

Memoranda And Verbatim Reports
of the
Oral Evidences of —
Sir. John Maynard &
Lala Harkishen Lal.
Before. The Reforms
Enquiry Committee
1924.

MEMORANDA AND VERBATIM REPORTS

OF THE

ORAL EVIDENCES

OF

SIR JOHN MAYNARD

AND

LALA HARKISHEN LAL

BEFORE

THE REFORMS ENQUIRY COMMITTEE,

1924.

*Upon the Subject and Working of Dyarchy in Punjab,
together with some notes, remarks and
cross-references.*



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REMARKS.

On my return from a short trip to Europe about the latter half of last July, I received an invitation to give evidence before the Reforms Committee, which invitation was received and accepted before my return to Punjab. It was followed, before I had submitted my notes on the working of the Reforms Act 1919 with the intimation that 14th of August had been fixed for my oral examination before the Committee at Simla, and this was followed by one or two telegrams from the Secretary. My request in my letter of acceptance of invitation as to supply of certain Punjab papers was not accepted as papers were not in the possession of the Committee.

Both for want of time and in the absence of certain papers quite an unambitious statement covering a space of only two pages written in clear and the simplest language possible was attempted. This was the result of "review of one's observations, more than once made" rather than a summary from files, or a commentary on the Act of 1919 and of rules and Regulations made thereunder or as a criticism of the voluminous despatches and reports starting from Montagu-Chelmsford effort to the speeches of Lord Sinha and Mr. Montagu and the letters of instructions to Governors and the Governor-General and the covering letter of Mr. Montagu.

The perusal of all the documents appertaining to this reform, leave no doubt on the student's mind as to the mental struggle of the various functionaries *as to how not to let slip the powers from their hand* and still seem to be giving it up. This is the one generalisation that a mind unprejudiced by political predilections makes when he rises from the study of this very ingenious record written in masterly English.

My appearance at Simla before the Committee, and after a close study of what has appeared in the press I will as the result of examinations of witnesses and following the trend of inspired criticisms that have appeared in the *Pioneer* and the evidence of various witnesses and of the trend of criticism that has generally adorned the columns of the Anglo-Indian Press leave no doubt in my mind that the mind of the official and his friends has not yet been made up to relinquish any real power to the people of the country or their representative M. L. Cs. or M L.As., or higher than that to the Ministers. No real substantial instalment of the principal of the overdue debt has been attempted; India from the instalment of 1919 does not receive even the overdue interest. As my written and verbal statements frankly took up this position it was natural that again an effort is made of using words, and volume of words to cloud the atmosphere so that clear vision may be blurred.

Sir John Maynard, the *very reserved* colleague of mine, during my tenure of office, would now place all his wisdom at my disposal as to how a Minister ought to make his exit, but would not transfer to his colleague, my successors, a single department or to me his experience of adopting an attitude of resignation to fate or to the decrees of his department. Questioned by Sir Arthur Frocm he gave his opinion as under :—

Q.—One of the ex-Ministers of your province told the Committee—there is no reason why I should not give you his name, Mr. Harkishan Lal—that he was disappointed in his office and that he felt he was doing no good at all. Did he announce that to your knowledge to His Excellency the Governor or to the members of the Executive Council or did he announce that at any meeting?

A.—No.

Q.—He did not. He further added that he felt he was a square-peg in a round hole. That was what Mr. Harkishan Lal told the Committee. It is on record.

A.—Yes.

Q.—Would you suggest that it is the fault of the hole or the peg?

A.—My own impression was that Mr. Harkishan Lal was an excellent Minister. He did a great deal more than was expected in a short time. What I really thought about him was that he did not realise the enormous difficulties which stand in the way of any administrator doing a great deal in a very short time. He had 2 years and 8 months part of which was a time of financial stringency. I think he did not know how difficult it is to do anything. I am sure that you have to struggle; we who have experience of administration know that you have to struggle for years to achieve things. It would be extremely lucky if you manage in a long period to do anything worth doing. He expected to do more in a short time.

Q.—Perhaps he would come under the category of a Minister who expected to have autocratic power ?

A.—I think that was one expectation that he would have autocratic power.

(Sir Muhammad Shafi).—Q.—In your close co-operation with him, Sir John, as a member of the same Government, did you yourself come across anything to show that Mr. Harkishan Lal was a square peg in a round hole ?

A.—No. I did not. I thought he was an excellent Minister in his particular line.

Q.—Then we will put it down to his modesty ?

A.—Or to excessive expectation of the possibilities of achievement. That is what I would put it down to.

Q.—Coming to the question of finance, I take it that the absence of sufficient finance might be responsible for some of the disappointment that this Minister felt ?

A.—Yes ; I should say possibly some of it.

Q.—I do not mean especially in his department, but the finances of the Government generally ?

Now did Sir John while I was in office realise that here was a man who had worked along with his other countrymen to improve the lot of his people, to secure better justice, to effect more progress, to enable some, at least of his countrymen to earn their living by the use of the spade and chisel rather than the quill. Did he realise then that here was a man who had accepted office by saying good-bye to his life-long friends and co-workers with the single idea of proving that the reforms were something and would regret his acceptance office if he ultimately had to say to his people that the reform were nothing ? No better justice, no more progress ; no freer life is the song that one has to sing day and night after three years' company with Sir John Maynard in Lahore and Simla. All that Sir John Maynard can offer him is that "we have experience of administration know that you have struggle for years to achieve things. It would be extremely lucky if you manage in a long period to anything worth doing." So here you are India—you must wait as that is the experience of administrators ! Soul of Mussolini, Soul of Lloyd George ?

My words are brief but they are true and nothing but true : So help us God : (Forspeaking the truth God's protection seems to be always necessary.) Coming now to explain the reason why this pamphlet has been printed and is to be published is that on 21st October reading a summary of Sir John Maynard's evidence with a clean set out of correcting mis-statements made by me and mis-apprehensions created by me I had no choice but to offer myself again for oral evidence with relative papers : Permission to reappear has been refused, Punjab papers have not been attempted to be supplied ; but proof copies of Sir John's written and verbal evidence have been supplied which do contain several misdoings of the printers. These two documents cover a space 35 plus 65 foolscap papers and my own 2 plus 41. To review 35 plus 65 pages would be impossible in the time at my disposal and would complicate issues beyond reader's comprehension. Therefore I have no choice but to reprint these documents (for whose complete accuracy I cannot vouch) and confine myself to marginal notes and cross references noted on the margin. As to matters of fact it will be found that my reliance on my own memory is a truer index of accuracy than reliance on instructions based on files : As to opinions all I can say is that our view points are different. My view point being "Have we got it ?" Is it coming ? Sir John's view point being. "Has it gone ? Is it going ?" The eternal struggle between the gods and mortals.

Attention is also drawn to Appendix A reprinted here from the *Tribune* of 4th, 5th and 6th November 1924.

HARKISHAN LAL.

Notes on the Working of the Reforms Act, 1919.

I observed the following difficulties in the working of the Government of India Act, 1919, and rules thereunder :—

I. *The Punjab Council*—This Council has no party organisation on political or social basis but is divided into religious groups, with an under-current of urban and rural rivalry, exactly in proportion to the idea underlying the fixing of franchises.

II. The two Ministers were therefore appointed in 1921 as the representatives of the two leading communities, one a majority and the other a minority ; the third the Sikh community had to be satisfied with their representative in the Revenue Member of Government being a Sikh. These two Ministers at the time of appointment had not technically the representative character, but were appointed being prominent public men. The one Minister representing the majority gradually came to hold the position of a real representative of the most numerous section of the Council ; and thereby the position of the 2nd Minister became untenable and quite unreal ; and now a claim is being put forward that both the Ministers should in future be Mohammadans.

III. The opposition in the Council was originally on the basis of rival candidates for honours from the two communities which contributed the Ministers ; but gradually it was left in the hands of the Hindu Leader, as the Mohammadans consolidated, thus making Mohammadans a permanent party in power (more or less in alliance with the official block and the Hindus in permanent opposition, always in a minority ; with an ambition in several members of the Community to occupy positions on the right hand of the speaker.

IV. The Law as it stands provides no Cabinet Government ; there is no single policy, and no joint action in the administration ; and excepting for a desire to continue in office for working out the reforms or for lesser dignified motives, no Minister could hold office without the support of the official block, which amounts to a negation of responsible Government.

V. There have been at times as many as 5 Local Governments in the province of the Punjab. Governor of a province now has more powers than in pre-reform days, being less under supervision, direction and guidance of Governor-General on one side ; the Councils and the Ministers being powerless to check him on the other side. Further the Governor being solely responsible for services creates a somewhat undignified position for the members and Ministers.

VI. In financial matters the transferred subjects are entirely at the mercy of Finance Member, and of the Finance Secretary, or the Finance clerk whoever at the time may be exercising authority and using discretion ; and therefore transferred subjects are not likely to make much progress, which fact acts to the discomfiture of the Ministers in particular.

VII. Influence in the Council has been seen in proportion to the " patronage " that any member of the Government could put on his side.

VIII. The bifurcation of Provincial subjects into Reserved and Transferred has served no useful purpose ; and has prevented a more useful grouping ; and the members and the Ministers have not been in charge of the best that they could handle. The personnel on the two sides of Government has shown no distinguishing features and the treatment of subjects, by the Governors, by the Council and by the Secretaries has been on the same level and in the same style.

IX. There has been some time in power (as if he was a member of Government more powerful than any of the others) in the position of the Chief Secretary ; and the reservation of certain subjects specially for the Governor is a negation of the desire to develop responsible Government.

X. The Secretaries have enjoyed under the rules pre-eminence of the Governor, and on account of unavoidable frequent transfers proved of no material use to the inexperienced (?) Ministers. The Under-Secretary system of England might improve matters.

XI. It was also felt that the financial and legislative powers of the Local Government being limited, progress in matters of Tramways, Electricity Co-operative institutions and communications was much restricted.

XII. Some conflict of interest was noticed in Legislating about Tramways and Local option between the Government of India and the Local Government.

XIII. The communal basis of representation presented two other features requiring attention :—

(a) In both the Local and Central representations very large areas have to be canvassed and it is difficult for people to form any opinion about their candidates and the members could not be in touch with their constituencies ; and conflicting views could be put before the electors from different communal platforms.

(b) In the Central Councils, Provincial representation looks like communal rather than provincial.

XIV. The present system of dyarchy in the Local Governments and the selection of members of Government in the Central Government make it well high impossible for such Indian Members to represent public opinion or to be able to lead the same and further from this point of view their number is much too small.

XV. The financial arrangements of the Local and Central Governments, *i.e.*, provincialising of the rural revenues and centralising the urban revenues (the Income and Super-taxes) suggest very undesirable competition and rivalry ; and creation within the provinces of what may be called irresponsible functionaries such as railways and Income Tax collectorates.

XVI. It is felt that the present arrangements of services and the special privileges enjoyed by the Civil Service of India stand in the way of free development of responsible institutions ; and prevents experts handling some of the Scientific Departments.

XVII. Another bar to the development of responsibility is the fact that all resolutions are mere recommendations and their position with regard to transferred or reserved subjects is the same. The acceptance and carrying out of the resolutions depends on the Local Governments assisted or otherwise by the financial department.

XVIII. The working rules of the Punjab Government provide that the difference of opinion between members of Government and the heads of departments has to be referred to the Governor and when differing from Heads of Departments members of Government are to write suggestions and not orders.

The Reforms Enquiry Committee met at 10-30
A. M. on Thursday the 14th August, 1924.
The Hon'ble Sir Alexander Muddiman
presiding.

Lala HARKISHEN LAL was called and examined
(in public).

By the President

- 1 Q. You were a member of the first Reformed Council of the Punjab? The Ministry
- A. I was a member of that Council.
- 2 Q. And you were a Minister also?
- A. Yes.
- 3 Q. How long did you hold Office?
- A. 34 months, less 3 days.
- 4 Q. What Departments were you in charge?
- A. I was in charge of Agriculture, Industries, and Industrial Education Excise Libraries, and Museums, Public Works, Weights and Measures, part of Electricity, Civil Veterinary, Co-operation, Fisheries and adulterated of foodstuffs.
- 5 Q. Who was your colleague in the Ministry during your period of office?
- A. Mian Fazil-i-Hussain.
- 6 Q. There was only one other Minister and he was a Muhammadan gentleman?
- A. Yes.
- 7 Q. Would you look at paragraph 2 of your memorandum? Communal parties and representation.
The effect of paragraph 2, as I understand it, is that one Minister, the Muhammadan Minister, carried the whole position as representing the majority of the Council. Is that your point?
- A. Well, he was more influential in the Council, but I do not say that he carried the whole position. I do not understand what is meant by "the whole position".
- 8 Q. He had more influence owing to the fact that he had more votes on his side?
- A. Yes.
- 9 Q. From the constitution of the Punjab Council I see that there are 20 Non-Muhammadans, 32 Muhammadans and 12 Sikhs?
- A. Yes.

- 10 Q. Special seats, 4 landholders. How were those seats held ?
- A. Landlords are again subdivided into 2 Muhammadans, 1 Hindu and 1 Sikh.
- 11 Q. Who was the University candidate ?
- A. He was a Hindu.
- 12 Q. And Commerce and Industry had 2 ?
- A. Only one. Commerce and Industry had one seat and the Delhi Chamber of Commerce had one. The Commerce and Industry seat was held by a Hindu and the Delhi Chamber of Commerce seat by a European.
- 13 Q. So, if you count the seats in that way, the Muhammadans had a majority? If you take non-Muhammadan votes together, it was equivalent to Muhammadan votes?
- A. Roughly, yes.
- 14 Q. Am I right in thinking that one of the greatest difficulties in the Punjab is this communal question ?
- A. Yes, that is one of the great difficulties on the popular side.
- 15 Q. Even in Council, reliance was made on practically communal lines ?
- A. More or less they did.
- 16 Q. Do you think that is a great obstacle to further advance?
- A. That is so.
- 17 Q. Can you suggest any way in which it can be met?
- A. The only way that I can suggest is to do away with the evil. I think communal representation is an evil, and it ought to be done away with.
- 18 Q. What would be the effect of that in the Punjab?
- A. The effect would be that people would think more of the province than of their communities and would work more in the interests of the whole rather than of the parts.
- 19 Q. Don't you think that you would get a Council on the same lines if you abolish these electorates?
- A. Not exactly in the same proportion. The numbers will vary somewhat, sometimes in favour of Muhammadans, sometimes in favour of Hindus, and some times in favour of Sikhs.
- 20 Q. The total population of the Punjab is 55 per cent. Muhammadan?
- A. Yes.

21 Q. And the actual representation now provided by this communal representation is rather less than that?

A. It is a fraction less.

For the President. I have been since informed that the present populations are Muhammadans 51, Hindus 37; Sikhs, 12.

22 Q. Is it 45 to 55?

A. Yes, you may be correct.

23 Q. And you don't think that if you had general electorates, the majority will make their voice felt? That you will get a majority of Muhammadans?

A. Possibly sometimes, but not always.

24 Q. And you think that the abolition of communal electorates will do something to bring the people together?

A. I think that the Municipal questions, political questions and social questions will receive more attention and will be better dealt with than mere communal questions.

25 Q. You are very familiar of course with the Punjab. How do you think your suggestion will be received by the Muhammadans in the Punjab?

A. Some of the Muhammadans won't like it to begin with, but, we have to remember that they are in the majority, and they should not claim the privileges of the minority there. The trend of the Muhammadan mind in the Punjab seems to be as if they were a doomed minority even wherein they are in a majority.

26 Q. You don't agree with that?

A. I don't agree with that at all.

27 Q. You are not afraid of their getting more representation?

A. Even if they did, I don't think that would matter very much.

28 Q. You would not mind if they got all the seats?

A. I do not mind and we did not even when they were the rulers of the Punjab.

29 Q. Would you like them as rulers again?

A. I don't mind that at all.

30 Q. You say in paragraph 4 of your memorandum "The law as it stands provides no Cabinet Government". I do not quite understand what you mean by that. Of course it does not provide any Cabinet Government in the sense of responsible Government. There are two halves of the Government?

A. Yes.

Cabinet Government.

- 31 Q. When you say that there is no Cabinet Government, you mean that the law makes no provision for joint consultation?
- A. The law, and to a very large extent, practice; both.
- 32 Q. There is nothing in the law which prevents joint consultation?
- A. There is a great deal absent in the law. It makes no provision. Law is after all a restrictive measure. Lots of things are however done over and above law. But there is no Cabinet Government and the whole thing rests with the Governor, and unfortunately the Governors are in this matter led by the letter of the law.
- 33 Q. My question was this. The Government of India Act as it stands contains no provision prohibiting joint consultation?
- A. It does not.
- 34 Q. The Joint Committee report inculcated joint consultation?
- A. It said something about it.
- 35 Q. It strongly advised it?
- A. The words may be interpreted in any way.
- 36 Q. Certainly it did not discourage it?
- A. It did not discourage it.
- 37 Q. What Joint consultation actually followed in your province?
- A. Sometimes we did meet for a trifle, sometimes for important matters, but there was no regular policy of Cabinet Joint consultation.
- 38 Q. You consulted, of course, your brother Minister?
- A. No I did not.
- 39 Q. Don't you think it desirable?
- A. I was told that the reading of the law was that each Minister stood on his own. Whenever I protested to the Governor that we ought to have cabinet meetings and we ought to have at any rate principles of policy and principles of legislation discussed, I received no encouragement from him, but I was told on the contrary that the Governor's reading of the law was that each Minister had his own responsibility.
- 40 Q. You were in thorough sympathy with your brother Minister?
- A. I had sympathy with his social life.
- 41 Q. With his political views?
- A. No. To some of his political views I objected very strongly.

Sir J. M. says there was no consultation in two cases viz (a) re-colleges (b) re-municipalities vide Q. A. 13.

Sir J. M. says "Ministers consulted informally" 81 A. See also my noting on Town Improvement file.

42 Q. You would have found it rather difficult to have had joint consultation with him.

A. Well, if the law provided or the Governor called us together, we would have discussed. I don't think we would have cut each other's throats or fallen on each other's necks.

43 Q. I am not suggesting that.

A. We would have discussed matters in a friendly way and put our views before the Governor; sometimes one would have won and sometimes the other.

44 Q. But you have not that feeling which must exist in an English Cabinet, that the policy of the one is the policy of the whole and that when you cannot agree with the policy, you go.

A. I have heard that. I have never been in the Cabinet myself but I have heard that that is a fact.

45 Q. If that were the general position, could you have held office with your colleague?

A. Very likely not if it was likely that the Governor always sided with him, because, then, I would certainly have resigned.

46 Q. My question is this. Assuming that you were both members of the Cabinet?

A. Well, if the point then arose, in this way certainly we would have parted company.

47 Q. I do not quite understand your statement in paragraph 5 that "the Governor is solely responsible for the Services". What do you mean by that?

The Services

A. Well, his letter of instruction chiefly laid down that he is to look after the services and practically the whole power rested with him.

48 Q. May I read to you the instructions on the point? "To safeguard all members of our Services employed in the said Presidency in the legitimate exercise of their functions, and in the enjoyment of all recognised rights and privileges, and to see that your Government order all things justly and reasonably in their regard and that due obedience is paid to all just and reasonable orders and diligence shown in their execution".

That is the actual paragraph. Do you object to that?

A. I do not really object to the whole, unless Ministers really have some power over the services, they cannot carry on.

49 Q. Would you not allow the Governor any power of safeguard?

A. I would allow him, for a time a certain power of appeal, but not very much more than that.

Appointments.

Financial Commissioners appointments being my secretaries made without reference to me.

2. Principal of agricultural college appointed against my advice.

3. Beasley's appointment as Director of Industries: verbal questions of the Chief Secretary.

4. Jacob's appointment as Director of Agriculture divined by me from papers.

50 Q. It does not go beyond saying that he should see that they are being treated justly?

A. So far as these words may go, but as a matter of fact, appointments, transfers, promotions, leaves, all were in his hands and as a matter of fact sometimes an appointment was made in my departments without my knowledge, without my concurrence and without any enquiry from me. In one case the man thus appointed never even called on me. I came to have knowledge about him from some signature that appeared on the papers submitted to me.

51 Q. What I am now on is the question of protection of the services. I shall come to the administration side in a minute. I ask you whether you object to these powers in the Instructions?

A. I should think that the Ministers will protect the services as much as anybody else.

52 Q. You think they are unnecessary?

A. Yes.

Finance Department.

53 Q. You say in para 6 of your memorandum, "In financial matters the transferred subjects are entirely at the mercy of the Finance Member, and of the Finance Secretary or the Finance Clerk." Financial powers in regard to your Government come in two ways. First of all, there is the allocation between the transferred and the reserved subjects. Have you any complaint about that?

A. It was never done.

54 Q. You have no complaint then?

A. Allocation never was made.

55 Q. It must have been done?

A. No allocation between the two sections. The revenues divided into two parts—that was never done.

56 Q. There was no separate purse.

A. The joint purse was not partitioned.

57 Q. But did you have any trouble in settling between yourselves how much money was to go to the reserved side and how much to the transferred side?

A. A great deal.

58 Q. How was it decided?

A. It was always decided against the transferred departments and we never really sat down to do

Sir John makes no reference to me.

Sir John on 18th March 1923 says "and yet we have cut down development"

any allocation. There was never really any occasion to divide the two purses or really to get some money. Once in last budget of my time they told us that we will get so much money, and when they were allocated to our heads of departments, without any further discussion or our knowledge it was removed and taken away.

59 Q. Under rule 31 the allocation is a matter of agreement?

A. The allocation may be matter of agreement or a matter of settlement by the Governor.

60 Q. Did you dispose of it by agreement or did the Governor settle it?

A. But we never came to that.

61 Q. You knew the rule?

A. We never got any money specifically—so much for your department, so much for another man's department, so much for another man's department—we never got to that.

