members against the wishes of the Government, especially in the Provincial Councils, where there would be a

majority of Indian members. If the Government then persist in passing such laws, or in trying to defeat resolutions proposed against its wishes by the use of its special powers, agitation will be the inevitable result. If, on the other hand, these members were allowed to have things their own way the power will be transferred from the British Government to the Bania oligarchy. When the zamindars will find their interests endangered by this class and see that they fare badly in Courts and in Government offices and are not adequately represented according to their numerical strength and their services and sacrifices, this would lead to a general discontent among these millions, which would be more dangerous than the discontent among the small minority of the educated classes. The continuance of such distressing conditions among the peasantry may also have the result of alienating the sympathies of those representatives of the leading zamindar families who have hitherto shown conspicuous and steadfast loyalty and have stood by the Government through thick and thin.

Though most of the officers in the India Civil Service are capable men and do their best to help the depressed classes like the zamindars, yet under the coming régime their power to help them will be greatly restricted, even if it does not vanish altogether. Sir Michael O'Dwyer saw the gravity of the situation and had started to encourage the zamindar class by giving them grants of land, and had begun to accord some special treatment to this loyal and deserving class from which the recruits poured in at the most critical times of the war. He also gave grants to the leading members of the agricultural gentry and tried to show favour to those who had served Government. At the same time he pointed out plainly to moneylending and urban classes their shortcomings in not coming forward promptly and to the proper extent to serve their King and country at a time when help was urgently needed. But this displeased this class, and this was one of the causes of the recent disturbances in the Punjab. Though some poor people also joined the disturbances to please their creditors and some more joined later for mischief and loot, they were not the originators of the movement, nor in the conspiracy about it. It was all the work of clever agitators out of the moneylending class, who had minutely planned this movement. I do not mean to say that this class consists of people of any one religion, but it consists of representatives of many religions belonging mostly to towns.

If the interests of the backward class of zamindars are not safeguarded by Government and they are allowed to face their own problems, their case will be hopeless. This can be seen from the case of some of the zaminders in the canal colonies, who, though they were well off, have not thought of acquiring education to enter other walks of life, while there is quite a considerable percentage of members of the trading classes in the Punjab who have acquired land on a large scale, and are profiteering at the expense of the zamindars in an unsympathetic spirit. It is this class, as already stated above, that the hereditary zamindars are afraid of, as it will predominate in the Councils of Empire, and under the proposed rules and regulations no safeguards are provided to stop their undue influx, if reforms are given in the present shape. Reforms, if they come, ought to come for India and not for a chosen small class. To safeguard India this large class of the zamindar soldiers and labourers ought to be kept very much more contented than they are at present, but, on the contrary, they will probably be in a worse condition if the Reforms are introduced in their present shape. To the masses this little oligarchy of educated traders and professional men is the same as the Brahmans in Madras and elsewhere, and no one can put this case better than the Raja Zamindar of Telaprole, as given on page 253, "First despatch of India Constitutional Reforms."

With all the disabilities that have been already enumerated, the zamindar class, including soldiers and labourers, has further to suffer at the hands of the low-paid subordinate officials, who cannot possibly live on their own pay under the present circumstances when food and clothing and all other articles are very expensive, and who are forced to get money from other sources dishonestly. These officials include Chaprasis, Constables, Patwaris, Chaukidars, and sometimes Lumbardars. It is with them that the connection of Government with the people really starts, and this is the weakest spot of the administration. The masses can form a rough idea about their Government and its attitude from the treatment they receive at the hands of their underlings, with whom they come in direct contact. Had a reform of this part of the administration been undertaken it would have made the country prosperous and contented. The present Reforms, unless materially modified to suit all interests, will, I am afraid, bring about most undesirable effects. I venture to put forward the following suggestions for consideration :—