62 Q. May I read the rule to you? "Expenditure for the purpose of the administration of both reserved and transferred subjects shall, in the first instance, be a charge on the general revenues and balances of each province, and the framing of proposals for expenditure in regard to transferred and reserved subjects will be a matter for agreement between that part of the Government which is responsible for the administration of transferred subjects and that part of the Government which is responsible for the administration of reserved subjects".

A. It never came to that. We never read that rule.

63 Q. You never used it?

A. We did not know that there was any such thing.

64 Q. You were never aware of that rule?

A. From my studies I was aware of it, but not as a Minister. It never came really to be exercised.

65 Q. Surely you would have drawn attention of the Governor to that rule?

A. I did draw his attention on much smaller matters and was never always helped. When I found that the smaller matters could not go through I could not go for the bigger ones.

66 Q. I should have thought that the bigger matter is a thing you could have made a fuss over.

A. Next time I will take that advice. We never sat down together in which it was said. "We want so much money for the Police, so much for the jails,

so much for industries and so on". We never came to that.

- 67 Q. Why did you not come to that.
A. Well, because we found that there was nothing.
- 68 Q. There was no money?
A. There was money sometimes; no money at other times, and as a matter of fact, when we sent up small proposals they were turned down and there was an end of the matter.
- 69 Q. What kind of small proposals?
A. For example, a man wanted to go in the Public Works Department on leave and study.
- 70 Q. Not financial?
A. It is financial and I had to find him £ 60 or 70 only to study cement in England. I was turned down.
- 71 Q. On what ground.
A. On the ground that it will not be useful.
- 72 Q. You had to refer this to the Finance Department?
A. Yes.
- Vide S J's A. 400 73 Q. And they said that the rules did not allow it?
A. They said that it was not useful, and they thought that the Minister was wrong in his opinion. Not only once but several times they said that, and that is why I have used the language that sometimes we were at the discretion of the clerk. I have said that deliberately. If the clerk put down a note that this was not a useful project, we were faced with this advice of the Finance Department. Sometimes the Finance Department actually claimed that they were in a position to advise us. We were the advisers of the Governor and they were our advisers.
- Vide Sir J's A 228, A 400 74 Q. But you were aware that the Finance Department had no power under the rule?
A. All I could do was to send up the case to the Governor and I actually did it in some cases and the clerks in the Finance Department said that I had started crying
- 75 Q. That did not deter you from going on I am sure with your opposition?
A. I did send up papers when they came to me to the Governor. Sometimes he thought he should help me and sometimes he said no.
- 76 Q. Generally he supported you?
A. I did not say generally.
- 77 Q. He did not generally support you?

- A. Sometimes he did the one and sometimes the other.
I have not taken an average.
- 78 Q. On the whole you can form a general impression on a thing like that?
- A. I think that sometimes of course he did support me and sometimes he did not.
- 79 Q. You cannot take it further than that?
- A. No.
- 80 Q. You are perfectly aware when you say that the Finance Department had the power they could not over-rule you but if you could be over-ruled it was not by the Finance Department?
- A. Well, it was by the Finance Department in the sense that they claimed and we all took it that their word was the last word. Sometimes I appealed and petitioned the Governor, sometimes with effect and sometimes with no effect.
- 81 Q. It is not a question of petitioning. It is a question of asserting your right?
- A. I actually used these words in one case.
- 82 Q. Then you agree with me as to the position. I am not talking as to the effect of what happened. I am trying to get at the position.
- A. That was the position in which we worked. I have explained that, that the Finance Department over-ruled us in many ways, at any rate over-ruled me.
- 83 Q. Would you favour a separate purse as a remedy for that?
- A. I would prefer only one Cabinet. There is no question of separate purses for the two sections. I want a joint and one Government.
- 84 Q. It must be unitary Government?
- A. Yes.
- 85 Q. And therefore a separate purse will be of no use to you.
- A. No.
- 86 Q. Para 7 of your note is rather curious. You say "Influence in the Council has been seen in proportion to the 'patronage' that any member of the Government could put on his side." When you say a member of the Government you mean the Minister or a Member of the Government?
- A. I mean both. That is the word used in the Act, 'Member of Government'.
- 87 Q. What class of patronage do you refer to?
- A. Patronage of appointments, patronage of being appointed honorary magistrates, patronage of getting water concessions, all sorts of things you know which the Government has the power to do.

Sir J. M. advocates joint responsibility
Q. A. 340 vide also his views on Dyarchy and unitary Govt. Q. 279 et seq

Patronage.

Sir Muhammad Shafi:—Titles ?

- A. Titles also. I do not complain about titles as Mr. Kelkar did. I got titles for some of my friends.
- 88 Q. You had no difficulty about the honours question ?
- A. Well, I had no difficulty.
- 89 Q. You got your recommendations through ?
- A. My secretary consulted me and I suggested some names to him and they were got through.
- 90 Q. When you speak about the influence in the Council of a service Member, do you think that he got any vote by his appointment of honorary magistrates ?
- A. The Irrigation Department had a great deal more influence than the Public Works Department and Roads Departments.
- 91 Q. Do you think they used their official powers ?
- A. Sometimes they did.
- 92 Q. You did yourself
- A. I could not because I was always in a minority and never thought that I could command any majority, and I had only reads to make and nothing else.
- 93 Q. If you had any influence you would not have used ?
- A. From point of view of higher politics it would have been very bad to use that.
- 94 Q. But as a man of the world do you regard the use of that as legitimate or not?
- A. People would not give their votes in my favour if I had the influence without my first using the influence. That is the position.
- 95 Q. But you would have used it if you had the influence ?
- A. If I had the influence in some way it might have been used.
- 96 Q. I should like to have that point clear that the Government on the transferred and reserved sides used their influence in this way. Has there been any deliberate attempt at appointment with the object of influencing votes in the Council ?
- A. I did not say appointments. I did not mention appointments, but still the expectation of appointments also would have acted and did act, but I did not say exactly appointments were made to get votes. But I do know that promises were held out of titles.
- 97 Q. You would not say that there was a prostitution of appointments ?
- A. No, no. We are more honourable people than that.
- 98 Q. Were they actually sold ?
- A. I think it is the barter stage. It is not really the stage of selling for so much money. It is barter.

You do sometimes favour to me and I will do sometimes to you. Without putting any actual value on the two sides.

- 99 Q It is an exchange.....
 A. Exchange of commodities.
- 100 Q. You object to the position of the Chief Secretary?
 A. I do.
- 101 Q. On what ground?
 A. On the ground that he is neither responsible nor irresponsible. Still he is the fifth Member.
- 102 Q. I think he works with a Member just as any other Secretary.
 A. He works generally only with the Governor.
- 103 Q. The Governor is his member?
 A. The Governor may be said to be his member or he may be himself a member going to the Governor in the same way as the other members did.
- 104 Q. He did not vote in the Executive Council?
 A. No.
- 105 Q. Nor at your joint meetings?
 A. No. If there was a Cabinet meeting and if he was present he simply took down orders. He did not vote.
- 106 Q. Then you can hardly say that he was a member of Government more powerful than any of the others?
 A. At the time of writing my notes I was not thinking of the Cabinet meetings which I said were practically
I was thinking of the actual power in some department he had. In certain departments, for example, the appointments, the Chief Secretary practically had the whole thing in his hands.
- 107 Q Do you say that because of his experience and knowledge as a permanent official or is it due to any other reason?
 A. Experience and knowledge is a thing that I have not understood from my experience of the Secretariat, because we had about 5 or 6 Chief Secretaries during the time I was there. The experience as such would be very limited, if there was any.
- 108 Q. Then he must be a powerful official to have a predominating influence?
 A. When a man comes in and he finds that he has the power he uses it. He has experience of the use of power.
- 109 Q. You say that there had been 5 or 6 changes of appointments. Then it is very creditable to have attained a predominant position in a short time.
 A. The predominant position did not come from him.

Chief Secretary.

It came because that was the fashion and he had the papers of a certain department and he used them.

110 Q. He disposed of them under the orders of his member, the Governor?

A. A few papers he might have taken to one of the Members possibly of a certain department.

111 Q. In substance your complaint is this that he had too much power?

A. That is my complaint.

112 Q. There is no personal complaint.

A. No personal complaint at all; they were all my friends and I should like to keep friendly with them now.

113 Q. In paragraph 10 you say that the Secretaries have enjoyed under the rules pre-audience of the Governor. What do you mean by pre-audience.

A. We had fixed days for seeing the Governor. The Secretary went first and the Minister went afterwards.

114 Q. You do not like that?

A. I do not like the Secretary to go to the Governor at all.

115 Q. You would like to take all your cases yourself?

A. I should like to take the whole responsibility.

116 Q. Would you allow the Secretary on the reserved side to go to the Governor?

A. On both sides I would not allow the Secretary to go to the Governor if my opinion were asked.

117 Q. Then there would be a great deal of work for the Member?

A. I do not think so.

118 Q. The practice seems to be that cases are taken by the Secretary in the same way as the Member would do. You do not like that any way?

A. I do not know what the practice of the Government of India is, but in the Punjab the practice was like this. A file was waiting on my table. The Secretary was instructing the Governor. Then I took the file and the Governor knew all about it and he had formed an opinion before I took the papers to him.

119 Q. His knowing all about the case would be an advantage. What is your objection to it?

A. I do not know whether it would be an advantage or a disadvantage. It all depends on the way how it is put to him.

120 Q. I quite agree that if he had formed an opinion it would prejudice your case, but if he knew the facts it

Pre-audience.

Sir John admits
"all sorts of lapses"
A 238.

Vide Sir J's A A
381, 383

would be a great advantage ; and it would tend to save much of your time ?

- A. I do not know that we were so much pressed for time that we could not really explain cases.
- 121 Q. You would have preferred to have done it yourself ?
- A. I should think so if I was responsible for the thing.
- 122 Q. You say in paragraph X that the Under Secretary system of England might improve matters. What do you understand by the Under Secretary system ?
- A. I understand two things. One is that they are men of experience as they stand in the office for a long time and secondly that they are Secretary to Ministers.
- 123 Q. You mean the Permanent Under Secretary, and not the Parliamentary Under Secretary ?
- A. Yes I mean the Permanent Under Secretary and not the Parliamentary Under Secretary. They are useful to the members in giving information at least with regard to the history of the cases. But so far as my experience went in the Punjab in one section of my department five were changed in 34 months. You can easily understand this. This was apart from the Chief Secretary in another department. You can see how much help they would have given me. They were as new, if not newer than I was to the cases.
- 124 Q. You found that as a matter of fact that you got no assistance from them ?
- A. I got no assistance,
- 125 Q. It was not due to men but to the change ?
- A. The men were excellent ; I do not object to the men.
- 126 Q. What is the other point about Under Secretaries ?
- A. The other is duplication and triplication of notes. The clerk or the Superintendent wrote the note first. Then it came to an Under Secretary of some kind who wrote a note. Then the Secretary wrote a note and then it came to the Minister.
- 127 Q. And then you wrote a note ?
- A. No : the Minister had to read three notes ; and found that the first note was really the best.
- 128 Q. But surely it was a matter within your discretion to say that you did not want any noting except the clerk's note.
- A. Then the appointments would not be justified ; they must do something.
- 129 Q. You think it would be sufficient for a Minister to have a clerical establishment and no superior staff ?

Under Secretaries-

A. No, I do not say that. I go up to the point of a Permanent Under Secretary. He would not be a mere clerk—He would be an experienced man and he would note on the history of the cases, including the policy of the former Ministers or the preceding Minister or of the Governors, and he will be able to enlighten the Minister on all such points.

Constituencies.

130 Q. That is all you want?

A. That is all I would want if I was there again.

131 Q. In paragraph XIII one of your objections to the present distribution of constituencies is that they are very large?

A. That is so: constituencies are very big ones

132 Q. Have you considered whether the Punjab as a whole is not too big?

A. It is too big and it has been made bigger by communal distribution. The maximum is Muhammadans 32 or 30. The Punjab is to be divided into 32 parts for them. Then for the Hindus it is divided into bigger parts *i.e.*, in 20 and for the Sikhs it is divided into still bigger parts in the form of 12 sections. If all were combined the whole thing will be divided into compartments. That would certainly be an advantage for canvassing and it would be an advantage for personal touch.

133 Q. Could you tell me whether the Punjab is so arranged that certain parts are inhabited by Sikhs, certain parts by Muhammadans, and certain other parts by Hindus?

A. More or less there seems to be concentration of population in one district consisting of more people of one community than another.

134 Q. What about territorial division for Muhammadans?

A. The province is divided on the territorial basis. But some times where the population is small the area is big and the result is that members have to canvass two men in one village and 3 men in another village 10 miles away and perhaps 50 miles away he has to go and see a few friends. That makes the case worse.

135 Q. It makes canvassing rather

A. It makes canvassing very

136 Q. What constituency did you

A. I represented Commerce &

137 Q. It was easy for canvassing

A. Yes. It was easy.

- 138 Q. Why do you say, Mr. Harkishan Lal, that provincial representation looks like communal representation in the central council?
- A. So far as I have been reading the newspapers, I never heard that Madrasees or Punjabees or U. P. men as such held a meeting to put the views of Madras or the Punjab or the U. P. on a particular question. So far as the Punjab is concerned, generally it seemed to me that as Punjabees they never met and as Punjabees they never voted together; as Punjabees they never had a policy or had an idea or a scheme.
- 139 Q. Has it ever occurred to you that a province might suitably be represented in the Imperial Council not by direct election but by election by the provincial council so as to ensure that the representatives in the central council represent the majority in the local council? That is my point.
- A. That would be one way and a much easier way. But that would be against the popular idea of Europe which we are following and imitating in every respect.
- 140 Q. Do you follow or imitate those ideas in every respect?
- A. I believe in the newest machinery : in the newest and the latest machinery both in politics and in industries.
- 141 Q. We had that system during the Minto Morley Reforms and that was given up by the new Act.
- A. Quite so.
- 142 Q. Sometimes you go back on that?
- A. I think the Government of India has been going back a great deal sometimes. I do not know about others.
- 143 Q. You are not personally going back?
- A. No.
- 144 Q. In paragraph XV you suggest that railways should be provincial. I do not quite follow that.
- A. No. I do not say exactly the whole thing should be provincial now. Perhaps it is not possible. But certain sections or certain departments of the railway should certainly be provincialised, for example, the traffic.
- 145 Q. The traffic staff or the actual traffic?
- A. The traffic staff in a way, the traffic arrangements, the traffic complaints and the traffic requirements of the province and so forth. It may not be quite

possible to provincialise railways because railways run through several provinces generally.....one system; but if it could really be divided into provincial compartments, that would certainly be a good thing.

146 Q: Do you mean more than this that local complaints should be attended to locally?

A. Yes, there is no other way

147 Q. Do you mean more than that?

A. I mean more than that certainly. If certain departments of the railway know that they are under the local responsible Government their whole tenure and behaviour would be different.

148 Q. It would be rather difficult; won't it, to have double control over one staff?

A. Well, I think that may be tried as a diarchy.

149 Q. Are you in favour of diarchy?

A. I am against diarchy. It may however be tried in railways.

Income tax.

150 Q. About Income Tax do you think that it should be collected by local officials?

A. Income Tax, so far as the department goes, not the actual incidence of the tax, ought to be left to the local Government.

151 Q. They should collect the money for you?

A. Yes.

152 Q. You do not like the new Imperial Income Tax arrangement?

A. Collecting money implies supervision of the staff and the appointment of the staff. It does imply that. That is one way of looking at it. Another way is that this division of revenue into separate sections would create trouble because I have heard in the Punjab Council people saying that the towns people don't pay any thing and the whole revenue is paid by the agriculturists, because when he looks at the budget, he does not find any thing really substantial excepting excise perhaps being paid by the towns people

153 Q. You pay income tax but it does not appear in the account?

A. No.

154 Q. I want to know whether you object to this arrangement which has been regarded as a reform that the income tax staff should be a central staff and there should no longer be an agency for collecting it?

- A. But I do not think that much improvements have been made as yet by the central staff.
- 155 Q. You object to the central staff?
- A. I object.
- 156 Q. In paragraph XVI you refer to special privileges enjoyed by the civil service. What are the special privileges?
- Privileges Civil Service.
- A. The special privilege to begin with is that they are entitled to be Governors, that they are entitled to be members of council.
- 157 Q. Not entitled. They may be appointed Governors?
- A. I think they say that they are entitled. The practice seems to be so.
- 158 Q. Can you give me any such instance in the case of the Governors of the Bombay, Madras, or Bengal Presidencies?
- A. Everybody knows that those three appointments have for a long time been filled from outside. I am talking more or less with reference to the provinces like my own.
- 159 Q. There is no special qualification as regards the Civilian but such special qualification is common to the members of other services of the Crown?
- A. So far as that goes, the words used are that they must have been for so many years in the public services. I do not know whether anybody has ever acted on that law.
- 160 Q. Do you remember Sir Thomas Holland?
- A. I do remember him.
- 161 Q. He was not a Civilian?
- A. He was a Geologist.
- 162 Q. Then he was appointed under that clause?
- A. Yes and he had to go. (Laughter).
- 163 Q. May I give you another instance in the Government of India. You know the Honourable Sir Bhupendra Nath Mitra?
- A. I do not know him.
- 164 Q. He was not a Civilian?
- A. No.
- 165 Q. He is a Member of the Viceroy's Executive Council?
- A. Yes.
- 166 Q. He was also appointed under that clause?
- A. Very likely that is the reason. But there is something else also and that is that an Indian had to get in. So far as he is concerned there was not one thing only but there were two things. In this case an Indian had to be found in the service.

167 Q. But I am only contesting your suggestion that these high posts are the special privilege of the Civilians?

A. But these forced exceptions do really prove the rule. I say that the Honourable Sir Bhupendranath Mitra is a forced exception and not a willing exception. That is how I would interpret it.

168 Q. You will not still agree with me that the appointments such as of Governors and Members of the Executive Council are not reserved for the Civilians only?

A. Technically they are not reserved. But so far as the Civil Service cadre is concerned the position is quite different. I think there is some provision to that effect in Schedule III. I shall just find out whether that schedule gives some privileges to them or not.

169 Q. Would you show me anything in the Schedule with reference to the Governors or the Executive Councillors? You can take it from me that there is no reference there to a Governor or a Member of the Executive Council.

A. Certainly I will take it from you.

Resolutions and their effect.

170 Q. With regard to paragraph XVII I suppose you are aware that resolutions in the House of Commons are more recommendations.

A. Yes, but they are recommendations to people who are removeable?

171 Q. That is exactly the point. Therefore a recommendation to a Minister is exactly on the same footing. A resolution on the transferred side is exactly on the same footing as a resolution in the House of Commons, that is to say if the Minister fails to carry it out or is defeated over an important resolution he has to go?

A. The analogy is not quite correct because the analogy of the Members and the Ministers in India is not the same as in England.

172 Q. In regard to the transferred subjects the analogy is complete?

Vide Sir J's A 97

A. The analogy is not quite complete even there because the local Government is not defined as a Minister. The Local Government is defined as a Minister and the Governor. The Minister as such has no power to carry out a resolution because our resolutions more or less have to be carried out by the local Government and the local Government is the Governor. As a matter of fact I know that some

resolutions could not be carried out after they had been passed, though the Minister might have been the most willing individual to carry them out.

- 173 Q. You mean to say important resolutions ?
 A. The Council considers all the resolutions important when it passes them.
- 174 Q. Did the Minister also consider them important ?
 A. On the contrary the Minister was responsible for their policy but he could not carry them out. There have been cases of that kind.
- 175 Q. In that case the remedy is for the Minister to resign ?
 A. The Minister did resign. As a matter of fact you may know that I resigned three times. So I applied that remedy several times but it was unfortunately ineffective.
- 176 Q. Your resignation was inoperative ?
 A. It was not accepted

By the Honourable Sir MUHAMMAD SHAFI.

- 177 Q. There is a non-Muslim majority in the Punjab Legislative Council taken as a whole ?
 A. Yes if you take the official block also into consideration.
- 178 Q. You have said in para. V of your Memorandum that there have been at times as many as five local Governments in the province of the Punjab. Will you kindly explain what you mean by that ?
 A. Four Members and the fifth the Chief Secretary.
 (Laughter)
- 179 Q. (Chairman.) You do not include the Governor ?
 A. The Governor is above criticism like the King.
- 180 Q. You said in reply to the Chairman that the real solution of the existing unfortunate position in the Punjab is that communal representation should be put an end to because it is unequal.
 A. Yes, I said that.
- 181 Q. Let me take you back to a certain number of years. You will remember that in 1909 when the Morley-Minto Reforms were introduced there were five electorates on the Punjab Legislative Council
 A. I do not remember but very likely you are right.
- 182 Q. Because to my knowledge you played a very important part in those elections. Therefore I am going to remind you. There were five elected members in the Punjab Council returned by the three groups known as Eastern Municipal, Central Municipal and the Western Municipal, the University and the Commerce.

Five Governments.

Communal Representation and mixed Electorates

- A. Very likely there were five.
- 183 Q. And these were all mixed electorates ?
- A. If they were municipal groups, then they were certainly mixed.
- 184 Q. Do you remember that on the day of the nomination of candidates in the first instance in all these three municipal groups a number of Muhammadan as well as a number of Hindu candidates were nominated ?
- A. I do not remember that but I think you are very likely right.
- 185 Q. At any rate do you remember that on the final day of election each of these three constituencies offered one Hindu candidate except one and every Muhammadan candidate withdrew except one and therefore the final contest was between a single Hindu and a single Muhammadan candidate ?
- A. I do not remember it but that is also very likely true.
- 186 Q. Let me remind you of something else. You will remember that the final counting took place in the Lawrence Hall and you were present there.
- A. Yes.
- 187 Q. Do you remember now that in each constituency the contest was between a single Hindu and a single Muhammadan ?
- A. I do not remember that. But I remember that I was there and I also remember the part the then Chief Secretary played.
- 188 Q. Do you remember that the Punjab Hindu Sabha in every one of those three constituencies took up its Hindu candidate and the Punjab Muslim League took up its Muhammadan candidate ?
- A. I do not remember that because I was a member of neither. I do not remember the details at all of that contest.
- 189 Q. Don't you consider that on the final polling day the contest really became a contest between two communities and not the two individuals ?
- A. No. I do not think so because so far as I am concerned I was very strenuously opposed by Shadi Lal all the time and Shadi Lal and I have the same religion.
- 190 Q. But you were not a candidate at all ?
- A. Was not I a candidate ? Don't you remember that I had to appeal.
- 191 Q. Not in the three Municipal electorates ?
- A. You have also mentioned the University. I was a

candidate from the University and as you know University is also a mixed electorate ?

192 Q. Excuse me, you were not a candidate from the University in the 1909 elections ?

A. In the 1909 election I was a candidate from the University for the Local Council and I was further a candidate or was supposed to be a candidate for the Imperial Council.

193 Q. I am not speaking of the Imperial Council ; I am speaking of the Punjab Council. Let me remind you that from the University election for the Punjab Council you were not a candidate and Shadi Lal was the only candidate ?

A. I was a candidate and I did not withdraw. The Registrar gave a decision against me. I appealed and we both Hindus had a good contest.

194 Q. Are you speaking of 1912 or 1909 ?

A. I am speaking of 1909, Sir. The fact of the matter is that partly your memory is correct and partly my memory is correct. So far as the University is concerned my memory is correct and so far as the municipal groups are concerned very likely your memory is correct.

195 Q. Let us put aside the University for the present. My questions are with regard to the three municipal groups. There you admit that in the end there was a contest between a single Hindu candidate and a single Muhammadan candidate ?

A. I do not admit anything because I do not remember.

196 Q. But you said probably this was so ?

A. If this is an admission in law, then certainly I admitted it.

197 Q. Is it your opinion that mixed electorates furnish periodically recurring causes of friction between the two communities and therefore are injurious to the cause of Hindu-Muslim unity.

A. I do not think any very strong friction has ever been created. It may have been on occasions. But the Hindus and the Muhammadans as such have never felt that they are opposed to each other.

198 Q. In the constitution of the Punjab University there is such a thing as a graduates electorate. Is not that a mixed electorate ?

A. Yes it is a mixed electorate.

199 Q. How long has that electorate been in existence ?

A. I should think about 12 to 14 years.

200 Q. May I ask as far as you know during these 12 years

has a single Muhammadan been elected by the graduates to the electorate of the Punjab University?

- A. So far as I know hardly any Musalman candidate offered himself.
- 201 Q. What do you think is the reason of that?
- A. They thought they could not command the respect and the influence necessary.
- 202 Q. Is it or is it not a fact that the overwhelming majority of voters in the electorate are Hindus?
- A. Certainly.
- 203 Q. In your opinion the present Hindu-Muhammadan situation in the Punjab is due only to this Shudhi movement and nothing else?
- A. Let us understand what the situation is. Many people generalise too quickly, and I might, apart from the evidence, mention this, that in London some Members of Parliament were under a wrong impression, and I asked them to reckon up the incidents they had heard of within the last four or five years. The whole of India did not produce, according to their information, more than five incidents in five years so the generalization from that was too much. So if you define what you mean by the situation in the Punjab, I am quite prepared to answer the question.
- 204 Q. Do you think that what is known as the Shudhi movement has accentuated the bitterness between the two communities?
- A. In a few sections it might have done, but not with the general populace. I do not think they are even cognisant of what is happening in the newspapers. Most of the things happen in the newspapers now, not actually.
- (At this stage Sir Alexander Muddiman returned to the Chair)
- Sir Muhammad Shafi: As compared with 20 years ago is there not a larger number of newspapers in the Punjab than was the case?
- A. Certainly.
- 205 Q. Is not the circulation of these papers larger than the circulation of the papers in existence 20 years ago?
- A. Certainly.
- 206 Q. Is it not a fact that even in remote villages where a newspaper reaches the village, that it is read in the *chowpals* by the literate people?
- A. Sometimes it is

207 Q. You said in reply to the President that the Government of India has been going back a great deal. Will you kindly give an instance ?

A. I said sometimes it does.

208 Q. Will you give us an instance or two in which the Government of India has gone back ?

A. That is rather difficult ; if I tried I might be able to do it

209 Q. Did you mean since the introduction of the Reforms ?

A. I had not in mind any specific time but I had the general impression. What I mean is that Europe is advancing towards Democratic Government and we sometimes do not go so far and sometimes go back

210 Q. You mean that that was a general statement.

A. A general statement.

211 Q. Not with reference to any particular things ?

A. Those particular things I could give you later.

212 Q. It was a general statement ; you did not mean for instance, to say that since the introduction of the Reforms Scheme the Government of India has gone backwards ?

A. I did not refer exclusively to that period, but that period might also be included.

213 Q. Can you give me any definite instance in which since the introduction of the Reforms Scheme the Government of India as distinguished from other Governments, the Imperial Government, His Majesty's Government, has gone back ?

A. When I look up the proceedings of the Government of India I will be able to give an instance ; I do not remember any just this minute

214 Q. You know that Sir Bhupendra Nath Mitter is only an officiating Member for three months ?

A. That is what I understood.

215 Q. Have you looked at Schedule 3 of the Government of India Act ?

A. I have got it before me.

216 Q. There are two parts, one relating to the Government of India and the other to the Provincial Governments. Is there any appointment of importance in the Provinces which is not reserved for the Indian Civil Service ?

A. All the appointments are reserved. In this question I agree with you certainly.

217 Q. Mr. Jinnah : A question was put to you just now, is the Government of India going backwards since

the Reform Act? Is there much room for the Government of India to go more backward than it is at present?

A. In some respects not.

218 Q. If it did, it would be positively unfair, would it not?

A. Very-unfair.

Lucknow Pact.

219 Q. I think you were a member of the Indian National Congress for many years?

A. Yes, up to 1920.

220 Q. Were you present at Lucknow when the Congress-Muslim League pact was arrived at?

A. Yes I was present there.

221 Q. And did you at that time think the circumstances required that this pact should be arrived at?

A. Yes, that was the opinion of the majority there.

222 Q. Whatever may be your individual opinion, you felt the expediency and the necessity of the circumstances as they existed required that that pact should be arrived at?

A. I was at one with the people who followed the policy of expediency.

223 Q. And you know that that was one of the difficulties, which really was effectually removed because of the pact?

A. Yes.

224 Q. And you know that in the Joint Select Committee's report they accepted that?

A. Yes.

225 Q. Well now I ask you,—I am not at present an advocate either of separate electorates or communal electorates—supposing the Muhammadans felt that still they would like to continue separate electorates, as a temporary measure would you be opposed to it?

A. I would tell them that they were not getting or exercising responsible Government. I may or may not be successful, that is another matter: but my position is this, that responsible government is impossible with communal electorates.

226 Q. You think the general electorate is more in conformity with the democratic system of government which will give responsibility to the people?

A. To answer your question I interpret that to mean as to whether I will agree to the postponement of the coming of the day because the Muhammadans are opposed to general electorates. Reading your question in that light, my opinion is that responsible

government is impossible, especially in the Punjab, so long as communal representation remains; and if you ask whether I will accept that or not, it amounts to saying whether I will accept the postponement of the day. That is how I interpret the question.

227 Q. I do not think that is quite the correct way to interpret my question. Do you say it is not possible for any country to attain responsible government if there are separate electorates?

A. You are asking me more than I know. Therefore I would not answer a question I do not know of. I do not know any other country where communal representation prevails and has got representative government.

228 Q. Supposing it was so we won't discuss history here according to which you say it is not possible to get responsible government so long as there are separate electorates?

A. To exercise responsible government and to get it is another matter.

229 Q. Well to establish responsible government. Supposing you are wrong on that point and supposing I am right, that it is possible to establish responsible government notwithstanding separate electorates?

A. Out of respect to you I might agree.

230 Q. You said if there were general electorates, then you would not have so much communal friction in the Legislature; did I understand you correctly?

A. Yes.

231 Q. Not in your memorandum but in your answer to the President I think you said that.

A. So far as the President is concerned he never used the word "friction". I never used the word "friction" either. It came from Sir Muhammed Shafi.

232 Q. Very well, we will take it, it came from the Law Member I may be wrong; but any how that is what you said. Now supposing you had common electorates, would you get Muhammadans in the Legislatures as well as Hindus?

A. Yes.

233 Q. Wouldn't the same state of things exist?

A. No, because the election would not be fought on that principle. The election will be fought on some principle which Hindus and Muhammadans will

jointly put forward two, three, four ideas, policies, programmes and so on; and therefore one programme having been accepted, Hindus and Muhammadans, in regard to that particular programme they will hold together. An illustration of that is the present running of the Congress. In the Congress, Swarajists and Non-co-operators are not divided as Hindus and Muhammadans: they are divided as Non-Co-operators, as Swarajists and so on.

234 Q. You say in spite of the separate electorates it may be that the grouping of Mussalmans may have the same policy and programme as the Hindus have; and they would contest their respective electorates on the same policy and programme?

A. That is quite possible.

235 Q. Notwithstanding separate electorates?

A. They have not done it so far.

236 Q. So far you have not had any policy or programme except to oppose the Government. What policy did you stand for?

A. Appointments.

237 Q. Is that a policy or a programme?

A. At present it is understood to be both

238 Q. Yes, but do you admit this or not—that if there was a responsible government in this country, notwithstanding separate electorate you could form a party which will seek election from their respective electorates on a definite policy and programme?

A. It is conceivable.

Dyarchy

239 Q. Well now I want to ask you something. You have worked as a Minister?

A. Yes

240 Q. And I believe you went into the Council honestly and sincerely and earnestly to work the reforms?

A. Yes.

241 Q. Now you had nearly three years experience. I want to know definitely from you—suppose certain defects were removed, I think you will admit this that in order to maintain a system of dyarchy there must be a substantial division of transferred and reserved subjects.

A. But that is the definition of dyarchy.

242 Q. I am putting it to you for this reason: Supposing every subject was transferred except some very minor departments such as (my colleague Dr.

Paranjpaye suggests) European Vagrancy—suppose that was left in charge of a member of the Executive and all other departments were transferred, then it would no more be dyarchy, it would be an absurdity—I mean you would reduce the whole thing to an absurdity?

A. Quite.

243 Q. Therefore in order to maintain a system of dyarchy you must have a fair and substantial division of reserved and transferred subjects; without that you cannot have dyarchy

A. Yes

244 Q. If that is so, supposing that was maintained, is it possible for you to work it?

Sir J says dyarchy has worked because it has been ignored, Vide A Q. 394.

A. No.

245 Q. Suppose all your grievances were met with regard to finance, all your grievances were met with regard to your control and supervision being complete over your subjects, and suppose it was also established not merely in theory but in practice that you have not to have any consultations and so on and so forth; all the various things which were put to you or might be put to you—do you still consider that dyarchy is unworkable?

A. Well, if all the possible difficulties were removed, would not that be negation of dyarchy? Of course some other things will remain which I have mentioned, for instance, the grouping of subjects and so on, but that of course would be an improvement. I have said that things could be done in a better way

246 Q. You mean a better division?

A. Better division and better administration and so on.

Q. It will practically be a negation of dyarchy if all these things were done?

A. Yes, that is what it amounts to.

247 Q. Supposing all this was done, you would still have the Governor who has got power.

A. But you said the Governor was not going to exercise his power and the Council was going really to be able to enforce its demands. When I said all difficulties, I meant this.

248 Q. If all difficulties are removed, then you say it will be a negation of dyarchy?

A. Yes.

- 249 Q. One more question. You have been in every close touch with public life in the Punjab.
A. For many years I have.
- 250 Q. You have suffered for it too?
A. Oh many a time.
- Electorate.
251 Q. Now in your opinion do you think that the electorates in the Punjab are sufficiently intelligent and experienced to give an intelligent judgment on broad issues which may be placed before them?
A. Yes, if they are placed before them they are quite capable to form a judgment on them.
- Vide Sir John's testimony A 340—1.
252 Q. And you think electorates as they exist at present are capable of returning competent representatives of calibre and ability?
A. Oh yes.
- Position of Ministers.
253 Q. Now you say that the Minister is really no body—I think that is what you said comes to,
A. I didn't say no body; he is not very effectual in the Government but he is somebody.
- 254 Q. Nobody so far as power went.
A. You are right there.
- 255 Q. Of course you have the glorified name of Minister.
A. Yes and the receptions at the railway station also. Chairman:—which is very impressive to the electorate;
A. If you are seeking re-election; certainly reception at the stations.
- 256 Q. As far as I can make out, you have got three objections. The first is that those who are immediately under you are capable of going against you and overruling you.
A. Quite, that is one factor.
- Vide Sir John's A 116—117.
257 Q. The second is that that Governor may turn down any proposal that you may bring up?
A. Quite so that is second.
- 258 Q. And that if you do not satisfy the Governor, the only course open to you is to resign?
A. Yes, that is so.
- 259 Q. And so far as the legislature is concerned, you cannot carry out the wishes of the majority unless the Governor allows you to do so. You cannot introduce any measure, however much it may be desired by the majority of the legislature unless the Governor allows you to do so?
A. Yes, that is the position.
- 260 Q. Although you may agree with the policy which the legislature desire to enforce?

- A: Quite so.
- 261 Q. Have you seen the Instrument of Instructions to Governors?
- A I saw it once, I think.
- 262 Q Well if you look at Instruction No. 6, it runs as follows :—
- “ In considering the Minister’s advice and deciding whether or not there is sufficient cause in any case to dissent from his opinion he shall have due regard to his relations with the legislative council and to the wishes of the people of the Presidency as expressed by their representatives therein ”
- Now that entirely depends upon the Governor—does it not? I mean it gives him every latitude in considering the Minister’s advice.
- A. Yes, entire power to do as he likes.
- Chairman It says “ he shall have due regard etc ”
- Mr. Jinnah It is pointed out by the Chairman that the Governor “ shall have due regard ”. I suggest that means having due regard to his own ideas, not having due regard to your ideas. Is that so?
- A. That is what would happens in practice.
- 263 Q. In practice what happens is this, that he is the ultimate judge?
- A. Yes.
- Examined by Maharaja of Burdwan.*
- 264 Q. In view of the present situation in the Punjab, supposing you had what is known as full responsible Government? what would be the position of the Hindus in your Province?
- Position under
Resp. Govt.
- A Better than it is now.
- 265 Q. Although you don't like the communal system you think that if the communal system continues and you are given full responsible government, the difficulties that you labour under at the present moment under this very communal system will disappear?
- A I never said that. My position is that responsible government is not possible so long as the present principle of communal representation in the Punjab goes on. That is the position from which I started.
- 266 Q. What I want to ask you is this—that supposing the people insist on having the communal system of representation and still say “Give us full responsible government.”
- A. What is full responsible government with that kind of representation. It is not workable at all?

- A. It is not practical at all. There are there communities, if you will allow me to say so, two, to be in the minority, the official block disappears and one community comes there with the idea that they are Muhammadans, and that they have to benefit the Muhammadans in every possible way ; and the other two communities also continue to be two communities. How does responsible government arise? The other two communities have to be in opposition every time. They have no other way. Minorities in opposition and the majority in power how the question of responsible Government
- 267 The Hon'ble Sir Muhammad Shafi : Q Don't you think that in all those provinces where the Hindus are in an elected majority, the Muhammadans will similarly be in opposition ?
- A. Exactly. That is why I say that communal system, arises in that case, I cannot understand. ought to be done away with there also.
- 268 Q. Then responsible Government is impossible in India according to your view.
- A. No, no. It is quite possible without communal representation. When communal representation is gone, then there is responsible Government. But so long as there is communal representation there is no responsible Government because the majority always, whether Hindus or Muhammadans, are really the rulers.
- By the Maharaja of Burdwan : Q. Supposing you had a full system of Ministerial Government in your province. Am I to understand from you that you feel that the Muhammadans would always be in power and that the Hindus and the Sikhs would be in the opposition ?
- A. That is what will happen if present system of representation continued.
- 269 Q. Would you prefer the question making an assumption that the Ministers would be not the Ministers of the majority but the Ministers of somebody else.
- A. If the Ministers are also the majority then the Ministers are the majority and the Council is the majority. What will happen of course is simply a matter of inference. It is not a matter of argument or of experience.
- 270 Q. Supposing the Ministers are the majority. In your province the majority happens to be the Muhammadans. Would that improve your position beyond

what it is to-day in the province ?

A. It won't.

271 Q. In what way?

A. It won't at all, if the Ministers belong to a communal section and the majority is based on communal representation, certainly the other communities being in opposition, their fate would be the same as that of every opposition in the world.

272 Q. Supposing you had full autonomy ?

A. Who are you? Who are we there? Does full autonomy mean that the Governor is not there or that the Governor is there ?

273 Q. You can have full autonomy still with a constitutional Governor.

A. Quite I take it you to say that there is a constitutional Governor and the powers of the Governor are reduced and the powers of the Ministers are increased, and the communal representation remains as at present but the official block disappears—that is what autonomy would mean, won't it?

274 Q. It would mean more or less that.

A. Very well, You want me to infer differently from the logical inference that would be there.

275 Q. I want to know what the logical inference is.

A. The logical inference is that the opposition will suffer that is the minority.

The Chairman: The majority will exercise their power regardless of the minority?

A. Yes.

The Maharaja of Burdwan. Q. That being so, would you welcome that ?

A. I never said that.

276 Q. If you don't welcome that, what is the advance you would like to have in the Punjab over the present system ?

A. The first paragraph of my note says, "No communal representation," and so far as I can see, I do not see any way out of the difficulty without removing communal representation.

277 Q. Supposing communal representation was not removed.

A. I am only going on inference. Would you rather have the present system continued or would you rather have what is known as responsible Government or provincial autonomy.

A. Some of my friends have told me that they would rather like to go back.

- 278 Q. What is your view?
 A. My view is that I would struggle for the removal of the communal representation.
- 279 Q. When that is done, you will get, you think, the ideal position. But so long as we have got to face facts.....
 A. I am facing them (Laughter).
- 280 Q. So long as we have to face facts, this Committee has got to make general recommendations for the whole of India ; you come from the Pnnjab, you are an ex-Minister of the Punjab and that being so, we want to get at the difficulties in the Punjab. You have told us that so long as communal representation continues full responsible Government or autonomy is not possible in the Punjab because the minority will suffer. Am I correct in that ?
 A. Yes.
- 281 Q. That being so, what kind of advance would you advocate for the Punjab over the present system in view of the fact that you denounce Dyarchy ?
 A. Must I advocate any advance ?
- 282 Q. I want to know whether you would like to continue the present system which you dislike ?
 A. I said that some of my friends want to go back ?
- 283 Q. Are you one of those friends who want to go back ?
 A. I have not lost hope. That is the position. I do not think that if the case is put really, and properly, and the whole case is explained, there is any difficulty in removing communal representation.
- 284 Q. But supposing communal representation is to be left alone, would you rather go back than go forward ?
 A. That is the opinion of my friends.
- 285 Q. What is your opinion ?
 A. I don't think I have formed an opinion in that contingency. I have always been thinking in terms of non-communal representation.
- 286 Q. You say in para 2 that owing to the Muhammadan Minister having had a majority and making a real position for himself, "the position of the 2nd Minister became untenable and quite unreal." The position of the 2nd Minister, to whom you refer, is yourself ?
 A. Yes.
- 287 Q. Then you say : "The Law as it stands provides no Cabinet Government there is no single policy," etc.
 A. Yes.

Position of 2nd
 minister untenable.

288 Q. Do you think that in your province, if dyarchy had been worked differently from the way in which it has been worked—because I feel, having had some personal experience, that one of the causes of—I won't say displeasure, but discontent among the Ministers—has been that in the beginning every Governor started with the injunction laid down by the Joint Committee that there should be interchange of views and so forth at joint meetings, but then gradually, these joint meetings became few and far between and the Ministers felt that they were being left in the cold and that they were not being consulted at all about the reserved half. Is it not so?

A. No. The whole case has been put by Mr. Jinnah. Mr. Jinnah enumerated into three classes the difficulties the Ministers have had to experience and have experienced. It is not only one. It might have come in simultaneously with the cabinet meetings becoming scarcer. All these difficulties began to be felt at the same time as time went on.

289 Q. Is not that one of the causes?

A. So far as the Punjab is concerned, I do not think there was ever a meeting of the Governor and the two Members. Each Member met the Governor several times, but I do not remember that there has been any meeting which might be called a meeting of the Executive Council from which the Ministers were excluded. Of course meetings were very few, but that is another matter. But there never was that in the Punjab.

Vide Sir John A 41

290 Q. Do you think that if in the Punjab Dyarchy had been worked in the sense that Dyarchy is known, namely, that the Governor commonly consulted his Ministers regarding the Transferred subjects, and that the Ministers knew from the beginning that they have nothing to do with the Reserved subjects and so forth, your position in the Legislative Council would have been better than your having been consulted as an adviser in reserved matters in which you had no right to vote?

A. I do not connect the two, that is, the position of the Ministers and the Governor, and their position in the Council. I have not criticised it from that point of view. The Council stands on its own footing. I have not suggested that because the

Governor was one day smiling on us, the Council was kind to us, and the next day the Council was not kind to us because the Governor was not smiling.