1. The soldiers should have their own representatives on the Councils to watch their interests, say the British officers to have their own representatives and the Indian officers their own, mostly by nomination. At present there is no one to represent their interests or put their grievances before the Legislative Assemblies of India.
2. The franchise should be extended to all discharged soldiers or pensioned officers and men, which they may use either by sending some of the members from amongst themselves or electing hereditary zamindars, who are their own kith and kin.
3. The labourers, who some day will like to have their voice heard, may also be allowed to have their representative so that Government may be able to keep them satisfied by giving them their rights, and thereby averting the possibility of strikes of the ignorant masses of India, which may take a different shape from that of the same class in educated Europe.
4. As to the zamindars, the claim of a candidate coming forward as a hereditary zamindar should be first considered and decided by Government before he is allowed to stand for election. Constituencies, till properly educated, should only vote for one or the other out of those candidates who have been admitted as having the status of a hereditary zamindar.
5. It is absolutely necessary that the number of the members of these classes mentioned above should be strictly in accord with their numerical strength in the country.
6. There will be no harm if regard be paid to numerical proportion *inter se* between the three classes, i.e., soldiers, zamindars, and labourers. The same consideration may be kept in view with equal strictness in recruiting various Government services.
7. Recruiting for Government service from the non-zamindar classes may be stopped for some time till equilibrium is restored and the aggrieved class of zamindars has got its rightful share. This class has a greater stake in the country, and forms the chief element on which the Government can rely in critical times.



Hitherto efforts have been made to please only one privileged class which cries aloud and has the press in its hands and can make its voice heard. By collecting funds they have sent deputations to England to influence that portion of British public which is ignorant of Indian affairs, and thus only one side of the case has hitherto been represented.

When some seats are assigned to Muhammadans according to the new Reform Scheme, it does not follow that they will all go to Muhammadan zamindars, but they can easily go to the wealthy members of the trading class among Muhammadans or members of the legal profession who may have acquired land in rural tracts. On the other hand a zamindar will never become a trader, and unless rules and regulations were so made that the zamindars got their shares as a matter of right they will never get it otherwise. A zamindar asked a member of a moneylending class why they did not come forward as recruits; the answer unconsciously given by the latter was that if they did so who would rule the zamindars and the country? This will show the present state of affairs, and the zamindars pray that this should not be increased by the coming Reforms.

Many of the old families have not joined the propaganda of the Congress because they know their countrymen thoroughly well and understood that, notwithstanding protestations to the contrary, the Congress was unfriendly to the British Government. They regarded the so-called differences between the moderates and the extremists as more or less a show; but when the Government is practically transferred from the British hands to that of the Congress party, the future of the masses may be said to be doomed. It is high time that the Government may do something to avert the coming catastrophe.

The contention that the zamindars will not get their due share of seats on the Councils could be easily illustrated from the list proposed for the Punjab.

Out of 85 seats, if 4 *ex-officio* seats are deducted, the remaining 81 have to go to the Punjab population. The rural population forming the 90 per cent. ought to get about 73 seats. Now what they could approximately get under the present circumstances is as follows:—

Out of the four general urban seats they cannot get any. Out of the general rural seats, many of which are bound to go to the lawyers who practise in the Mufassil and have acquired land, if half of these, *i.e.*, seven can go to zamindars proper, they ought to consider themselves very lucky.

Muhammadan urban seats cannot go again to zamindars, while out of the Muhammadan rural seats there are faint chances that the zamindars may secure half, *i.e.*, 11, as again the lawyers and some Muhammadan traders may step in.

Out of the Sikh seats, as this class does a great deal of business as moneylenders, there is only a chance of about half the seats going to the zamindars.

Out of the four general landholders' seats there is every chance of all going to the zamindars, but the university and commerce and industry seats cannot go to them.

As to the nominated seats, one military seat, no doubt, will go to the zamindars. But to give one seat to the Army out of 81 is far from adequate. They cannot get the seats of the Europeans or Anglo-Indians, Christians or others. Most of the 12 nominated seats, too, will go to the officials; but even if the Government were good enough to give two more to the zamindars the total seats they get will be about 29 or 30 instead of 73, which is their proper right owing to their numerical strength, thus far less than half the number; and consequently the class which ought to have got 10 per cent., say 9 seats, will get about 50, that is, more than five times their share. Even if the prospects would have been better than what have been analysed here the things will be far from satisfactory if the basis of election was not materially altered.

#### APPENDIX GG.

#### MEMORANDUM PREPARED BY THE INDIAN CHRISTIAN ASSOCIATION, MADRAS, AND RECEIVED ON 11TH NOVEMBER, 1919.

The Indian Christian Association, Madras, begs leave to submit the following memorandum relating to its position and requirements for the favourable consideration of the Joint Committee. It is constrained to do so because some of the Indian Christians who have given evidence before the Committee and who may possibly be mistaken for genuine representatives of the community to which they belong, have not succeeded in conveying the real sense of the vast majority of Indian Christians. This Association is the only organisation of Indian Christians for political and social purposes in South India and the only Association which can presume to speak for Indian Christians as a whole; and it feels even more confident in putting forward its views as the answers received to a questionnaire sent out to more than three hundred leading Indian Christians throughout the Presidency closely correspond to and support those views. It has also had occasion to consult the Secretary of the All India Christian Conference, which is the only organisation for political purposes of Indian Christians throughout India, and the Secretary of the Catholic Indian Association, which is a separate organisation representing Roman Catholic Christians in this Presidency, and is glad to find that the Associations they respectively represent are in complete accord with the views here put forward.

In view of the peculiar position occupied by Indian Christians in the body politic and their distinct and separate requirements the Association is extremely anxious that:—

- (a) The community should have its own representatives in the Imperial and Provincial Legislative Assemblies.
- (b) That wherever possible such representatives should be elected by Indian Christians, not nominated by Government.
- (c) That there should be at least six seats reserved for Indian Christians in the Legislative Assembly that is to meet in Madras.
- (d) That three seats should similarly be reserved for them in the Imperial Legislative Council.

That Mahomedans as a community should have their own representatives elected by themselves has now become a settled fact, acknowledged by the Government of India and by all shades of Indian opinion. At one time such separate representation was strenuously objected to by the Congress Party on the ground

Mr. Montagu—continued.

Generally, I had some views during the time I was in India and subsequently. Do you wish me to state them?

2364. Would you wish to express them?—The view that I should like to express is this. My study of the subject has failed to satisfy me that there is any alternative scheme to the scheme of the Joint Report which is as promising a method of carrying out the terms of the pronouncement of the 20th August, 1917.

2365. I gather from the list you have handed in that you are unmoved by the big suggested alterations of the Government of India. You do not wish to divide education?—No. I adhere to the proposals of the report of the Committee, especially on this question of transfer. As I said, the other lists are subject to certain adjustments which have now been suggested. On the question of transfer I adhere to the recommendations of the Committee. I think it may fairly be said that in making those lists of subjects to be transferred at the outset the wisest course is to err on the side of liberality rather than on the other side. That is the point of view from which I dealt with the question. As I say, I think the scheme, with such lists of transferred subjects as we have proposed, is the most promising scheme for giving effect to the announcement of policy made.

2366. You never contemplated, apparently, a separate purse in the Provinces?—The position with regard to that is stated in one of the later paragraphs of the Report. We had before us at rather a late stage in our proceedings some proposals embodied in a Memorandum from Sir James Meeson as to the adoption of what is called the separate-purse system, and the Committee stated in Paragraph 84 of their Report that they did not feel they were in a position to express any opinion upon those proposals. They neither accepted them nor rejected them. Their own proposals on the subject of finance were directed to working out the scheme on the basis laid down in the Joint Report in the way which seemed to them to be the most likely to prove satisfactory.

2367. You have had considerable knowledge and experience of constitution building in South Africa, have you not?—Well, I do not know that I can claim that I have had considerable experience in constitution building in South Africa. I have lived in South Africa for the greater part of the last seventeen years, during which time a great many constitutional changes have taken place in which I have been closely interested.

2368. You hold a position now under the South African Government, do you not?—I am a member of the South African Parliament.

2369. Were not you concerned either with the Bill for the Union of South Africa or one of the instruments of the present constitution of the Provinces in South Africa?—I was not directly concerned with the preparation of the Union Bill, though I was in South Africa when the whole thing was being discussed.