- 291 Q. Since you denounce Dyarchy, supposing you were fortunate to get Dyarchy removed, but you were unfortunate in removing communal representation, what would you have in the Punjab? Would you still have Dyarchy and communal representation, or would you have a unified form of Government having all Members of Council and communal representation?
- A. In the interest of administration I would remove Dyarchy even with the communal representation in the interest of the people I will remove communal representation; and then remove Dyarchy.
- 292 Q. Supposing for the moment that you cannot remove communal representation, because it is not only a provincial question but an all India question.
- A. I am distinguishing between the two cases. One case is that of the administration and I have said that there have been certain difficulties with regard to that. The other is the question of rights and privileges and dignity and all sorts of things. I have separated these two. One relates to the Council and the other relates to the distribution of power. Which would I remove first? If you ask me, I personally will remove the communal representation first, but if it came the other way round, I won't kick at it.
- 293 Q. Supposing communal representation was not removed. Would you continue the present system of Transferred and Reserved subjects or would you have a whole unified Government of Members of Council?
- A. No. no. What I say is this. If Dyarchy is removed, that would help the administration, and therefore, I will not say that I do not co-operate there.
- 294 Q. You can only remove Dyarchy by either going back or going forward. You remove it only either by giving autonomy to your province or going back and saying that every subject shall be reserved, so to speak.
- A. Distinction would disappear of Reserved and Transferred subjects if there is a unified Government, and the administration would be improved.

The question would be whether the administrators would be Ministers or members. You have not put that question to me.

295 Q. That is what I am asking.

A. You are asking me whether I would like every body to be a Member.

296 Q. Or Minister.

A. Well, personally, I would like everybody to be a Minister.

297 Q. If you want every body to be a Minister, how would you work it?

A. I work it in as bad a way as it has been worked now-as badly or a little worse.

The Chairman. You mean the compartmental system?

A. What I understand by the question is that the distinction of Reserved and transferred shall be removed, and the classification of Members of Government into two classes is also removed.

(witness Continued).

In that case whether I would like every body to be a member of Government or a Minister, I say that I would prefer to be a Minister even in those conditions.

Sir Muhammad Shafi:—I think what the Maharaja has in his mind is this. Would you rather have all ministers plus communal representation or have all executive Councilors.

A. I would have all ministers plus communal representation, and the reason is that I believe that the members of Government as at present appointed are less in touch with public opinion than ministers, not that the ministers will enjoy better rights and so on.

Dr R. P. Paranjapye :—

298 Q. Although you were over ruled in most cases, and no cabinet meetings were called, possibly a certain number of rules laid down in the constitution or rules under the Act had also not been observed, you do not think that you could have made a more effective protest than you did actually?

A. How do you mean effective? That is by tendering resignation? I did.

299 Q. Not by forwarding it and taking it back.

A. I did not take it back at all. It remained with the Governor all the time. I never withdrew.

Resignation.
As to resignation
see Appendix A

Vide Sir J's A 415
a. but vide App A.

300 Q. But you still continued to be a minister ?

A. That was because of two reasons. One was that the Governor thought that I was a very good tempered boy and that I ought to be there, and the other was that I went there to work the reforms. Therefore when he told me that he would be sorry to part with me and liked me to continue I said " All right- Let me have another trial "

301 Q. You did not prefer to be a bad tempered boy ?

A. I do not do it even today.

The Budget.

302 Q. As regards the settlement of the budget do you think that your departments were unfairly treated considering the financial position of the Punjab ?

A. There was a little preference for the nearer at home subjects.

303 Q. On the other hand, we have been told from certain quarters that as a result of the reforms the transferred subjects got rather better so far as finance was concerned ?

A. In some cases they may have done in some places, but so far as my departments were concerned I do not think that I got money for co-operation, or money for roads, or money for tramways, or money for industrial education.

304 Q. I want you to consider the transferred departments as a whole. I understand that the transferred departments budget increased by about 17 per cent and the reserved subjects budget did not increase at all.

A. Possibly there was a little more money spent than in the past on education, but that was because the programme of spread of education what they call quinquennial programme or something of that kind already existed before we really came on the scene.

Bifurcation

305 Q. As regards the bifurcation of the subjects you say that that has served no useful purpose. Can you suggest a better scheme of bifurcation.

A. Did I say that this particular system is defective ? I say that bifurcation itself-splitting up into two was bad.

306 Q. No possible way of bifurcation ?

A. I said, if there is no bifurcation the grouping would be better, the handling would be better these are the reasons that I have given and I still adhere to that opinion.

307 Q. When you say for instance that in several important matters you were not even consulted, let alone your

advice being accepted, say for instance in the Not consulted.
 appointments and postings, you were not even consulted, did you protest to the Governor?

A. I did

308 Q. And with what results?

A. With the result that the next time the Chief Secretary came round and said, "Would you have so and so?"

308a *Mr. President.*—You succeeded in your protest?

A. To that extent.

308b Dr R. P. Paranjpye :—What were your relations The Services.
 with the services generally?

A. Very friendly but.

309 Q. How many Imperial Officers had you under you?

A. Innumerable, very difficult to count.

310 Q. Say a 100?

A. I should not say 100 unless you put the engineers, veterinar surgeons, veterinary professors, and agricultural professor and such like things. I have never classified them under Imperial and non-Imperial, but in those departments I had the same officers under me parallel to the other provinces.

311 Q. Did they get on very well with you? Was there any tendency to rebel against you?

A. Excepting in case of one or two from one and the same department there was no apparent tendency.

312 Q. Did they try to get behind you when you disagreed with them and go to the Governor?

A. They did in one or two cases Not behind but in front.

312a Q. And they went a head of you by going to the Governor? Upon this subject see appendix A which deals with Sir John's misapprehension.

A. They appealed, complained, took legal advice, and threatened me with the opinion of the Government of India and referring the matter to the Secretary of State and all that.

313 Q. So you think that this position of the services being to a certain extent independent of the ministers is almost intolerable.

A. It depends on your temper, but it is intolerable.

314 Q. You talk about patronage, what do you think would Patronage.
 be the best way? Do you want to retain patronage or not?

A. Patronage cannot be taken away, All I want is that it should be in the Cabinet. For instance the Minister of Agriculture is not in the same patronage group as the two members, and further the patronage of the Education Minister, is not

in the hands of the Minister of Agriculture and vice versa. If it is Cabinet Government practically the patronage becomes one. They stand or fall together. What we noticed was that the patronage in certain members had the pull over them who had not the same amount of patronage.

315 Q. But do you think that this possession of patronage by members of Government is desirable?

A. You cannot go out of it.

316 Q. Supposing you have got, for instance, a Public Services Commission and all appointments were made by them under certain definite rules, do you think that it would be a more desirable state of things than it is at present?

A. In certain cases it would be, but there is a lot more which Government patronage includes.

317 Q. At any rate as regards appointments the defects would disappear?

A. To some extent they would.

318 Q. Do you think it desirable to abolish these defects by this means?

A. I should think so.

319 Q. Another kind of patronage is in the administration of land revenue, or for instance you say, irrigation?

A. And lots of other things.

320 Q. And you had no finger in the pie at all?

A. I did not say that at all. I said my finger did not go deep enough.

Devolution.

321 Q. One or two other things I want to ask you. You say you were in charge of Industries. I suppose the purchase of stores at least for the transferred subjects was in your hands?

A. We had no separate department for the purchase of stores. We tried to create one but we did not succeed.

322 Q. You had to purchase a large number of stores for your P. W. D.?

A. They never came to me because before the Reforms there was a good deal of what they called delegation, or devolution of power and as a matter of fact, so far as the Public Works Department is concerned, I had absolutely no patronage neither in the buying of stores nor of giving of contracts. All that I was concerned with was the transfers, leaves, and accounts.

323 Q. And sanctioning of schemes?

A. Yes sanctioning or putting my initials to those things.

324 Q. You were Minister of Industries. Did you take any steps to encourage Indian Industries by means of the powers that you had in purchasing stores for the P. W. D ?

A. I would not say I did not because people will get at my throat, but as a matter of fact I did very little.

325 Q. Did you observe that as a consequence of the transfer of certain departments the members of the Imperial services began to take less interest in these transferred departments ?

A. I did not notice. Wherever I went the Collector went with me to the School or the Veterinary Hospital.

326 Q. On your initiative ?

A. Very likely he went before also because some of the budgets had to pass through his hands and the funds had to pass through his hands.

327 Q. You were in charge of Excise ?

Excise.

A. Yes.

328 Q. Did you receive proper help from the district officers in the administration of excise ?

A. Great deal more than I wanted. In the matter of excise they kept a pretty tight hand on me.

329 Q. As regards income-tax at least the administration of income-tax should be transferred to the provinces ? You said so ?

Income-Tax.

A. Yes.

330 Q. What is your object ?

A. The objects are two. One is that it should be realised by the taxpayer that both sections of the populace, urban and rural, are paying sufficient and just taxes.

331 Q. That can be done by means of proper publicity ?

A. That is one object and the other is that the administration would be much better supervised, much better in touch with popular opinion than it is at present.

332 Q. Would it also give a lever for exercising pressure occasionally of an illegal kind upon the people if the Income-tax were in the hands of the Local Government ?

A. You mean to say that the members of the Assembly are less prone to that than members of Council ?

333 Q. If for instance income-tax administration was entirely in the hands of people who have also the Police administration in their hands.

A. You mean that the Police will try to interfere in the

income-tax administration, or the Ministers, or the members, or the Collectors, or who?

334 Q. Suppose the Officers of a district have to deal both with the Police administration and income-tax.

A. I did not say that. That is a greater detail. There may be a separate department altogether or may not be. But the department should be under the supervision or under the influence of the Local Legislature

335 Q. In the hands of the Revenue Member who also manages the land revenue?

A. Somebody will have to take it.

336 Q. Should it be entirely independent in the hands of an independent member?

A. If the work is enough it should be independent. If it is not it will have to be grouped with something else. That will depend on provinces where the work is a great deal and where the work is small.

Sir Henry Moncrieff Smith :—

Selection of Ministers.

337 Q. In para 2 of your memorandum you give the history of the first appointments of Ministers. Do you approve of the method adopted in the first instance for the selection of Ministers?

A. Very likely there was no other choice except to ask the members of the Council to select their leaders.

338 Q. But if the Council, parties, had been asked to select their leaders, the result would be much the same?

A. I said the council as a whole would. I did not say the communities ought to have been asked to select, but if the communities had been asked, the result would have been the same very likely at the time.

339 Q. Or you might possibly have had two Muhammadan Ministers?

A. Well, if that was the reference to select two, but if the reference was to select one that would depend on the reference.

340 Q. You said that you would like to abolish communal representation, and you think that if the special electorates are abolished, you will get elections carried out on party lines?

A. Yes.

341 Q. Not on communal lines?

A. No.

342 Q. You will get rid of communal lines?

A. Yes.

343 Q. When your council, after a general election, is constituted, do you think then that it will separate itself

- up into party lines which are not communal lines ?
- A. If they go to the election on those lines, they will stick to them in the council.
- 344 Q. What method would you adopt in the future for the selection of Ministers ?
- A. Well, the same method more or less which is in vogue in other countries the party in power should have all the ministers and more or less one man would be distinguished as the leader and then he will be consulted with regard to his colleagues.
- 345 Q. That is the system you would advocate provided the abolition of communal representation gets rid of the communal parties in the council ?
- A. I am quite sure that it would.
- 346 Q. You are quite sure ?
- A. Yes.
- 347 Q. You said just now in answer to a question that the official block should disappear if you went to get responsible government in the provinces ?
- A. I think the two are contradistinction in terms, official block and responsible government.
- 348 Q. But the official block is very small ?
- A. It is very small but still it is a nuisance.
- 349 Q. It costs money also.
- A. Yes.
- 350 Q. Your colleague probably would not endorse what you said ?
- A. You mean Fazli-Hussain.
- 351 Q. Yes ?
- A. For a time he might not, but if he gets more power, I think he would.
- 352 Q. I do not quite remember whether you said there was very little consultation between you and your colleague, your co-minister ?
- A. In the administration of our departments ; Otherwise we met every day in the house, we walked together, we drove together, we were invited together ; and we held together.
- 353 Q. But if there was a difficult matter in which your colleague was particularly interested, did he ever talk it over with you ?
- A. No ; of course casual talk on some things is different.
- 354 Q. Now coming to the Gurdwara business in the Punjab, that was your colleague's business ?
- A. The subject was in his charge.
- 355 Q. Were you never consulted about that ?

The official block

Sir John admits it determined the vote on 8 occasions, vide A 96.

Ministers Interse

Sir John says consultation was informal A 81.

A. A good deal, not by him but by all; not by him exclusively Gurdwara business we discussed together many a time, at joint meetings, sometimes without the presence of the Governor, sometimes 3 of us, sometimes 2 of us, that was, at the delegation that was appointed by the Governor for the time being. Sometimes certain matter was referred to me.

356 Q. It was an important problem in the Punjab which concerned your fellow-Minister, but you were not kept in the dark as to what was going on? I mean the Gurdwara question.

A. I do not think I was in the dark at all

357 Q. When Mian Fazli Hussain came to Delhi, I forget when it was, sometime ago to discuss the matter with Government of India and consult about the drafting of a Bill you accompanied him?

A. Yes. I was sleeping in your room while he was discussing.

Financial and
Legislative powers of
Local Government.

Upon the question
interference by the
Government of India,
vide the remarks of
Sir J. M. Q. A 8-11
also A 138.

358 Q. Mr. Harkishan Lal, in paragraphs 11 and 12 you mention about the restriction on financial and Legislative powers of local government and also about the conflict of interest between the Local Government and the Government of India?

A. Yes, Sir.

359 Q. I do not want to go into details?

A. You know them, I suppose.

360 Q. Some of these subjects to which you refer in those paragraphs were provincial transferred subjects. Were they not?

A. Yes, they were transferred subjects in certain aspects.

Vide Sir John A
362-366.

361 Q. And as a minister for 3 years you must be familiar with the rule which restricts the powers of interference-superintendence direction and control which the Government of India has over transferred subjects?

A. Yes.

362 Q. I am referring to Rule 40 of the Devolution Rules. Have you got that?

A. No (Copy was handed to the witness)

363 Q. Had you any complaints about the working of the rule during your time of office?

Vide Sir John
18-19.

A. I have said in paragraph 12 that some conflict of interest was noticed in legislating about Tramways and Local option. I did not say we were unfairly treated or we were put under pressure; but

as things stand you did your best and we did our best, but we were at different poles.

- 364 Q. But you do not suggest that the Government of India in dealing with the question of Local Option and Tramways went beyond their powers ?
- A. I do not say that at all.
- 365 Q. They did not go beyond the limited power given to them ?
- A. That is the language I have used for that reason. I have only stated that there was some conflict of interest.
- 366 Q. You advocate the transference of all subjects if you have full responsible government ?
- A. Unification of subjects
- 367 Q. Would you alter Rule 49 in that case? Would you still preserve in the Government of India these limited powers of superintendence, direction and control ?
- A. With regard to (1) to safeguard the administration of central subjects, I would make the central subjects and the provincial subjects, as far independent as possible. I would reclassify them, re-consider them ; for example, in certain cases legislation is with the Imperial Council and the administration is with the provincial council. I would revise that, if possible. But after revision I will keep this rule ; certainly I will keep the rule to safeguard.
- 368 Q. You would define much more strictly what are 'central subjects ?
- A. I would define a little more elaborately.
- 369 Q. You realise that more definite delimitation would be a matter of some difficulty ?
- A. As time goes on we will be able to make better classifications. Some better classification is possible now because we have had experience of 4 years
- 370 Q. What about the other parts of the Rule ?
- A. No (2) is essential. If two provinces differ some arbitrator must come in.
- 371 Q. And part (3) ?
- A. Part (3) is rather a big question, but by the grant of responsible government, it will simplify itself. By the grant of responsible government, the Secretary of State's powers and the Government of India's powers could be reduced. Naturally then clause 3 will simplify and shorten itself.

By Dr. Sir Tej Bahadur Sapru.

Lucknow Pact.

- 372 Q. Lala Harkishan Lal, I suppose the underlying principle of the Lucknow compact which was accepted by the Hindus and Muhammadans in 1916 and subsequently acted upon by the Joint Parliamentary Committee was that minorities should be protected. That was the underlying principle?
- A. Yes, that was the chief reason perhaps.
- 373 Q. And that compact was arrived at Lucknow as at that time when reforms were more or less in the air?
- A. Yes, at the Lucknow Congress.
- 374 Q. It was within a few months after that the announcement of August 1917 was made in Parliament?
- A. Yes.
- 375 Q. Now, I take it that the principle which was adopted at the Congress was that in certain provinces Muhammadan representation should be in excess of their numerical strength?
- A. That was the feature of the compact.
- 376 Q. Another feature of it was that in certain other provinces where the Muhammadans were numerically larger they should get less representation because those who were responsible for that compact thought that at that time they were not qualified to exercise those privileges in proportion to their numbers?
- A. I do not know that was the only excuse or reason.
- 377 Q. Let me illustrate that view. Take, for instance, Bengal and the Punjab. In Bengal the Muhammadan population is about the same as Hindus, a little more (Mr. Jinnah in Bengal 54 percent Muhammadans and in the Punjab 55 per cent). You remember that the Lucknow compact gave the Muhammadans in Bengal and in the Punjab less representation than they would be entitled to having regard to their numbers?
- A. Yes, quite.
- 378 Q. Similarly that compact gave the Muhammadans in the United Provinces, the Central Provinces, Madras and Bombay larger representation than they would be entitled to having regard to their numbers.
- A. Yes.
- 379 Q. Now, do I understand correctly the Muhammadan position in the Punjab that they are not satisfied with representation which is less than their numbers?
- A. Some of them do say that. Some of them do say

that they have not got what they are entitled to, and I have heard at the last League Conference that the Minister, Mian Fazli Hussain, said that they had made greater sacrifice, in that respect than the Hindus had done.

Sir Tej Bahadur Sapru :—Supposing that Lucknow Pact was departed from in the case of your province, what would be the result? Will the Muhammadans get representation according to their number, 55 per cent?

A. If the rule enacted is that everybody should get his share according to the proportion of the population, then certainly the Muhammadan will get 55 per cent if that is his numerical strength.

380 Q. Taking matters as they stand, I take it that the Muhammadans if the Lucknow Pact were to be departed from today would be entitled to get in the proportion of 55 to 45.

A. That is what I have said, if the rule is the rule of proportion.

381 Q. I am proceeding on that assumption. Supposing that was done and the Muhammadans get representation to the extent of 55 per cent do you think that the Hindus would oppose that in your own province?

A. I do not think they would.

382 Q. If they would not oppose representation of the Muhammadans in proportion to their numbers, would the Hindus or the non-Muslim minorities claim any special protection?

A. I do not know whether they would claim protection or not. But I am not aware of any system of protection of minorities by numbers.

383 Q. Would you in your own capacity as a Hindu and as a leading politician then advise the Hindus to claim protection?

A. Protection is not possible. So how can I advocate a thing which is not possible.

384 Q. That is to say you would let the Hindus take the risk so being in a minority?

A. It cannot be avoided.

385 Q. That is with regard to the proportional representation. Now as regard separate electorates. Supposing there was to be a joint electorate in your province and a certain number of seats were reserved for the Hindus, would your objection to communal representation still hold?

- A. Mine would.
- 386 Q. Now do you agree with me in thinking that if the Hindus and the Muhammadans had not come to a pact at Lucknow in 1916 there might have been serious difficulty in the way of getting even such Reforms as we have got?
- A. I think it was a very good resolution as far as the British Government was concerned at the time, because they were objecting on that ground and the ground was cut from under their feet.
- 387 Q. Supposing the same objection was urged now in the case of further advance?
- A. Some people might try to cut the ground from under their feet even now. From my point of view it would be a negation of responsible Government.
- 388 Q. (Sir Muhammad Shafi) Was it not a negation of responsible government from your point of view in 1916 also, or have your views changed since then?
- A. My views have been the same. When you have to fight a common enemy, sometimes a compromise is justified.
- 389 Q. If we are to accept your suggestion that the two communities combined at that time to deal with the common enemy (I am using your own words) is there less justification now for combination or greater justification for separation?
- A. I think the experience that is before us now is greater than it was at that time. That is the only thing that I can say.
- 390 Q. I think you said in reply to a question put by the Maharaja Sahib that the feeling in the Punjab is so very strong about it that there are some friends of yours who would rather like to go back on the Reforms than agree to the continuation of communal representation?
- A. Yes, that is what I said.
- 391 Q. May I take that those friends of yours are Muhammadans or Hindus or both?
- A. Both.
- 392 Q. Now if it was put to you and by you I mean the Punjabis and not you individually that you will get the largest of an advance after the settlement of your differences with the Muhammadans or you will go back to the state which prevailed in 1919 and the rest of India would not wait for you, what would be your answer?

- A. Personally, I would try to compose the differences in some form or another but I do not know whether I will succeed.
- 394 Q. I want to know what would be your answer. Are the inhabitants of the Punjab anxious to have constitutional advance?
- A. That is what I have been always getting the impression from everybody.
- 395 Q. If they are anxious to have any advance, would they secure it by composing their differences or would they secure it by continuing these differences?
- A. Whatever is more effective.
- 396 Q. As a practical politician do you think that it is possible for you to secure any advance so long as these differences between the Hindus and the Muhammadans continue?
- A. That depends on the reading of the mind of the English people.
- 397 Q. I am not concerned with the mind of the English people. They probably know it much better than you and I. I am concerned with your mind. What do you as a responsible Indian who has had considerable experience of public life think?
- A. I do not know whether they would be induced by me to give it without the communal representation. I take it, it practically depends upon their mind. If they put this obstacle in the way, certainly it would be worth considering whether we should submit to this obstacle or take it on any terms that they may be pleased to lay down.
- 398 Q. Perhaps you and I are in complete agreement that on abstract principle communal representation cannot be supported by anyone. But we are talking here as practical* politicians and I put it to you as to what has been your experience of the other provinces. Take, for instance, the United Provinces or Bombay or Madras where there has been separate representation so far as the working of the Council is concerned. Do you think that the Hindus and the Muhammadans in those Councils have divided themselves into hostile camps because of communal representation, or do you think that such friction as there was or might have been before is very much less now?
- A. I have not studied the working of other Councils carefully.

399 Q. Would you please let me know what is exactly the thing which divides the Hindus from the Muhammadans in the Punjab? What is the nature of the dispute?

A. The nature of the dispute as put by the press is more or less appointments. But its origin goes back as far as the starting of the Congress.