2370. What are your views about the separate purse now?—I recognise the strength of the case for providing an alternative to the joint-purse system. I am not satisfied that it would be a good plan to force a separate purse on all the Provinces at the start. I think it is true that the working of the joint purse may prove very difficult, and that in view of the difficulties that may arise in the working of the joint purse a way out should be provided. As far as my study of the question goes (the limits of which the Committee understand, because I was new to India when I went to take part in this inquiry), the view which I am disposed to take is that the best plan would be to provide machinery whereby a separate-purse plan could be adopted in any Province on the initiative of the Governor.

2371. If a separate purse was ever adopted in any Province would you contemplate taxation through a Grand Committee?—If you have a separate purse in accordance with the general idea of the Government of India scheme, and thereby the resources of the official side of the Government responsible for reserved subjects are definitely restricted, I think that they must have necessary powers to get the funds that they need for the purpose of carrying on their administrative work. That the Government are required to them

Mr. Montagu—continued.

will prove insufficient, and if they should prove insufficient they must be in a position to get the additional revenue required.

(After a short adjournment.)

THE RIGHT HON. THE EARL OF SELBORNE  
IN THE CHAIR.

Sir Henry Craik.

2372. (To Mr. Feetham.) In your Memorandum of 16th July, 1919, Mr. Feetham, you deal very largely with the Education question and as to the extent of the transfer of education?—Yes.

2373. And you say that the large proportion of the evidence offered to you was about that?—With regard to the question of transfer, more attention was paid to that subject, or as much, as to all the others put together, I think we say.

2374. You found great difficulty in meeting the view of the Government of India that there should be a separation of parts of education?—Yes.

2375. You are opposed to that?—Yes.

2376. You think—and, if I may say so, I quite agree with you—that it is very difficult to divide primary and secondary education; they necessarily overlap, and they are part of the same machine?—Yes. It seemed to us that it was impossible to make any satisfactory division of the subject as a provincial subject.

2377. Primary education must be divided into education which is to end at primary education, and that sort of primary education which is only an introduction to secondary education?—Yes.

2378. Therefore you cannot divide primary education altogether, up to a certain point, as a separate subject?—No; but, as pointed out in this Memorandum, many of the secondary schools in India have primary departments, and thereby, so to speak, feed themselves with recruits from their own primary departments.

2379. That is so in India, as in other places?—Yes; but at the same time, as pointed out in this note, there is a stream of pupils from the primary schools to the secondary schools, and the primary schools therefore cannot be regarded as a self-contained unit.

2380. Besides, a large amount of primary education is carried on as preparation for higher education?—Yes.

2381. In that I quite agree with you, if I may say so. (But, while opposing the division, do you not to a certain extent, in your own Memorandum and in your Report, give effect to it?—If we take the definition we have given of education as a Provincial subject, we separate off certain institutions. That, of course, is a comparatively simple process as long as the class of institution is not too wide, and this is very limited in class.)

2382. What were the motives which made you suggest that separation?—The reason in the first case—that of the Benares Hindoo University—is that that does not belong to any Province.

2383. But it goes further than that. In the case of Bengal, for instance, for a period of five years you subject Provincial legislation to Indian legislation with regard to the whole control and organisation of education?—I was taking the points seriatim. I took the first point with regard to the All-India Universities. There is only one at present. Secondly, there is the question of the Chiefs' Colleges, which naturally goes with the work of the Central Government in relation to the Native States. Then there is the point which you mentioned with regard to Bengal. There we do not divide; we can hardly be said to divide the administration of education. We reserve legislation with regard to the Calcutta University, and with regard to the control and organisation of secondary education in Bengal to the Central Government to this extent, that the Provincial legislation on that subject must receive previous sanction, and that it is a subject on which in spite of any convention restricting the exercise by the Central Government of its power to legislate on Provincial subjects, on this part of education in Bengal the right of the Indian Legislature to legislate for a period of years is formally recognised. The reason for that is that there has been sitting

majority of their co-religionists, representatives returned by a general electorate will have to be radicals of an extreme character, so as to please Hindu politicians, while at the same time they will be thoroughly disliked by the Christians themselves.

The Imperial Legislative Council for India in the assembly which is responsible for all legislation affecting Indian Christians throughout India. We feel it a distinct grievance that Indian Christians who number more than four millions throughout India should have no representatives of their own to propose and discuss laws affecting them, while a much smaller community like the Sikhs which numbers about a million is allowed representation on the Imperial Council.

Another subject in which the community is profoundly interested is education. Thanks to the generosity of the various missionary bodies working in this country, Indian Christians have appreciated the blessings of English education and availed themselves of it in larger measure than the other communities. While others can boast of their number, their wealth, their prestige and their power, the only asset of which Indian Christians can be proud is the educational attainment which is the distinguishing characteristic of every grade of Indian Christian, and we are naturally extremely anxious that in the regime proposed education should not be handed over to a body which is inimical to our interests. In other words, we desire that primary education in particular, and generally education as a whole, should not be transferred to the hands of an Indian Minister, but should be reserved in the hands of the British. If education is to be transferred subject we consider it absolutely necessary that adequate safeguards should be provided for the protection and development of Christian education. Neither the Indian Christian nor the Anglo-Indian is likely to receive any encouragement or help from an Indian Minister. On the other hand, by the manipulation of curricula prepared for schools and colleges (for example, by introduction of Sanskrit or Arabic as a compulsory subject), by the introduction of a conscience clause, by the withholding or restriction of grants to Mission Schools, possibly by the denial of promotion to students from class to class and by the exclusion of Christians from public schools, and by other means which may hereafter be devised, we fear that it will be made as difficult as possible for Christians to obtain the blessings of education. Brahmin influence is even now so preponderant in the Department of Education and in the Legislative Assemblies that some of these methods have already been put in practice against Christians, and Mission schools do not always get a fair chance. When the British officer who now controls education is removed we fear, and we are informed that missionary bodies also entertain the fear, that Christian schools would be starved under one pretext or another and Christian education discouraged. We therefore pray that education, and particularly primary education, should not be "transferred" but "reserved."

We have been constrained to draw up this brief and hurried memorandum as three out of the five Indian Christian witnesses who have given evidence before the Joint Committee have consciously or unconsciously misrepresented the sense and wishes of the community. Mr. Chowryappah, who was the Treasurer of our Association before he left for England, is the only person who may be said to have conveyed more or less adequately the views of Madras Christians on the Reform Bill before the Houses of Parliament. Mr. Cheniah is a Brahmin convert to Christianity, was sent to England as a representative of the Hindu Andhra Association, mainly composed of Brahmins, and was in no sense a spokesman for Christians here. Messrs. Chakkarai and K. T. Paul, both of whom have made marriage alliances with Brahmin converts and who are therefore amenable to Brahmin influence, have given evidence which has filled our community with anxiety and alarm. Mr. Chakkarai was sent as a representative of the Madras Presidency Association, which was started at the instance of the Brahmins as a rival body to the non-Brahmin movement, commonly called the "Justice party." Mr. K. T. Paul, who was in England in connection with the Y.M.C.A., was asked by the All India Christian Conference to represent them, but he, like Mr. Chakkarai, is entirely out of touch with genuine Christian opinion in South India, and does not see eye to eye with them. We have regretfully to confess that both these gentlemen failed to emphasise the claim for communal representation, which is the main claim on which all Christians throughout India, with a few exceptions, are agreed, and to disown any statements they may have made in a representative capacity, and any pact or arrangement that they may have entered into on behalf of the community. We have just received a copy of Mr. Paul's evidence and a letter (a copy of which is sent herewith), and we have to conclude either that he has not received our letter of instructions or that, having received it, he has disregarded it and given expression to his own views which are diametrically opposed to those of the community. We wish, therefore, to place on record that the Indian Christian community here, and in the whole of India, will be satisfied with communal representation with separate electorates and nothing less.

We therefore pray that this brief memorandum sent in confirmation of the cable already despatched may be treated as the authentic pronouncement of organised and well-considered Indian Christian opinion, supplementing, where necessary, and correcting the evidence already given before the Committee by members of our community.

V. S. GNANAPRAGASAM,

*President, Indian Christian Association, Madras.*

J. R. SIVASUBRAMANIAM,

*Secretary, Indian Christian Association, Madras.*

M. D. DEVADOSS,

*Indian Christian Representative, Madras Legislative Council.*

*Madras, 18/10/1919.*