400 Q. I am talking of the dispute which has arisen now during the last two or three years?

Vide A 334

A. It is due most to the writings in the newspapers regarding the distribution of appointments.

401 Q. (Sir Muhammad Shafi) Do you mean to say that the acute position that exists between the Hindus and the Muhammadans in the Punjab now existed, say, six years ago to the same degree?

A. No.

Loaves & Fishes,
Vide Sir John A 334.

402 Q. You said that the impression that you gathered from the press of your province is that the dispute is mainly with regard to the loaves and the fishes?

A. Yes.

403 Q. Will you tell me what are those appointments which create such disturbances in your province? Are they the appointments of Naib Tahsildars, Sub-Registrarships or Sub-Inspectors of Police?

A. The dispute started with higher appointments

404 Q. What are those higher appointments.

A. Professorships in the colleges and also Assistant Professorships and the question of promotion to the Imperial Service and things of that sort.

405 Q. Am I right in assuming that it is due mainly to the narrow view of the educated community of your province that this dispute has arisen?

A. I have no hesitation in agreeing with you that this dispute is due to the narrowmindedness of the educated people who do not see beyond their noses.

406 Q. And the interests of the masses in the province are suffering because the educated classes are selfish enough to put their interests in the forefront?

A. I should endorse your opinion there.

407 Q. Am I right in assuming that the feeling is accentuated by some of the disturbances in your province?

A. Yes.

Composing difference.

408 Q. Will you please tell the Committee whether there is a single man in your province who can rise above those narrow feelings or has anybody tried to put the proper point of view impartially between the

educated classes I should like to know very much if any effort has been made by a single literate Hindu or Muhammadan in this connection?

A. I think that an effort has been made but to a limited extent. Such an effort was made generally at the time when people like Mr C. R. Dass and Pandit Motilal Nehru came to compose the differences. In such meetings these things have been explained to the educated people and efforts have been made to settle the differences. I cannot say that no effort has been made whatsoever but the efforts that have been made so far have not proved quite effective

409 Q. *Sir Muhammad Shafi*, Has any organised effort been made in the Punjab by Hindus and Muhammadans collectively?

A. I am not aware of that.

410 Q. You have given the Committee the impression that subject to the removal of communal differences, you would like to have responsible government in the province.

What Educated classes understand by responsible Govt.

A. Yes.

411 Q. Am I right in inferring that what the educated classes of your province understand by responsible government is a greater facility in appropriating certain appointments to themselves

A. I do not think so. In my opinion the responsible government would mean better roads, more irrigation and smaller pay for the services.

412 Q. It would also mean larger appointments in the Irrigation Department, the Public Works Department and so on?

A. Not larger but fewer. It would mean fewer Europeans and more Indians and lesser pay. The total number of Europeans will be fewer in certain departments and larger in others. For instance, in the Education Department the total number will be larger because education has to spread. We want more education, more industries, more industrial development. We also want tramways, forests better managed and what is called perhaps a little look into the jails and so on. (Laughter).

413 Q. *Sir T.B. Sapru*: Would you please, as a practical industrialist, advise the younger men of your community, Hindus and Muhammadans, to take more Government appointments, or adopt independent careers?

- A. I have done it for many years and have said that the salvation of the country is more agriculture and more industries.
- 414 Q. Is it due to some peculiar mentality that there is so much fondness for office, high or petty?
- A. I do not know whether it is peculiar ; it is a question for opportunities also. The Punjab has taken to education perhaps more than many other Provinces, and the system of education is such that the young man is really like an old monk kept in sanctuary without any outside light being thrown on him. The result is that he knows only the Government services.
- 415 Q. That is to say education in the Punjab has bred a race of clerks?
- A. I should think so.
The Chairman : Some soldiers ?
- A. A few soldiers, but some Ministers also.
- 416 Q. Sir T. B. Sapru : Perhaps in order to restore peace between the Hindus and Muhammadans, if you were the Minister in charge of Education the best thing you could do for your province would be to stop all education for five or ten years ?
- A. I do not think I would do that, but I would create other opportunities if I had the power.
- 417 Q. Apart from the educated classes, are there any religious differences between the Hindus and the Muhammadans in the Punjab ?
- A. Sometimes, but very rarely.
- 418 Q. Take for instance riots during the Muharram or on the occasion of sacrifices ?
- A. We are not free from that, but if you take the average of the population or the number or towns of villages or the question of years, it is insignificant, it is negligible.
- 419 Q. Am I right in thinking that compared with the other Provinces, the Hindus of your Province are very much less orthodox as Hindus, am I right ?
- A. Perfectly ?
- 420 Q. Take for instance a man in an eastern district of the United Provinces, the Benares Division, and take any Hindu in the Punjab, of any portion of the Punjab, in matters of ordinary life, the Punjabi Hindu would associate much more freely with a Muhammadan or a non-Hindu?
- A. I should put it that he approximates to Muhammadans

more than any other Hindu does

- 421 Q. And yet the fact remains that there are differences ?
 A. Well you see sometimes the likes dislike each other.
- 422 Q. And I suppose, as you have said just now, the main cause is about these appointments ?
 A. The present agitation that is going on has started with that.
 Sir Muhammad Shafi : When did this dislike of the likes start ?
 A. About three or four years ago.
 Sir T. B Sapru : Have you given up all hopes of your Province so far as this Hindu-Muhammadan question is concerned ?
 A. No.
- 423 Q. You think there is a chance of better relations prevailing ?
 A. Quite.
- 424 Q. Will you please tell the Committee whether your Province is a province of big landholders ?
 A. No.
- 425 Q. They are small proprietors ?
 A. Mostly.
- 426 Q. As an agriculturist the Punjabi agriculturist is supposed to be a very superior type of man ?
 A. Yes.
- 427 Q. Will you please tell the Committee what is the exact outlook of the Hindus and the Muhammadans respectively with regard to the Land Alienation Act ?
 A. With regard to the Land Alienation Act, the Muhammadan generally likes it. He thinks it is a good legislation. The Hindu agriculturist likes it ; and there are a few Muhammadans, and there are Hindus in larger number who do not like it. It is not because of its principle, but because of its injudicious administration. The point is this that, under the rules framed, certain classes and certain castes have been designated as landowners and at a later stage after the passing of the Act, the definition of landowner was also changed to exclude certain castes, not because they never had land or not because they never went near the land, but because it was a policy of the Government to exclude them from further acquisitions of land. That of course the Hindu objects to. He thinks he is being very badly treated, and I am one of these because my ancestors have always lived on the land,

Land A Act.

and now with the little money I have got I cannot buy land.

428 Q. Then am I to treat this dissatisfaction with regard to the administration of the Land Alienation Act as having anything of the communal character in its nature ?

A. It looks sometimes as communal because the Muhammadans are in majority, but it is not really communal.

429 Q. You said you would like to abolish dyarchy and you are in favour of the unitary form of Government ?

A. I would really abolish the co-archy and everything like that.

Dyarchy to be abolished.

Sir John says if Dyarchy had been worked the whole of Government would have broken down Q. A. 279-280.

Govt of India.

430 Q. Supposing you were told that dyarchy would be abolished tomorrow and be substituted by the pre-reform Government because you Hindus and Muhammadans have not settled, what would be your feeling ?

A. My feeling would be that we are very backward people and we are not being properly treated.

431 Q. When you think of the abolition of dyarchy, I suppose you simultaneously think of it as a substitution of full responsible government in the Province ?

A. That is what has been before my mind. I read your appointment resolution in the light of the announcement of 1917 and the preamble of the Act, and I really considered whether it was a substantial instalment or not ; and my feeling was that it was only a nominal instalment ; only a show ; hardly met the charges and the costs and the interest and do not attempt to pay any part of the principal.

432 Q. Now with regard to the Government of India, what suggestion would you make supposing full responsibility was established in the Provinces, would it continue to be as it is ?

A. It will have to be liberalised a great deal.

433 Q. What do you mean by liberalising ?

A. I mean the programme of the Liberal Party will have to be carried out at least.

434 Q. You are in favour of it ?

A. I want even more than the Liberal Party does.

Women.

435 Q. Now as regards the franchise are you in favour of the franchise being given to women ?

A. I am.

436 Q. Would you allow women to sit in the Councils ?

A. Yes.

437 Q. You think if the franchise is extended to women, the women in your Province would stand for election ?

A. A few would.

438 Q. Mr. Jinnah : May I ask one question in connection with this. Has any step been taken in your Province to enfranchise women ?

- A. No. not yet.
- 439 Q. Why not ?
- A. Perhaps people are busy with something else.
- Sir T. B Sapru Would you please tell me what is exactly the position of the depressed classes in your Province ? Is there any such thing as a problem of depressed classes such as there is in other parts of India ?
- A. If depressed classes mean economically depressed, three fourths of the Punjab is depressed, the Jullundur District, the Hosiabpur District, and so on.
- 440 Q. I am talking of the depressed classes in the sense in which that phrase is used, the untouchables ?
- A. There are very few of them and we touch them also.
- 441 Q. Is there any strong orthodox feeling against them in your Province ?
- A. Very little
- 442 Q. That I suppose has been due mainly to the Muhammadan and Sikh influence in your Province ?
- A. Well it started from that ; but modern education has also done a great deal
- Sir Sivaswamy Aiyer ; You have declared yourself strongly against the system of communal representation ?
- A. Yes
- 443 Q. As a half-way house would you agree to the principle of a common electorate with a reservation of seats ? Don't you think it mitigates somewhat the evils you have in view ?
- A. My position is this, if that is a condition *sine qua non* for further advance ? I would not kick against.
- That is what I have said.
- 444 Q. You said that if the principle of representation in proportion to the numerical strength was adopted, the Hindus would not claim any protection ?
- A. I did not say that at all ; I said they cannot get protection. If once the principle is accepted that every one is to have representation in proportion to his number, what more protection is wanted ?
- 445 Q. The result of that would be that, as the Province is divided into two well marked communities, with considerable differences, the Government would always be in the hands of a Muhammadan majority ?
- A. Yes.
- 446 Q. The majority would be Muhammadans and all the Ministers would be taken out of the majority and they would all be Muhammadans ?
- A. Yes.
- 447 Q. Do you think the Hindus who would be in a standing minority, would reconcile themselves to that position, or claim any protection ?
- A. They cannot claim protection if they accept the principle. The protection must be within the principle, if you once accept the principle of numerical proportion.

Depressed Classes.

Mixed Electorates.

448. Q. From your point of view, if the principle of representation in accordance with the numbers of the community is adopted, the Hindus are not entitled to claim any other protection ?
- A. No.
- 449 Q. But are people always governed by principles as a matter of practical politics ? Will there be any demand for further protection ?
- A. That means that the Hindus will not agree *ab initio* to the principle of numerical representation ? That is what your question amounts to.
- 450 Q. Or if the principle of numerical representation were adopted, would they then claim any protection ?
- A. In what way ?
- 451 Q. By the adoption of some safeguard ?
- A. What are those safeguards ?
- 452 Q. A certain proportion of the ministry, or anything of that sort.
- A. The suggestion is that a certain number of Ministers should be Muhammadans and a certain number Hindus.
- 453 Q. Do they ask for any such safeguard ?
- A. If they are intelligent they won't ask, because a Minister representing a minority and that minority in opposition is a meaningless phrase.
- 454 Q. I agree that it is in theory an unsound principle, but I wish to know whether the Hindu minority would reconcile itself to it and face the consequences ?
- A. My idea is that protection would fail in forming parties
Sir Muhammad Shafi.—You mean that in spite of communal representation under responsible government the progressives of both communities would form one party and the conservatives would form another party.
- A. They would form some party or other, not necessarily conservative and progressive ; but they would split up into parties.
Sir Sivaswamy Aiyer ; Do you think with your knowledge of recent tendencies that parties will be formed on other than communal lines, such as Muhammadans and Hindus ?
- A. I should think so.
- 455 Q. And you think there is no necessity for any special protection of the Hindu minority ?
- A. I cannot conceive how they can be protected. If you tell me how they can be protected, then I will say whether they will lay claim to it or not
- 456 Q. Suppose that out of the Ministry a certain number were to be Hindus ?
- A. I have explained that that is an untenable position.
Mr Paranjpaye : Do you remember the condition in the Lucknow Pact that if three-fourths of the representatives of any community are against any particular measure, with reference to that community, that measure should not be carried out in the Council ?

- A. That is the Congress rule.
- 457 Q. Do you think that would be sufficient protection ?
- A. I suppose rules of that kind would come about by themselves.
- 458 Q. This is a possible protection for minorities ?
- A. Very possibly.
- 459 Q. I mean would you advocate the adoption of such a rule ?
- A. I for one would, as the least evil.
- 460 Q. Sir Sivaswamy Aiyer : You said you had within the last few years somewhat bitter experience of manifestations of this communal spirit Could you give us any illustration ?
- A. The newspapers—that is one, the chief one, and sometimes lectures on the platform.
- 461 Q. Take for instance the sphere of education—you think there has been any tendency on the part of Muhammadans to be unjust or unfair to the claims of other Communités or is it merely that they claim more opportunities for themselves ?
- A. That of course is not a matter of opinion.
What happened was that in one college the number of admissions were fixed. By fixing the number some people drew the inference that minorities were being excluded and majority said "instead of excluding them we are just wanting a bare representation" and so on. That is what happened actually—a certain proportion was fixed for admissions, in whatever light you like to take it.
- 462 Q. Was it rightly fixed ?
- A. My opinion is that it ought not to have been fixed at all. My opinion is the admissions ought to have been to the best boy fitted for the profession, and that is the policy I followed in my educational institutions. I had some institutions under me, the Veterinary, the Engineering, the Agricultural Colleges. I did not enact any rule in that sense.
- 463 Q. In the matter of grants to educational institutions, has there been any unfair discrimination ?
- A. The rules have been changed ; at first the rule was first come first serve ; now very likely the rule is a communal distribution.
- 464 Q. And does it work satisfactorily ?
- A. I have no experience of that. It is only a recent thing.
- 465 Q. You have been referred to the instrument of instructions to Governors You have been referred to paragraph 6 of the instrument. Do you think that that paragraph is consistent with the spirit of the Reforms ?
- A. Well if it is read as enabling, certainly it represents the spirit of the reforms, but if read as restrictive then certainly it is not.
- 466 Q. Don't you think the principle ought to be that the Governor ought to be guided and ought to follow the advice of the Minister unless he has reason to suppose that he does not reflect the opinion of the country or of the Council ?
- A. I agree with that principle generally, yes.
- 467 Q. At present this paragraph is liable to misconstruction ?

A. Yes, it can be read both ways.

468 Q. So far as the transferred departments are concerned, don't you think the position of the Governor should be that of a constitutional Governor who would be guided by the opinion of the Minister except where he does not reflect public opinion ?

A. Oh yes, quite.

Finance Dept.

469 Q. With regard to the Finance Department you think that they interfere far too much with the other departments ?

Vide Sir J's A 400.

A. They have got a notion that they must have their finger in every pie.

470 Q. According to your conception of the Finance Department they should examine proposals for expenditure solely from the financial point of view ?

A. Quite so.

471 Q. But in your experience has the Finance Department tried to overstep those limits or not and have they or have they not taken upon themselves the task of criticising proposals on their merits ?

A. Yes they have.

472 Q. That has been your common experience, and you think they ought to be confined to their legitimate function of examining proposals purely from the financial side ?

A. Yes

Appointment.

473 Q. With regard to appointments, what is the procedure in your Government ? Is there any separate department as in some provinces ?

A. No.

474 Q. The proposals for appointment, do they go through you to the Governor or do they go direct to the Governor ?

A. Sometimes they have been going through us, and sometimes direct.

475 Q. That of course is wrong in your opinion ?

A. Yes, I have said that.

476 Q. And regards appointments generally, what is your ideal that the Minister should make the appointment or that the patronage should be in the hands of the Governor or go through the Minister ?

A. Well if you have reduced him to the position of a constitutional monarch, then of course it does not matter if the proposals go to him ; but as long as you have not reduced him to the position of a constitutional monarch, certainly he ought not to have more power.

477 Q. He ought to maintain the position of a constitutional Governor with regard to the Appointments Department ?

A. With regard to all departments.

478 Q. But so long as dyarchy lasts ?

A. Certainly with regard to transferred departments. I say certainly with regard to that ; but personally I think he ought to be reduced to the position of a constitutional monarch.

Mr Jinnah : You mean raised to the position as a constitutional monarch ?

A. Yes ;

Sir Sivaswamy Aiyer : There has been no policy of joint consultation, of joint responsibility at all in the Government? Don't you think if a policy of joint consultation and collective responsibility between the Ministers had been enforced, and if the Government made it a rule that the Ministers must stand together or go out don't you think that would have been more conducive to co-operation between the Ministers ?

A. I do say the troubles would have been lessened. The question of more or less co-operation does not arise because the thing has been entirely absent.

479 Q. At any rate, under the conditions I suggest there would have been some co-operation ?

A. The whole thing would have been better and the present feeling in the Punjab which we have been talking about today would perhaps not have come into existence so much, perhaps not at all.

480 Q. You say the Governor of a Province has now more powers than in pre-reform days, is that correct ?

A. It is, in this sense that if the Local Government has more power than before, the Governor who is the custodian of those powers, has also more power.

481 Q. Hasn't some portion of that power been transferred to the Ministry ?

A. We have just been discussing that the Ministers have no power

482 Q. That has been your experience ?

A. I have sometimes used power, delegated power, by the good humour of the Governor or by rules.

483 Q. Would you allow Secretaries to have any direct access to the Governor ?

Chairman : Personal servants to the Ministers ?

A. I don't know what you mean by ' personal.'

Chairman : I mean appointed and dismissible by the Ministers. I mean they would hold their appointment at the pleasure of the Minister.

A. The appointments ought to be with the concurrence at any rate of the Minister, and if it is left to the Minister, so much the better. You won't agree to that position ?

Chairman . I only wished to get it clear.

483 a Sir Sivaswami Aiyer : You said the Government of India has been going back a good deal. Of course you are not able to give any instances.

A. I think you could do that better. That is the impression I have been getting from the speeches of gentlemen like you.

484 Q. Do you mean that the Government of India do not carry out what they promise, or what is it ?

A. Well, that is what you have been saying.

That is what the members of the Legislature have been saying.

My impression is taken from the speeches and the proceedings of the Councils.

485 Q. True, but do you mean they have not been carrying out their promises, or is it a deterioration in the administration?

A. I believe all that the members of the Assembly have been saying.

Sir Tej Bahadur Sapru: By all the members, do you mean both official and non-official?

Sir Sivaswami Aiyar: You object to the Railways and the Income tax Department being administered by the Central Government?

A. Yes I do.

486 Q. But there are precedents for that—for instance in America, where the Federal Administration functions in certain matters.

A. The illustration may be quite correct. But the question rests on two grounds, and whether those two grounds are valid or not. It does not depend on the question what other people do or do not.

487 Q. I suppose you think that one result of the separation of the administration of income-tax might be for the administration to get out of touch with local people?

A. Yes, and I used the word "irresponsible". Reform really means that everybody is really responsible to somebody. At the present time, judging by the way in which Railways are administered and the collections of income-tax are administered, they seem to be responsible to nobody. That is what I want to avoid.

488 Q. Not even to the Government of India?

A. In practice, they do not seem to be, though they may be (in theory). By Sir Arthur Froom:

489 Q. I understand you disapprove of communal representation in principle?

A. Yes.

490 Q. And you would like to abolish it from the Punjab?

A. From all over.

491 Q. You would like it to be abolished in all the provinces?

A. Yes.

492 Q. You will be entirely consistent about it?

A. Yes.

493 Q. You would apply the same to the Central Government?

A. Yes.

494 Q. You will probably, for a very long time at least, have a Muhammadan majority in the Punjab and a Hindu majority in the Central Government.

A. Yes.

The Minister. 495 Q. I think you told us that you have been 34 months in office as Minister.

A. Yes.

496 Q. And you were disappointed?

A. Do you mean with the treatment I received at the hands of the Governor?

- 497 Q. You had a general feeling of disappointment in your office?
A. I felt that I was really a square peg in a round hole.
- 498 Q. Did you feel that you were doing no good at all?
A. I felt that.
- 499 Q. Still you kept on in office.
A. I resigned several times.
- 500 Q. You still kept on in office although you felt you were doing no good at all?
A. As I said, my relations with the Governor were on the basis of good humour and good temper.
- 501 Q. You kept on on the social position?
A. I did a good deal of work.
- 502 Q. Your work must have been good.
A. Good or bad I don't know. Files came to me and I disposed of them all. I had to study them, travel about and do a lot of work.
- 503 Q. Your work was non-effective?
A. It was not for the good of the country. It was just the ordinary routine work.
- 504 Q. Do you consider that any progress has been made at all in the Punjab since 1921 towards awakening the interests of the people in political matters and Government generally?
A. Some progress certainly, but not to a very large extent.
- 505 Q. The reformed Council must have helped to do this.
A. Not only that. We sometimes tried to come in contact with them. We were a better class of people than the former rulers.
- 506 Q. Don't you think that some further progress might be made in the way of awakening the political interests of the people if you continue the present system for another few years?
A. As time passes, I think it would.
- 507 Q. I think in answer to a question you gave your opinion or made a statement of fact that Europe was advancing towards democratic Government.
A. Yes.
- 508 Q. And you consider democratic Government is good for this country?
A. For the whole world.
- 509 Q. You are not slavishly copying the West and applying it to the East?
A. There is no question of copying.
- 510 Q. I take it from reading this memorandum of yours that you do not approve of Dyarchy.
A. Perfectly so.
- 511 Q. Your constructive proposals are that there should be provincial autonomy in the Punjab.
A. Well, in other words, Dominion Government. You know the expression we generally use.
- 512 Q. Which Dominion?
A. It does not matter whether it is Canada or Australia. We won't quarrel about it.
- 513 Q. You don't think it will come yet?
A. I think it ought to. It is over due. That is my view.

Sir John says I was "an excellent minister" I A 419.

Vide Sir John's Statement that Dyarchy was worked because it was ignored A-394.

Sir John is of opinion that advance must be "all or nothing."

- 514 Q. You would like to apply this further reformed Government at once—provincial autonomy in the Punjab ?
 A. I think it is over due.
- 515 Q. You think the people are ready for it ?
 A. Quite.
- 516 Q. Although they have not taken very much interest in political matters ?
 A. I did not say that. I said that they are coming to know things better than they did before 1920.
- 517 Q. I think in answer to a question—I am not sure whether it was by the President—you said that you did not see any reason for extending the franchise.
 A. I did not say that. On the contrary, I wanted adult franchise at once, both for men and women
- 518 Q. You want the franchise, without regard to any sexual or communal or professional or educational restriction.
 A. There should be no disqualification.
- 519 Q. You mean the ordinary man working in the fields should be entitled to vote ?
 A. The only condition that I attach to this suggestion is the management of elections. If the Government cannot manage elections on that scale, they can go on gradually. Other wise, I want no restriction whatsoever.
- 520 Q. That is very interesting. What is the total population of the Punjab ?
 A. Nearly about 20 millions.
- 521 Q. Can you tell me the total of the electorate ? Can anybody tell me in round figures ?
 (It was mentioned that it was 627,000).
- 522 Q. You cannot increase the franchise just now. With a population of 20 millions and an electorate of 627,000, do you propose provincial autonomy for the Punjab ?
 A. I did not fix the franchise.
- 523 Q. Would you call it a democratic Government ?
 A. I wish it to be democratised.
- 524 Q. You would rather wait before you can increase the franchise ?
 A. I want both things to be done simultaneously and at once.
- 525 Q. We cannot do both at once ?
 A. You can take a little time for doing it.
- 526 Q. In your opinion, increase of franchise should come first ?
 A. Simultaneously ; that is the expression I used. I want both things to be done.
- 527 Q. Supposing you cannot do them simultaneously ?
 A. Whatever you can do first.
- The President then thanked the witness on behalf of the Committee and the witness withdrew.
 The Committee then rose for the day.

Memorandum for the Reforms Committee, October, 1924.

I.—Interference of the Government of India and limitations upon the financial and legislative powers of the local Government.

1. Following the precepts of the Joint Parliamentary Committee, a bill had been framed for placing on a statutory basis the procedure for assessment of land revenue. It was a question to which the agricultural representatives attached the highest importance. A Committee of the Council had discussed the proposal of Government: it fell much below their expectations, but nevertheless might possibly have been accepted as a compromise. The Central Government however was unwilling to endorse the proposals of the local Government, and the bill has not so far been brought forward. The measure necessary to balance the provincial budget—the raising of the occupier's rates—has now been taken by executive action; but the effect of this step combined with the confession of the inability of the local Government, to put forward Land Revenue Bill, has been to put some strain on the allegiance of the rural party.

2. In the case of the Punjab Local Option Bill, the Government of India pointed out that, as the definition of liquor included foreign liquor, the sanction of the Governor-General under Section 80-A (3) (b) was required. It was stated that the Governor-General would have no objection to the bill if its scope were limited to country liquor. After some correspondence the Punjab Government modified the bill by providing that it should not be applicable to foreign liquor, but that the Collector should be prohibited from granting licenses for the sale of foreign liquor in any area to which the local body concerned had applied total or partial prohibition, if the local Government were satisfied that the object of the local body's action was being evaded by the sale of foreign liquor. The assent of the Governor-General to the bills in this form was given.

3. Section 21 of the Village Panchayat Act, 1921, provides (subject to certain powers of the Collector in case of illicit distillation) that no license for the sale of an excisable article shall be granted in any village, if the Panchayat, by a resolution, confirmed by the adult ratepayers, prefers objection to the grant of the license. In conveying the assent of the Governor-General to the Act, the Government of India commented upon the potential effect of this section upon customs duties, and pointed out that it required the previous sanction of the Governor-General for this reason; but said that His Excellency had been pleased to waive the objection to the want of sanction, and to assent to the Act, on the understanding that it was not the practice to issue licenses for sale of foreign liquor in the areas to which the Act would apply. These three bills have been the only instances since the institution of the reformed administration in which there has been anything like a difference between the Government of India and the Punjab over the preliminary assent to the introduction of bills. In two of the cases, those which affect the transferred departments, the local Government has ultimately had its way. In a third, which affects the reserved department of Land Revenue, the question at issue has not yet been decided, but there has been some delay, inconvenient to the local Government.

4. In a fourth case, that Provincial Tramways Bill, the stage hitherto reached has been that of preliminary discussion with the Railway Board which is concerned to provide against Competition by Provincial Agricultural tramways with broad gauge railway lines existing or potential. Provincial legislation for tramways has been contemplated for some time. A bill has been drafted and has been scrutinised by the Legal Remembrancer, and now awaits final polish. It was not previously pressed, pending a compromise with the Railway Board on the "reservation clause" which they would, we were told, have insisted on including in some form in our bill. The object of legislation is two-fold. Firstly, under rule 6 (d) of Part II, Schedule I, Devolution Rules, tramways are only a Provincial subject if provision is made by provincial legislation. Secondly, and consequently till we have our own Act, every order authorising the construction of a tramway has to be submitted to the Governor-General in Council for approval. Once we have our own Act we can, subject to such general restrictions as the Governor-General in Council may make us include in it, issue orders ourselves. It is understood that the Minister regarded provincial legislation (so long as we were discussing the "reservation clause" with the Government of India, as of sentimental and academic rather than as of practical interest. Provided the Railway Board agreed to any particular project (and it was and is likely that they would even give us *carte blanche* under provincial legislation) we could for our pioneer projects proceed just as well under the Indian Tramways Act, 1886. There was some feeling against what appeared to be obstruction and procrastination on the part of the Railway Board over the reservation clause. But it was recognised that the temporary opposition was not opposition so much to provincial legislation, as on a matter of principle, *i.e.*, as to how far the vested interests in projected tramways could be allowed to block future possible railway development. The feeling was that the local Government should be allowed greater discretion to accept such a risk, and that if it thought that a tramway now with, as a probable corollary, no railway for 30 years, was better than a problematical railway ten years hence, it should be allowed freely to elect for the former.

5. As regards particular projects of tramway construction, there were five such, which the Punjab Government desired to see put in hand at an early date. The Railway Board agreed to four of these. In regard to the fifth, it was decided that the views of the proprietors of the broad gauge railway line, with which the tramway would be in potential competition, should be ascertained, before further steps be taken. It appears to be natural and inevitable that the vested interests of others, whether other authorities of joint-stock companies or private persons, should be taken into account when embarking upon projects for the improvement of communications. On the side of the Railway Board it was agreed that certain classes of agricultural tramways, when constructed, should be immune from competition by the construction of new broad gauge railways within 30 years; and that certain others should be bought.

6. It has also been recently suggested in a public statement that limitation of the financial and legislative powers of the local Government affected progress in such matters as Electricity, Co-operation, and Communications. There has been no question of legislation in respect to any of these matters. Legislation on Electricity is the function of the Indian Legislature under the Devolution Rules.

7. Hydro-electric development has been held by the Governor of the Punjab to be a transferred subject. Co-operation and Communications are the same. The restrictions on expenditure relating to transferred subjects are contained in No. 27 of the Devolution Rules and in Schedule III. They consist mainly in limits upon the salaries of officers to be entertained in a transferred department, and on expenditure on imported stores or stationery. No instance is known in which these rules have operated to hamper developments in electricity, co-operation or communications. No instance has occurred in which the local Government has failed upon application to obtain advances from the Government of India for capital developments under these heads. What has tended to check developments or to discourage proposals for such developments has been the financial stringency from which the local Government has suffered during most of the post-reform period.

II.—Control of the Minister by the Governor.

8. It has recently been stated, in a public manner, that a Minister cannot introduce any measure however much it may be desired by the majority of the Legislature, unless the Governor allows him to do so. It is possible that what was really meant was that the Governor had the power of withholding his assent from a bill passed by the Council at the instance of the Minister. This power has not been exercised, and I am aware of no reason for the suggestion that any occasion has arisen on which it was likely to be exercised. If the writer meant that the Governor has the power of overruling a Minister, the statement is, of course, true, but it is put in a form which suggests the existence of some special power in regard to the institution of legislation which the Governor does not in fact possess.

9. The suggestion that a Minister lacks power because it is possible for a Governor to overrule him, appears to ignore the existence of the weapon of resignation. The truth is that the real power of any constituent part of a composite Government such as the Governor of a Province under the reforms, depends upon the ability and industry which he brings to bear on the formulation of his plans, and upon the courage and determination with which he presses them. Subordinates, often highly skilled, subordinates with expert knowledge, must be listened to; and, if their views are not accepted, they must be overruled. Colleagues, financial and other, must have their say, and, under a complete unitary system of Government by Ministers, uncontrolled by the veto of a Governor, such colleagues would still have their say and would have to be persuaded over if they differed. In the long run, if the functionary concerned feels certain that is right, it is for him to insist; and if insuperable obstacles are still placed in his way, it is for him to resign and tell the public why he does so. To tender, and not to insist upon, a resignation is an ineffective procedure. But if he insists upon resignation, and if he has good reasons for it which he can communicate to the public, the colleagues who have pushed him to this extreme step will be the political sufferers.

10. It has recently been suggested that the reservation of certain subjects specially for the Governor is a "negation of the desire to develop responsible Government". It is presumed that the reference here is to the tabular statement covering eight foolscap pages of print, which issues periodically as a matter of office convenience, to regulate the distribution of subjects primarily between Secretaries and thereafter between the Members of Government. This statement shows through which

Secretary and to which Member each class of case is to be submitted. Certain Provincial and certain Central subjects are shown as going to His Excellency the Governor. Some of these are outside the sphere of the Governor in Council altogether; for instance, relations with Native States and Political charges, and work connected with the Legislative Council, which belong to the legal and constitutional sphere of the Governor himself. The only remaining matters of importance are those connected with the Services, in connection with which the Governor has certain special functions, under the Royal instructions for his guidance and under No. 10 of the Devolution Rules.

11. But the fact that the tabular statement in question assigns certain subjects to particular Members, does not in any way affect the right of a Member or Minister to call for papers in another department (so long as he does not seek to intervene in matters for which the Governor as such is solely responsible, and not the Governor in Council or the Governor acting with a Minister), or the working of the practice of joint consultation of the Governor in Council sitting with Ministers. There are masses of business to be dealt with, much of it of a purely routine character, which raises no question of policy, and it is essential to the working of the machine that particular subjects should be allotted for office convenience to particular Members of Government.

III.—*Joint consultation of Members and Ministers.*

12. Prior to June 1924 certain intervals elapsed without joint consultation. There was one such interval of 2 months due in part to the touring of Members and Ministers and part to the move of Government to Simla from Lahore. Except during these intervals, there was frequent joint consultation, but there were no regular prescribed dates for it. At the present time (since June 1924) there is joint consultation of Members and Ministers every Friday, lasting from 2 to 4 hours. At this every Member or Minister brings up questions which he thinks suitable for discussion; and important cases are also brought up under the orders of the Governor.

13. The particular case of the prescribing of proportions for the admission of members of different communities to certain educational institutions was not discussed jointly. Nor were certain cases in which the alteration of the constitution of certain Municipalities was proposed. It is these particular cases which have given rise to all the talk about neglect of joint consultation in the Punjab.

14. In addition to formal joint consultation of Members and Ministers sitting together, there has always been a good deal of circulation of papers. Statements of the cases disposed of by each Member and Minister are circulated to all the rest, so that each knows what the other is doing. Important files are also circulated for opinion. Among papers so circulated, are all projects of legislation and proposed bills. There has also been a good deal of informal consultation of Members by Ministers.

15. During the first three years of the Reforms, there were occasions when a Member and a Minister sitting together arrived at important decisions on question of urgency, in the absence on tour of the rest of the Government. I recollect one such important decision on a matter affecting the Sikh problem in November 1921. It was arrived at by the Minister of Agriculture and myself. The Minister of Agriculture and I also conducted jointly certain conversations with Sikhs in November and December 1922, with the object of finding a solution of the differences regarding shrines' legislation.

15. My own impression of the relations between Members and Ministers and between Minister and Minister during the lifetime of the first Council is that they were most cordial and friendly. There were only three cases in which the Ministers stood together as against the Executive Councillors. In one case the Ministers were agreed together in taking a more uncompromising view of the obligation of maintaining law and order than the two Executive Councillors were prepared to take. On a second occasion, during the preparation of the budget of 1923-24, the Government of India declined to finance a substantial deficit, and reductions had to be made. The Ministers stood together against the Finance Department in objecting to reductions in the transferred departments. The matter was temporarily arranged by consent of all. Then a further demand for the reduction of expenditure by some 60 lakhs was made by the Government of India. The Governor sitting with his Members and Ministers commissioned the Finance Member to select the items for reduction with the result that proposed expenditure in all departments was drastically curtailed. Neither Minister protested against this. On a third occasion not of great importance, the Ministers took one view and the Members another on some proposals of the President of the Punjab Legislative Council for the treatment of reports of Select Committees.

17. Sometimes we had the two Ministers standing with either one Executive Councillor or the against the second Councillor. They stood with the Sikh Executive Councillor against the Member for Finance on the question of a permanent Public Service Commission, which appeared to threaten patronage. They agreed with the Finance Member against the Revenue Member on an important question of taxation. They agreed with the Revenue Member against the Finance Member in their attitude towards the elected Standing Committees of the House and the publication of their proceedings.

18. Perhaps the most difficult and troublesome questions which has been before Government in these years was the question of the Sikh shrines. There were very numerous discussions with all parties concerned, and a number of projects of law were prepared. Technically the subject was a transferred subject, in the control of a Minister, but question of law and order were closely involved. The unitary character of the administration can best be gauged by the manner in which this group of problems were dealt with. Up to November 1922 when the Gurdwaras Bill which ultimately became law was introduced into the Council, the difference of principle revealed itself between the members of the Government. This was not because there was no joint consultation, for there were very frequent meetings and discussions between all of us on the subject. If there had been differences, they had not been stated, and it is natural to assume that when a man does not say that he differs he does not attach enough importance to the difference to contest the point. The Bill of November 1922 was in all essential particulars identical in principle with that of March 1921, though in one or two points of detail slightly more favourable to the contentions of the reforming Sikhs. On the bill of March 1921 no difference between the Members of the Government had disclosed themselves. But when the bill of November 1922 was introduced, two changes of circumstance had occurred. On the one hand the claims of the reforming Sikhs had risen for reasons into which it is unnecessary to enter here. On the other hand the difference between the Muslim and Hindu committees, quiescent before, had become acute and had

culminated in destructive riots. Hindus alarmed, were looking for an ally, and held out to Sikhs the hope of a favourable settlement by consent. Hindus and Sikhs combined to resist Government's bill the former because it went too far, and the latter because it did not go far enough; and feeling was so strong that it became extremely difficult for any man to stand against the sentiment of his own section of the community. In the voting on the Bill, there was a division between the members of Government. One Executive Councillor and one Minister voted for the Bill. One Executive Councillor and one Minister abstained from voting. But the two latter did not feel strongly enough on the subject when the bill passed, to resign their posts, and they continued to co-operate cordially with the other members of the Government in the measures, which were at once resumed, for bringing about a settlement of the Sikh question.

19. The best illustration that I can give of the mutual relations between the Ministers is drawn from the debate in 1923, on the vote of censure directed against the Muhammadan Minister for Education, on account of his communal policy. Very strong feeling was aroused by this debate, but the Hindu Minister recorded his own vote against the censure. A man is to be judged by his actions, and it is a natural inference from this incident that the Minister for Agriculture, though probably disliking the communal policy of his colleague in the Ministry, felt that the matter was not one on which it was desirable to split the Government or either to resign himself or to force other resignations. It will be remembered that the same Minister had abstained from voting on the Gurdwaras Bill.

20. Dyarchy, in the sense of two Ministers standing together for one policy or for one set of policies, and Executive Councillors standing together for another, has been in my experience non-existent, and is, according to my conception, impossible. A House divided against itself cannot stand. Differences between colleagues must be adjusted, and sometimes one, sometimes the other, must yield a part of his convictions to secure agreement unless he is prepared for resignation. But there is a sense in which dyarchy is possible and has existed. That is to say there has been one group of subjects in which the Legislative Council has exercised a closer control, partly because they were administered by Ministers whose continuance in office is ultimately dependent upon their power to command support in the house and partly because the special powers which are vested in the Governor in respect to financial provision for reserved subjects are not vested in him for transferred subjects.

IV. Relations of the Finance Department with Ministers.

21. In the practical working of the provincial finances, the normal assumption (except when measures of retrenchment are under consideration, is that old expenditure of a recurring kind, provided in former budgets, is continued. Only questions of new expenditure, not previously provided for, of new services and new works, come under the examination of the Financial Department. When a department proposes new expenditure, it takes the advice of the Finance Department, and the case, with that advice recorded upon it, goes before the Minister or Member concerned for his orders. The allotment of each department then consists of the provision already made for old expenditure, plus any new expenditure provided for under the orders thus passed. This is the manner in which No. 31 of the Devolution Rules is in practice worked.

22. No Member or Minister in the Punjab has yet suggested the replacement of this system by a different one, dividing the admissible aggregate of expenditure among the departments, without reference to the total of old expenditure *plus* expenditure newly sanctioned. Nor would it in fact be possible for any department to expend anything other than the total of these two items, nor would the Legislative Council pass a demand for anything different.

23. The only grievance which can arise in any department, on account of the restriction of the funds at its disposal, is when its proposals for new expenditure do not take effect. This may happen either because of financial stringency or because preference is given to the proposals of some other department. If a Minister has a grievance, because preference is given to other proposals over his own, it is open to him to ask the Governor to decide the dispute. No Minister in the Punjab has yet made such a request; but Ministers have not infrequently given or obtained sanction to new expenditure against which the Finance Department had recorded its advice.

24. The Financial Department is a purely advisory body, and exercises no authoritative functions in dealing with the proposals of the departments for expenditure. The practice is for the head of the department or Secretary concerned to consult the Finance Department before submitting his proposals for expenditure to a Member or Minister. When the matter goes before the Member or Minister, he generally agrees, but sometimes differs from the advice given by the Financial Department. If he differs, he either overrules the advice or refers the question to His Excellency the Governor, who brings the matter before the Executive Council sitting with Ministers, if he thinks it important enough. Otherwise he settles the question. It is open to any Member or Minister to ask that a financial question be considered in Council.

25. In order to prevent the opinions of the clerical establishment in the Financial Department from coming upon the administrative file, it is the practice to keep all discussions in the Financial Department upon separate Financial Department files, and to place upon the administrative file merely the final result of the discussion, in the form of a statement of the advice given by the Financial Department as an impersonal entity. The opinions of clerks are therefore not obtruded upon the administrative Member or the Minister concerned. In urgent cases of no great importance, the Financial Secretary's notes occasionally appear on the administrative file but a clerk's notes never.

26. In June 1922 the advice of the Financial Department was asked on a proposal to allow an officer of the P. W. D. who was going to England on leave, to spend six months of his time in studying the use of Reinforced Concrete. The Financial Department took exception to a suggestion that he should have a compensatory allowance of Rs. 400 per mensem, but advised that the Secretary of State should give such travelling and other compensatory allowances not exceeding Rs. 400 as might appear to be required by the circumstances. It also advised that the ordinary limit of two-third of salary for his pay should not be relaxed. On a further representation to the effect that the officer did not intend to go on leave and that it was therefore desired to depute him to England for six months' study on full pay the Financial

Department advised that in view of the financial stringency the expenditure should not be incurred. This was in September, 1922. H. E. the Governor, however, agreeing with the Minister, decided that the officer should go on leave for three months and should be on deputation on two-third pay for three months more. In August 1923 the Financial Department agreed that the whole period of six months should be treated as deputation on two-third pay. An additional sum of £ 50 was allowed to him in compensatory allowances. It appears therefore that the object which the Minister had in view in obtaining the deputation of the officer to study Reinforced Concrete, was attained in the ordinary constitutional way, that is, by considering and overruling, the advice given by the Financial Department.

27. I have attached the figures of expenditure in successive years in the five principal transferred departments. In 1921-22 the first year affected by the reformed administration, there was a very marked rise in the expenditure in four of these departments; 20 per cent. in Education, 31 per cent. in Medical, 27 per cent. in Agriculture, 232 per cent. in Industries. The variations in expenditure in Public Health in previous years are such that it is probably incorrect to claim any substantial increase in 1921-22. After 1921-22. the expenditure in the Medical and Public Health Departments rose but little, and that on Agriculture declined slightly. If we compare the figures of the revised budget of 1923-24, with those of 1921-22, we find further increases, in the succeeding years of the reformed administration amounting to 22 per cent. in Education, and 32 per cent. in Industries. The figures of the current budget contrast as follows with the figures of expenditure in the year preceding the reforms, if we assume that expenditure in England in 1920-21 was the same as 1921-22, and subtract from the earlier totals an assumed figure of 4 lakhs on account of European Education :—

Heads.	1920-21 (Accounts).	1924-25 (Budget).	Percentage of increase.
Education (Transferred)	89,68	105,28	51
Medical	24,40	32,08	31
Public Health	8,66	10,76	4
Agriculture	25,56	33,68	26
Industries	1,98	10,52	426

The only department in which the true increase may be called trifling is that of Public Health. The increases of 35 lakhs under Education (other than European) 7 lakhs under Medical, 7 lakhs under Agriculture and 8 lakhs under Industries, in period

the greater part of which was marked by financial depression, by a candid critic be termed illiberal.

	1917-18, 1918-19, 1919-20, 1920-21.							1921-22.		1922-23.			1923-24.			1924-25.	
	In India only.	In India only.	In India only.	In India only.	In India only.	In India.	In England.	Total.	Trans'd.	Res'd.	Total.	Trans'd.	Res'd.	Total.	Trans'd.	Res'd.	Total.
Education ..	44.47	53.56	59.07	72.84	87.55	84	88.39	94.0	5.57	102.21	6.12	105.28	678	111.28			
Medical ..	9.26	11.67	14.06	23.62	31.02	78	31.80		30.46		32.02		32.08				
Public Health	9.81	8.06	9.98	8.37	10.44	29	10.73		9.82		10.01		10.76				
Agriculture ..	13.03	16.84	20.44	20.06	31.40	49	31.80		30.28		30.03		33.08				
Industries ..	41	52	1.56	1.87	0.22	11	6.33		8.60		8.49		10.52				

Note.—The figures for Agriculture include Co-operative Credit

28. The period of the Reformed Government has been characterised by a very remarkable development in primary education. During the first three years of the Reformed administration the number of pupils in primary schools rose from 239 to 351 thousand, an increase of 47 per cent. and the percentage of persons under instruction to total population is now 4.07 against 2.7 before the reforms. This increase in numbers has been accompanied by a substantial advance towards the abolition of the inefficient one-teacher schools which have been replaced, to the number of 1250 by two-teacher schools. There has been a steady advance in application of the principle of compulsion, under the enabling Act of 1919. Thirteen District Boards have introduced it in 145 school areas, and sixteen urban self-governing bodies have also adopted it. In a number of these areas, where compulsion has not been applied, societies of parents, organised

under the auspices of the Department of Co-operative Credit, have bound themselves, under penalty, to send their children to school for the full four years' primary course. There has been an increase of 18 per cent. in the number of pupils in secondary schools and of 27 per cent in the number of girls undergoing instruction of all kinds. The number of teachers trained annually has risen in the triennium from 2235 to 3225, that is, by 44 per cent. A further movement towards the reduction of illiteracy has been inaugurated by the Ministry of Education in the establishment of schools for adults, of whom there are now over 40,000 undergoing instruction. The aggregate increase in three years in the number of persons receiving instruction is 150,000 nearly twice as great as the greatest increase in any other Indian Province. In the region of High Education, the completion of the University Chemical Laboratory, the opening of the Maclagan College for Mechanical Engineering, the establishment of five Intermediate College for men and for women, are among the achievements of the Ministry. These facts show what can be done, under a so-called dyarchical system, in a period of financial stress, by a judicious enthusiasm and a courageous perseverance.

V.—Communal Voting in the Legislative Council.

29. I have made an analysis of the voting in all the divisions which have taken place in the Punjab Council since July 1921 when the practice of recording the names was first begun, with the object of ascertaining to what extent Hindu and Muhammedan members have voted communally. So many Muhammedans even when not actually representing rural constituencies are rural in their sympathies, and so many Hindus when not representing urban constituencies are in some measure urban in theirs, that a division, which is really between the urban and rural interests, sometimes has the appearance of a communal one. After eliminating this source of error I find that there was no communal voting till August 1922, when the votes on the suggested reamalgamation of the N.-W. F. P. with the Punjab showed a sharp division between the two communities. After this the votes were divided, by the communal line, between Hindus and Muhammedans in a number of important, and some less important, divisions; on the Municipal Act Amendment Bill, which was assumed to be favourable to Muhammedan interests, on the Punjab Courts Amendment Bill, which was made the occasion for an attack on the supposed Hinduising tendencies of the High Court in the distribution of patronage; on the Sikh Gurdwaras Bill; and on a proposal for the encouragement of Ayurvedic and Unani medicine presumably because it was regarded as an invasion of the privileges of the Medical Department which was in charge of the Muhammedan Minister. In the budget session of 1923, the reduction of the Education Minister's salary was moved as a censure on the policy of communal proportions in admission to Government educational institutions and of communal representation on local bodies. The voting on this was purely communal; and, by way of reprisals, the Muhammedan members opposed, *en masse*, the Hindu Minister's Bill regarding the acquisition of land for industrial purposes, so that this also became a communal question. The University (which has the reputation of being under mainly Hindu influences) was next attacked, and there was a purely communal vote on a proposal to reduce its grant. There was only one other communal or mainly communal vote, in the lifetime of the first Council, on the proposed release of political prisoners.

30. Interspersed with all this opposition between Hindu and Muhammedan members ; on the purely communal line, there was a substantial number of divisions in which the line was the rural-urban line (*eg.*, export of wheat, emoluments of zaildars and lambardars, most of the provisions of the Court Fees and Stamps Acts Amendment Bills, which were regarded as means of averting the enhancement of rural water rates, the Loans Limitation Bill) ; and yet another considerable number, including the great majority of the divisions on motions for money grants, in which the dividing line was neither at the community nor at the rural urban distinction.

31. The communal spirit showed itself clearly in the large number of questions intended to elicit information regarding the share enjoyed by each community in Government patronage.

32. During the lifetime of the first Council, the Sikhs (except in matters such as the Gurdwaras Bill and the release of Sikh prisoners, directly affecting their community) did not vote noticeably as a solid party ; nor did they appear to be as a whole specially inclined to support Hindus rather than Muhammedans.

33. In the second Council a new feature makes its appearance ; a group ordinarily in opposition to Government and always, or almost always, voting against it. This group consists of the Swarajist and Urban Hindus ; the Khilafat Muhammedans and virtually all of the Sikhs ; occasionally joined by three or four other Muhammedans, who do not owe allegiance to the Minister for Education. On the other side have been the large majority of Muhammedan members and a far smaller number of rural Hindus. In these circumstances the greater part of the voting has not been on communal lines, but rather on the line of Government supporters and opposition. In every case in which the support of Muhammadan rural bloc has been withheld, Government has been inevitably defeated ; because the other group has always been hostile.

34. To the general rule, that voting in the second Council has not been communal, there has been some exceptions. On the question of a University regulation, making education a subject for the B. A. degree, on which the Muhammedan Minister for Education was known to have strong views, Hindus and Muhammedans were opposed to one another communally. The same opposition occurred over the demands for grants for travelling allowance for Arts Colleges and Secondary Schools.

35. The rural urban distinction is markedly more in evidence in the second than in the first Council, and the persistent opposition of the Urban Hindu (other than Swarajists) to Government is due to the fact that both the Ministers represent the rural majority. The Sikhs, whether urban or rural, form a wing of the permanent opposition, for reasons special to their Community.

VI.—Voting by official Members of the Legislative Council.

It has not been the practice to allow the official members of the Legislative Council to vote in all cases as they pleased. If that has been the practice, cases might have occurred in which official subordinates would have voted against Ministers. The practice has been, in important cases, to inform official members that they are expected to vote in a particular manner. They have been required to support Ministers, and they have done so.

The only alternative would have been to allow each official to speak and vote as he pleased, but to remove him from the Council, or from his post, if he used his liberty in such a manner as to thwart the policy of Government or of a Minister. This, though possible, would be a clumsy and somewhat violent expedient.

37. The support of the official vote has not in all cases saved a Minister from defeat. The Rent Bill of the Minister for Agriculture was defeated in spite of the support of the official vote, because a large house-owner had persuaded the rural members of the Council that the next step, after interference with the residential rents, would be interference with agricultural rents. The same thing is true of the six cases in which amendments for the reduction of grants in transferred departments have been carried against the Ministers upon division.

38. In cases in which the non-official members of the Council are divided communally there is a natural tendency for the official votes to decide the issue. But this has not always been the case. For instance, in the important divisions regarding the amalgamation of the Frontier Province and the vote of censure on the Education Minister, the result would have been the same without the official vote. The same is true of the divisions on the Punjab Courts Act Amendment Bill on the resolution of October 22nd, 1923, for the release of political prisoners, on the resolution regarding the University Regulation making Education a subject for the B. A. degree, and on the motions for reduction of certain travelling allowances in the Education Department.

39. I have examined the figures of a number of important divisions affecting transferred subjects, in which the voting was not on communal lines and in which Ministers obtained a majority to see whether they would have been defeated if no official votes had been recorded. The results are shown below:—

Mat on or Resolut on.	FOR.		AGAINST.		REMARKS.
	Official	Non-Official	Official	Non-Official	
That the Panchayat Bill, 1921, be passed.	17	29	0	12	Same result without official vote.
Amendment to amendment reducing grant for Fisheries (10th March 1921-)	17	26	0	12	Ditto.
Recommendation for removal of restrictions on export of wheat.	12	43	0	5	Ditto.
Amendment moved by Mr Ganpat Rai to sub-clause 6 (v) of clause 2 of Punjab Local Option Bill.	0	10	17	0	Official vote determined the result.
Amendment moved by Raja Narindra Nath to clause 6 of Punjab Local Option Bill.	0	19	17	5	Ditto.
Supplementary grant for Excise (25th February 1924)	17	28	0	16	Same result without official vote.
Resolution recommending withdrawal of Circular affecting unrecognized schools. (26th February 1924).	0	29	14	22	Official vote determined result.
Amendment to amendment on resolution regarding encouragement of articles made in India.	14	23	0	28	Ditto.

Motion or Resolution.	FOR.		AGAINST.		REMARKS.
	Official	Non-Official.	Official	Non-Official.	
Amendment to same resolution	13	20	0	34	Official vote determined result.
Removal of liquor shops to Tahsil headquarters	0	15	17	18	Same result without official vote.
Reduction of grant for hill journeys. (Medical).	0	26	16	19	Official vote determined result.
Demand for Rs. 9,79,514 on account of Industries (20th March 1924).	15	27	0	8	Same result without official vote.
—Demand for Rs. 1,76,50,000 for Civil Works transferred.	15	20	0	18	Ditto.
Resolution that Military Assistant Surgeons be not appointed Civil Surgeoncies.	0	35	16	22	Official vote determined result.
Resolution that importation of Military Assistant Surgeons into Civil Medical Department be stopped.	0	36	16	24	Ditto.

VII.—Action taken by Government upon the Resolution of the Council.

40. I attach a statement showing all the resolutions which have been adopted by the Punjab Legislative Council in relation to transferred subjects, and the action which has been taken upon them. It will be observed that there was only one Resolution of importance (that for the appointment of a Committee to report on communal representation in the Civil Services), to which effect was not given by Government. In dealing with this Resolution, regarding which feeling ran high, Government was confronted with the preliminary difficulty of determining in what proportions the members of the proposed Committee should be drawn from each community. The omission of the invited members to accept the invitation was due to acute difference of opinion on this subject.

Resolutions affecting the transferred Departments passed by the Punjab Legislative Council.

Date.	Terms of Resolution passed or promise made.	Volume No. and page of P. L. C. Debates.	Action taken.	Date of Publication in Gazette of action taken.
14-3-1921	That this Council moves the Local Government to take early steps to introduce a Bill over ruling the law relating to Charitable and religious endowments in the Province, and pending the presentation and passing of that legislation, it moves the Governor-General to make and promulgate an ordinance on the subject, so that the movement to alter and reform the existing management of such endowments may cease to threaten the peace and good Government of the Province, provided that on the expiry of the Ordinance the jurisdiction of the Civil Courts, or of such Courts as the Bill which it is proposed to introduce may establish, shall not be ousted:	Vol. I. No. 8 pages 371-2.	This resolution, which was adopted with reference to the difficulties over the management of Sikh Shrines, was superseded by subsequent proceedings on the Gurdwara Bill (Vide P. G. Notification No. 132421-Leg. of 20-6-1922.	P. G. Notification No. 25851 of 21-10-1922

Date	Terms of Resolution passed or promise made	Volume No. and page of P. L. C. Debates.	Action taken.	Date of Publication in Gazette of action taken.
15-3-1921	This Council recommends to the Government to be pleased to invite the attention of the local bodies to the need for poor houses at convenient centres for the incapacitated poor and for free education, technical or otherwise for their children.	Vol. I, No. 8, page 388.	The attention of Local bodies has been invited to the Resolution and they have been asked to inform Government of any action taken.	P. G. Notification No. 25851 of 21-10-22.
15-3-1921	That this Council recommends to the Government to take the necessary steps to modify Article 833, Civil Service Regulations so as to provide that all medical certificates granted to Government servants by Registered Medical Practitioners, whose names are borne on the Annual Medical List compiled by the Punjab Medical Council—shall ordinarily be accepted without the countersignature of the officer in-charge medical charge of the District.	Vol. I, No. 8, page 402.	Orders have issued:— (a) that all heads of offices are authorised to accept without countersignature certificates granted by Medical Practitioners whose names appear in the Annual Medical List, (b) that, as a matter of practice uncountersigned certificates of such Medical Practitioners should ordinarily be accepted by heads of offices unless there are special grounds for not doing so.	Do. Do.
18-3-1921	That the Council recommends to the Govt. that steps be taken through the medium of a special industrial board, to encourage and promote the manufacture and use of indigenous articles by opening stores and holding regular annual industrial exhibitions and fairs.	Vol. I, No. 8, page 434	It is hoped to participate in an All-India Co-operative Exhibition in the coming year, and provisions have been made for exhibitions of indigenous articles and hand loom weaving demonstrations at important fairs in various districts of the Punjab.	F.G. Notification No. 25851 of 22nd October 1922.
18-3-1920	That this Council recommends to Government that the principle of local option exercisable by municipal and district board be applied so far as practicable to the sale of intoxicating liquor in the Province at an early stage.	Vol. I, No. 9, page 490	A Local Option Bill has become law.	Do.
24-10-1921	That this Council recommends to the Government a Committee be appointed to consider what special measures should be taken to increase to improve milch cattle in the Province with a view to increasing the supply of milk and ghee.	Vol. II, No. 3 page 338.	A committee was appointed and reported its conclusions to which, the attention of Heads of Departments was drawn with a view to their assisting towards the attainment of the objects on which the Committee laid stress.	G. P. Notification No. 5432 H. Leg. 17-2-1922 (See also P.G. Resolution No. 5895, dated 23rd May 1923.
25-10-22	That this Council recommends to the Govt to appoint a Committee consisting of the Minister of Education, the Minister for Agriculture, the Director of Agriculture, seven zamindar members of the Council and the mover to report by next session on the educational needs of zamindars.	Vol. II, No. 8, page 551	Committee was appointed to consider this question.	No. 6432 H. Leg.

Date.	Terms of Resolution passed or promise made.	Volume No. and page of P. L. C. Debates.	Action taken.	Date of Publication in Gazette of action taken.
9-1-1922	That this Council recommends to the Govt. to refer to the Standing Committee on Public Health the proposals— (i) that regular training classes be opened at Govt. expenses for the training of Compounders, (ii) that their emoluments be raised materially, and (iii) that their designation be changed to Medical Assistants.	Vol. III No. 1, page 2-9	The proposal was, as recommended, placed before a meeting of the Standing Committee on Public Health which made certain recommendations regarding training, pay, and designation. The scheme of training proposed is still under consideration, the proposed designation has adopted but suggested increase in pay has not been carried out.	No. 6432 H. Leg.
3-8-1922	This Council recommends to the Govt. to recommend to the Govt. of India to remove the restrictions placed on the export of wheat.	Vol. IV, No. 1, page	A recommendation was made to the Government of India accordingly and the restriction on the export of wheat was removed by the Govt. of India on 7th September, 1922.	P.G. Notification No. 6574-Leg. of 26-2-22.
10-11-1922	That this Council recommends to Government that a Committee of six members of this Council with an official chairman be appointed to report on the question of communal representation in the cadre of Civil Service, both senior and subordinate, and to suggest such remedies as should for ever close the recent Hindu Muslim controversy which is being carried on in the Press.	Vol. IV, No 5, page 439.	Certain members were invited to serve on the Committee but did not accept the invitation.	P. G. Notification No. 6574-Leg. of 26-2-22.
23-3-1923	That this Council recommends to the Government to appoint a Committee of official experts with majority of non-official members of the Legislative Council under the presidency of the Hon'ble Minister for Agriculture, Punjab, to examine how far overlapping exists among the departments of P.W.D. Roads and District Buildings, Irrigation and Boards, and how far the recommendations of the Sly Committee Report appointed by the Government of India for the same purpose can be given effect to in this Province.	Vol. IV, No 17, page 1553.	As a preliminary to the appointment of a mixed Committee of officials and non-officials an expert Committee is investigating the overlapping of engineering agencies district by district.	P. G. Notification No. 17786 Leg. of 11-7-23.
20-10-1923	That this Council recommends to the Local Government— (i) that a Provincial Co-operative Bank should be established; (ii) that the Local Govt. should agree to guarantee interest at 6 per cent on debentures to be issued by the Bank to a total sum of 20 lakhs for a period not exceeding 25 years from the date of issue thereof provided that the Bank enter into an agreement with the Local Government to redeem the debentures within the period named.	Vol. V, page 95.	The Provincial Co-operative Bank will probably be registered in October, 1924. It will be for that Bank to ask Government for a guarantee on its debentures.	The action taken has not yet been notified in the Punjab Gazette.

Date.	Terms of Resolution passed or promise made,	Volume No. and page of P. L. C. Debates.	Action taken.	Date of Publication in Gazette of action taken.
28-2 1924	That this Council recommends to the Local Govt. that the new University Regulation proposed by the Punjab University, introducing "Education" as a professional and theoretical subject in the B. A. Course, be not approved.	Vol VI, page 183.	The University has been asked to reconsider the proposed Regulations.	The action taken has not yet been notified in the Punjab Gazette.

41. No case has occurred in which the Minister concerned with the subject matter any resolution adopted by the Council has expressed a desire to take action which has not been taken.

VIII.—The functions of Secretaries.

42. A Secretary is not Secretary to a particular Minister or Member of Government but to Government as a whole. It has always been the rule in the Government of India that a Secretary to Government who differs from the view taken by his member, has the right of laying his own views before the Governor-General. The same principle is embodied in rule 8 of the Punjab Government's rule of executive business which gives a Secretary to Government the right to submit a case at any stage to His Excellency the Governor. In the same way a Secretary to Government in any of the transferred departments has the right of direct access to His Excellency the Governor, and may submit views differing from those which are held by the Minister.

43. No case however is known in which the Chief Secretary or a Secretary in any but the transferred department concerned (unless it were the Secretary in the Finance Department who has the right to lay advice on financial questions before His Excellency the Governor) has made any representation to His Excellency the Governor on any transferred subject.

44. There exists no such thing as a right of preaudience on the part of a Secretary. Secretaries, like Members and Ministers, have particular hours allotted to them, at which they may take work to His Excellency the Governor. It may occasionally happen that a Secretary may mention a case to the Governor which has not yet been seen by the Minister; but that is an accident only, and there is clearly an obligation upon the Governor to safeguard the position of the Minister by requiring the Secretary to take Ministers' orders on the subject. Such an accident, if it occurs, does not reveal a false procedure, but only a temporary lapse to be provided against in future,

45. With reference to the suggestion that a Chief Secretary has very large and exceptional powers, any interesting opportunity has accidentally presented itself of putting this theory to the test. In order to ascertain certain matters of fact for the preparation of this memorandum I recently wrote to a former Chief Secretary, now retired, and asked him what the procedure had been in making a particular appointment to an office under the control of a certain Minister. In the course of his reply he had said that he did not know, and that the Governor was not in the habit of taking him into his confidence on numerous questions. This, as my experience shows, is not a mere accidental experience of a particular officer, but a general and probably inevitable incident of the working of so gigantic a machine as the administration of a Province. It is the business of every member of Government

whether a Minister or a member of the Executive Council to draw immediate attention to any case in which his constitutional position has been overlooked, or legitimate powers in any way invaded. He has his ultimate remedy, for extreme case in resignation; a remedy which in the case of a Minister, is likely to vary effective one; since the subsequent publication of his reasons for resignation, if the reasons indicated that he had received unconstitutional treatment, would be a serious embarrassment to the Governor.

IX.—*Relations between Ministers and the services.*

46. In the memorandum embodying for the Reforms Committee the views of a certain Punjab Political body it was represented that the Powers of Ministers over the Services in their control should be complete, subject of course to the right of any member of the Indian or Provincial Services to go up on appeal to the Governor or Governor-General as the case may be. This may have been merely a way of saying that the special protection enjoyed by the All-India Services which were appointed, and may only be dismissed, by the Secretary of State, and the special provisions of No. 16 of the Devolution Rules, ought to be withdrawn. If it means more than this (and taken literally it does, mean more) it appears to be perilously near to an argument in favour of a "spoils" system, under which each Minister in turn would appoint his own creatures to offices under his control. It is unnecessary to dilate upon the deleterious consequences upon the honesty and efficiency of the Services of such a system. Under any system of Government the permanent tenure of the Government servant (subject to good conduct) and his immunity from political influences and from the results of changes of Ministry must be guaranteed, if any satisfactory standard of administration is to be maintained.

47. No. 10 of the Devolution Rules provides that the authority vested in the local Government over officers of the public services employed in a Governor's Province shall be exercised in the case of officers serving in a department dealing with reserved subjects by the Governor in Council, and, in the case of officers serving in a department dealing with transferred subjects by the Governor acting with the Minister in charge of the Department. There are certain provisos to this rule, requiring the personal concurrence of the Governor to disciplinary action against officers of All-India or Provincial Services, and to orders for the posting of an officer of an All-India Service. In the table regulating in detail the distribution of business, provision is made for submission direct to the Governor of matters relating to All-India Services, and of cases in which the protection provided for in rule 10 is invoked or is in issue, whether for All-India or Provincial service officers.

48. In a recent public statement these arrangements have been described as establishing sole responsibility in the Governor for the services, and as creating a somewhat undignified position for the Members and Ministers.

A Member or Minister would be perfectly within his right in calling for papers on any subject on which Devolution rule 10 requires his concurrence in the orders passed, and the rule does not establish sole responsibility in the Governor; but assigns it to the Governor in Council or to the Governor acting with the Minister, as the case may be.

49. Rule 7 of the Rules of Executive business made by His Excellency the Governor under section 49 (2) of the Government of India Act provides that *in any case of importance*, in which it is proposed to negative the recommendations of a Financial Commissioner, a Commissioner of a Division, or a Head of a Department, or to overrule the decision of such officer when, acting within his powers, he has passed an order, the papers are to be submitted to the Governor before any orders to that effect are issued by a Member or Minister. These restrictions apply alike to members and to Ministers. There is a corresponding rule of the Government of India, which makes it obligatory to refer to the Governor-General when a department of the Government of India proposes to negative a recommendation or overrule a decision of a local Government. The object of such rules is to ensure that an important decision should not be taken by a single Member of the Government or Minister on his own responsibility, It is a recognition of the weight naturally attaching to a recommendation put forward by the head of a department, and of the necessity of mature consideration when such a recommendation is to be negated.

50. In the case of officiating appointment under the Ministry of Agriculture, there is no written record of any consultation with the Minister before the appointment was made. The officer who was at that time Chief Secretary has left the service; but he has been consulted and he writes: "I think it is most unlikely that Sir Edward Maclagan did not consult,..... (the Minister concerned) on the point for he was punctilious and generous in his dealings with Minister". In all other cases of appointments subordinate to the Ministers, except those which would normally be filled by Head of Department without reference to Government it is certain that Ministers either made the appointments themselves or were consulted and approved the selections. This statement of practice is confirmed by the present Minister of Education who adds: "Whenever I have felt that someone, whether a head of Department, Member of Government, or the Governor, is trespassing upon my rights, I have brought the matter at once to His Excellency the Governor's notice, and matters have been put right."

51. In one case (motion by the Minister of Agriculture that leave be granted to introduce the Urban Property Rent Regulation Bill) one official member voted against the Minister. The motion was lost by 35 votes to 29, so it would have been lost even if this official member had voted for instead of against it. In this case official members had not been required to support the motion; but they would have been required to do so if the Minister had asked for it. This occurred on August 8th, 1922, and the procedure for deciding whether official members should or should not be required to vote in a particular manner was made stricter after this incident.

52. At the time of the introduction of the Reformed system of administration, official orders issued by circular to all officers, reminding them that they were expected to call upon Members and Ministers. I know that all heads of departments and officials at headquarters complied punctiliously with these instructions. No case is known of any officer omitting to call upon a Minister; but if such a case occurred it was a breach of orders, which would have been suitably dealt with if attention had been drawn to it. I have had occasion to observe the demeanour of officers of my own and other services in their relations with the Ministers,

Except in the case of one single officer (and he was one who did not get on very well with his own brother officers) the relations were always good, and sometimes cordial.

53. Prior to the Reforms correspondence took place between the Punjab Government and the Secretary of State through the Government of India, regarding the appointment by the Secretary of State of a cattle-breeding expert for employment in the Punjab. On the introduction of the Reforms the Ministry of Agriculture considered the scheme and approved it. On a review of the position, however, the Ministry concluded that it would be financially impossible to provide the expert with the staff required and therefore communicated its unwillingness to entertain an expert required in England. In the meanwhile the Secretary of State, acting on the information previously given to him, had selected a candidate for the post. The candidate who had been selected, objected that he had resigned the appointment previously held by him in England in order to take up the Punjab post, and claimed compensation if the latter were cancelled. The Ministry of Agriculture then decided to accept the candidate selected by the Secretary of State. This case appears to be the origin of a statement recently made that the Ministry of Agriculture was threatened with legal opinion and so forth by certain officers.

54. The newly appointed cattle expert resigned almost immediately after his arrival in India; and being called upon to refund his passage money under the terms of his agreement, made a representation to the Secretary of State, complaining that his work was not what he had been led to suppose that it would be and objecting to make the refund. The Ministry of Agriculture explained that it had endeavoured to make the best use of the expert and had sent him to the chief breeding establishment at Hissar to learn the existing conditions. But the Secretary of State, on a review of all the facts, decided that there was no evidence to show that a scheme on the special lines for which the expert had been engaged would have been started if the expert had remained in the Punjab, and found himself unable to agree with the Government of India and with the Punjab Government that the refund of passage money should be insisted upon.

55. The case must have caused some perplexity and annoyance to the Ministry of Agriculture; but it has no feature which might not equally have presented itself to a pre-Reform Government, or to the authority in charge of a reserved department under the Reforms. The gentleman concerned was not a member of any of the services, but was engaged upon a five years' contract. In my capacity of Vice-Chancellor of the University I have suffered a similar experience myself with a University Professor who came out on an agreement for a term of years but left on finding that the conditions were not what he had been led to expect.

56. No other case of similar friction in any department under the Reformed Government is traceable. But everyone with any considerable experience of administration is aware that all officials, whether subordinate or superior, are not equally easy to deal with, and that friction and unpleasantness will inevitably occur from time to time. From such occasional friction and unpleasantness neither Members, nor autocratic nor democratic administrators are exempt. For the extreme cases, where subordinates are concerned, there is always the remedy of disciplinary action. For the rest, there is nothing but patience and good humour and humane handling.

X.—Patronage.

57. There has been a recent suggestion, publicly made, that the Government did not act together as an undivided unit in the Legislative Council, that influence in the Council was unevenly divided between the Members and Ministers, in proportion to the patronage which each of them was in a position to command; and that the patronage which some of them commanded included official appointments, honorary magistrateships, water concessions and titles.

58. As regards the first portion of this statement, it is a rule which has never been departed from that Members and Ministers shall not speak or vote against each other. They are at liberty to abstain from speaking or voting on proposals made by colleagues. But I know only one instance in which this liberty has been exercised: namely, when the Honourable Member for Revenue and the Honourable Minister for Agriculture abstained from voting for the Sikh Shrines Bill introduced by the Honourable Minister for Education. I have referred elsewhere in this note to the single exception which has occurred to the rule that in all important cases the official members receive instructions to vote in favour of proposals put forward by Ministers.

59. No case has occurred of a water concession being given to a M. L. C. nor does any practice exist of giving such concessions. The writer who referred to water concessions may have meant that particular local or communal interests were conciliated by the preferential construction of particular canals. There has been in the Council something of a struggle between rival local interests over the question whether the Sind Sagar Doab Project or the Bhakra dam project should have preference. I have taken part in the deliberations of Government over this question, which is not yet settled. The argument which has generally carried most weight is the argument of fiscal advantage. The desirability of conciliating one local or communal interest rather than another has never been put forward, to my knowledge except perhaps by a witness before the Reforms Committee.

60. It has been truly stated that the Irrigation Department (reserved) has a good deal more influence in the Council than the Buildings and Roads Department of the Public Works Department which is transferred. In the one case members see, before their eyes, great tangible advantages: the production of crops on ten or eleven million acres of cultivation, and a large surplus revenue, going to the reduction of general taxation. In the other case, members see only buildings constructed for official purposes and a road system which is admittedly far from perfect, and a large expenditure with no revenues to be set against it. The position will be changed when the Roads and Buildings Department is able to figure as the beneficent supplier of hydro-electric power at cheap rates to a large portion of the Province. My own observation is that both Education and Irrigation are highly appreciated, and can generally get all that they want, but that the Council looks askance, with varying degrees of suspicion, upon most other expenditure. But these preferences have nothing to do with a corrupt or illicit influence upon individual members.

61. The recommendation of persons for titles and orders is entirely in the hands of His Excellency the Governor, to whom Members and Ministers are at liberty to make their

proposals. As leader of the House I must have known of any case in which a title was promised by any responsible authority to a M. L. C. in consideration of his taking a particular line. I am aware of no such case. A knighthood was recently conferred upon a member, who has for many years been the singularly successful unofficial President of a thriving Municipality. It did not prevent him from speaking his mind. He recently told me publicly that I had made a great mistake over a certain measure and that the people were very angry with me about it. The number of non-official members who make a regular practice of voting with Government is extremely small. Even nominated members frequently vote against Government.

62. In 1922 a jagir of Rs. 400 per annum was conferred upon Chaudhri Kharaq Singh, member of the Punjab Legislative Council and Vice-Chairman of the Gurdaspur District Board; a prominent representative of the Dogra Rajputs, who rendered valuable services during the Great War. In the budget discussion in the local Council in 1923, he distinguished himself by his vigorous and detailed criticism of the budget proposals of Government, which was much appreciated on the Government benches. He certainly did not regard himself as in any way committed to the support of Government by the fact that his War services had been rewarded. There has been no Crown land for general distribution since the inauguration of the Reforms.

63. Recommendations for Honorary Magistrateships are made by local authorities, after a certain period of judicial training has been undergone by the candidate. I know of no case in which proposals for such appointments have been initiated by Government, since the beginning of the era of the Reforms. All the proposals for such appointments pass through my hands, and I know of no case in which they have been made the consideration for the adoption of a particular attitude in the Council.

64. With reference to the exercise of patronage by a Member or Minister in the purchase of stores and the giving of contracts, such matters as these have never been centralised in Government whether pre-reform or post-reform. Large questions of principle come before the Member or Minister. For instance, when there was a proposal to give a prolonged monopoly of a particular kind of supply, such as cement or stone ballast, it was referred for the orders of the Minister. It is the Minister only who has power to sanction local purchase of English stores of more than a stated maximum value; but it would be an unusual course on his part, when giving sanction, to say that the purchase should be made from a particular firm. Ordinarily speaking, Superintending Engineers have full power to accept tenders and enter into contracts, and no Member or Minister exercise patronage of that sort in any way.

65. As between the two gentlemen who occupied the position of Ministers in the period of the first Council, it was noticeable that one found it easier to carry the majority of the Council with him than the other. I have already explained that this was not due to any difference in the attitude of official members, who, on all important questions, supported each Minister alike. The reason lay in the composition of parties in the Council, as it gradually revealed itself. As is shown more in detail in another part of this note, in spite of occasional votes on purely communal lines, the cleavage was between rural

and urban interest. The one Minister, who was regarded as representing rural interests, was always successful in carrying any division over a question which he really had at heart. The other Minister, who was thought to be identified rather with urban interests, was not equally successful, and suffered at least one severe defeat over a big question, in spite of the support of the official bloc. From the beginning of the second Council, both Ministers belong to the rural section which has a clear majority in the Council, and the one has as good a chance of success with his measures as the other.

REFORMS ENQUIRY COMMITTEE.

Monday, the 20th October, 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

WITNESS :—Honourable Sir John Maynard, Member of the Executive Council, Punjab.

EXAMINED BY THE CHAIRMAN.

Introduction.

1. Q.—Have you a copy of your memorandum, Sir John ?

A.—I have not got a printed one. There are one or two little mistakes in the typing of it that I should like to correct. In two places my negatives have been turned into affirmatives.

At the end of paragraph 14 "Members by Ministers" should be "Members and Ministers."

In paragraph 18, line 9, "the difference of principle" should be "no difference of principle."

In paragraph 24, line 4, the word 'new' has been omitted before 'proposals'; it should be inserted there.

Paragraph 28 has been omitted in the printed memorandum; I have got it in manuscript here.

In paragraph 36, line 2, 'has' should be 'had.'

In paragraph 59 at the end, 'by a witness' should be 'during the examination of a witness.'

In paragraph 60 "both Education and Irrigation" should be "Education, Co-operation and Irrigation."

2. Q.—I take it that you are giving evidence on behalf of the Punjab ?

A.—Yes; I think it may be understood so; as a matter of fact it is my own memorandum, but I think it will be approved by the Punjab Government.

3. Q.—The object of the Punjab Government in permitting you to give evidence is to remove any misapprehensions or mis-statements that may have been put before the Committee by any witness from the Punjab ?

A.—That is the main object.

4. Q.—As a matter of fact you are a member of the Executive Council of the Punjab and you have been a member since the commencement of the Reforms ?

A.—Yes.

5. Q.—For nearly four years ?

A.—Yes.

6. Q.—You were a member of the Punjab Government throughout the time Lala Harkishen Lal was Minister ?

A.—Yes.

7. Q.—I am not going to take you at any great length through the Memorandum you have put in because in most cases it is self-explanatory, but I just want to put a few points to you. The first few paragraphs of your memorandum—1 to 7—deal mainly with legislation ?

A.—Yes.

Vide Q—358 to 365

8. Q. And you there mention to us the only cases in which the Government of India have had to interfere—I take it there are no others ?

Interference of Government of India.

A.—No others.

9. Q.—As regards the first paragraph it refers to a Bill regarding Land Revenue. Am I right in thinking that land revenue is a reserved subject in the Punjab?

A.—Yes.

10. Q.—That paragraph has no bearing on anything to do with the Ministers?

A.—No.

11. Q.—It is purely a matter between the Punjab Government and the Government of India on the reserved side?

A.—Purely.

12. Q.—Then you tell us about the position of tramways in the Punjab in paragraph 4; you take notice of the fact that there has been some feeling that progress was delayed by the Railway Board?

A.—That was the feeling.

13. Q.—But the Railway Board were not interfering directly with the tramway project, were they? They were merely exercising their powers for the protection of railways?

A.—That is so.

14. Q.—Railways is a central subject?

A.—Yes.

15. Q.—And you consider that it should remain as a central subject?

A.—Yes.

16. Q.—And if it is a central subject the authority who deals with that subject must naturally exercise some supervision?

A.—Quite.

17. Q.—No, you also tell us there has been no legislation in regard to Electricity, Co-operation and Communications. Paragraph 6.

A.—Yes.

18. Q.—When you say there has been no legislation, am I right in supposing there has been no project for legislation?

A.—Yes, no project. Except, of course, this project of provincial legislation on tramways.

19. Q.—Not otherwise?

A.—No.

20. Q.—Then in paragraph 7, you tell us that no instance has occurred in which the Local Government has failed upon application to obtain advances from the Government of India for capital developments under these heads. Could you tell us if the Government of India have given an advance?

A.—Oh yes.

21. Q.—In no instance has it ever been refused?

A.—They have not been given for specific objects but they have been given for general capital purposes as well as for financing the Government of the Punjab's deficits.

22. Q.—Quite so. No money has been refused under these heads?

A.—No. I understand there was an idea of a development loan which would have covered certain projects of this character but it never went so far as to be put forward seriously.

23. Q.—There was no application?

A.—It was an idea but it was never put forward in the form of an application nor was it ever pressed by the Minister concerned.

24. Q.—Now, take your paragraph 8. It does not mean more than this that, whatever the powers of the Governor may be, he has no special powers in regard to legislation.

A.—No. In regard to the institution of legislation

25. Q.—The projects for legislation. His powers in regard to these projects are the same as in regard to any other matters.

Position of Governor

A.—Yes.

26. Q.—Then in paragraph 10, you explain to us that the reservation of subjects for the Governor—if I understand you correctly—does not amount to more than this that the Governor takes his share with the other Members of his Government in disposing of matters. He takes his own Department ?

A.—Yes, that is the position.

27. Q.—You say some of these are outside the sphere of the Governor in Council altogether I understand, of course, that under the Act, the Governor has special statutory powers. He has certain matters which are reserved to him. I don't quite understand your statement that Indian States are excluded from the purview of the Governor in Council ?

A.—Oh that has been the most important of our arrangements under the Reforms,—the exclusion of Native States.

28. Q.—I quite understand that that is a Central subject ?

A.—Yes.

29. Q.—It is only in that sense you mean it ? That Indian States are Central subject—is that what you mean ?

A.—Yes, that is what I mean.

30. Q.—There is no special reservation otherwise ?

A.—There is no special reservation otherwise.

Papers.

31. Q.—Am I to understand from paragraph 11 that a Member may call for a paper on the transferred side and a Minister may call for a paper on the reserved side ?

A.—Well, the rules do not actually provide for that. What the rule says is that he may call for any paper concerning the department in his charge

32. Q.—I quite see that, that is to say, if a reserved subject affects a transferred subject or if a transferred subject affects a reserved subject, it is natural in order that he may have his own views on the subject that he must see the papers ?

A.—Yes.

33. Q.—But I am not wrong in thinking—am I—that as a right neither a Member nor a Minister could call for a departmental paper which did not concern his department in any way ?

A.—No, not if it did not concern his department.

34. Q.—But if the papers did concern his department ?

A.—That has not been in practice understood as meaning merely a matter which is actually under consideration in his department, but concerning his department.

35. Q.—In the widest sense of the word ?

A.—Yes.

(*Dr. Paranjpye*) Q.—Then this statement requires to be modified, Sir John ? You say here :—

“The right of a Member or Minister to call for papers in another department (so long as he does not seek to intervene in matters for which the Governor as such is solely responsible) ”.

A.—I think I should have said “which concerns his department in the widest sense ”.

(*Sir Muhammad Shafi*).—What as a matter of fact has been the practice in your Government with regard to this matter ?

Has there arisen any occasion on which, if the Minister wanted to see a file connected with the other half, his desire has been absolutely negatived ?

A.—No, certainly, no case.

I should explain in this connection that a statement is circulated to all the Members and Ministers showing the work which has been done by the other Members and Ministers. If, on that, anyone should express a desire to see a particular file on the ground that it concerned his department, it would be without question conceded.

(Dr. Paranjpye). Q.—After how many months is the statement circulated ?

A.—Oh it comes to me, I think, it is a weekly statement. I get it at regular intervals of 10 days or a fortnight. Something of that kind.

(Maharaja of Burdwan) Q.—On this question I should like to ask you a question, Sir John. Some Governments have had the practice of circulating the work done on the reserved side to other Members, but I have never heard of the practice of the Ministers' work being circulated to the Members or the Members' work being circulated to the Ministers. You say that is the practice in the Punjab. May I inquire if that has been the practice since the start ?

A.—No, not from the very start. We discovered the necessity for it. I should say, about a year after beginning.

36. Q.—That is the practice at present ?

A.—All the weekly cases disposed of, it does not matter whether it is by the Minister or the Member, are circulated to all the Members and Ministers. It is just a skeleton statement—the subject and the order passed.

(Dr. Paranjpye) Q.—Not the printed proceedings of course ?

A.—No, no, simply a statement of cases disposed of during the week.

Joint Committee

37. Q.—Now paragraph 12, on the question of joint consultation. Apparently, up to recently there were no regular dates for these joint consultations ?

A.—No.

38. Q.—I understand it was held frequently ?

A.—Yes.

39. Q.—Was it the practice in the Punjab for the Governor in Council to have regular meetings and the Governor with his Ministers to have regular meetings ?

A.—No, I have only known one case in which the Governor in Council as such has held a meeting apart from the Council sitting with Ministers.

40. Q.—Then practically you have abolished the distinction between a meeting of the Governor in Council and the Governor and his Ministers—for all practical purposes ?

A.—Yes, for all practical purposes.

41. Q.—Has the Governor ever had a meeting of the Ministers—distinct meeting of the transferred half ?

Vide A. 239.

A.—No, I believe not.

42. Q.—It has practically disappeared ?

A.—Yes.

43. Q.—In para. 13 you mention two cases where joint discussions did not take place. One was about the admission of members of different communities to certain educational institutions and the other was the alteration of the constitution of certain Municipalities. Could you tell me roughly in what year those occurred ? Was it recently or early in the reforms ? That is the point ?

Vide A. 37 A. 9A.

A.—Well, it must have been in 1922, because I remember the protest which certain Members of Council made against it and that was certainly in 1922. I am safe in saying that.

44. Q.—The members protested ?

A.—Certain Members of the Legislative Council.

45. Q.—How did they come to know it ?

A.—I cannot tell you how they came to know. I think it was perfectly well known—it was public property the—thing had been considered.

46. Q.—I take in the proceedings of the meetings of Government are still treated as confidential ?

A.—Oh yes.

(*Sir Muhammad Shafi*). Q.—May I remind you that the matter was first discussed in the columns of the *Tribune* and that is how the public came to know of it?

A.—Very likely that is how it came out.

47. Q.—In para. 15, Sir John, you say that part of the Government was away and something affecting the Sikh situation came up in November 1922 and the decision of the Government was arrived at by the Minister of Agriculture and yourself. I assume that the matter had nothing to do with the transferred subject of Agriculture?

A.—Nothing, no.

48. Q.—Did you regard yourselves as two Members of Government or did you regard yourself as the Member in charge of the subject desiring to avail yourself of the advice of a Minister?

A.—I regarded myself as a Member of a unitary Government.

49. Q.—And you and the Ministers of Agriculture both regarded yourselves as coming to a decision on behalf of the Government.

A.—Of course, I cannot be certain that line we took.

50. Q.—Well, at any rate you so regarded yourself?

A.—Yes, I regarded myself as that.

51. Q.—It was your subject?

A.—Yes, it was my subject.

52. Q.—And you called in your brother Minister as a Member of the same Government to help you in coming to a decision?

A.—Yes.

53. Q.—And you would have considered it wrong to come a decision unless he agreed with you?

A.—Yes.

54. Q.—Supposing he differed?

A.—Well, yes, supposing we differed and I had been quite certain that I was right and it was a very urgent matter, I should have acted on my own decision.

55. Q.—But if it was not an urgent matter?

A.—Then I should have waited.

56. Q.—In para 16 you say there were only three cases where there was really a division between the two halves of the Government. I mean real division when it was pressed to a difference?

A.—Yes, it did not come to the recording of Minutes of Dissent but there was a definite difference of opinion.

57. Q.—Then you say that the first case was the question of maintaining law and order?

A.—Yes.

58. Q.—I take it that law and order is a reserved subject?

A.—Yes.

59. Q.—And for that the Ministers had no responsibility?

A.—No.

60. Q.—Therefore they were pressing their views on a matter for which they were not responsible?

A.—They were pressing a more uncompromising view of the obligation of maintaining law and order.

61. Q.—The next was a financial question and would of course concern both halves of Government as also the third case?

A.—Yes.

62. Q.—In para. 18 you mention the Sikh trouble in the Punjab I should like to tell the Committee to what department of Government the Punjab Government considered that the control of gurdwaras belonged?

A.—Technically, it belonged to the Minister for Education.

63. Q.—Therefore it was a transferred subject?

A.—Yes.

64. Q.—Why do you say technically, why technically?

A.—Because it is one of the subjects which are transferred.

65. Q.—Then it did belong to the transferred half. Why technically ?

A.—I mean technically as opposed to practically.

66. Q.—And what is the distinction?

A.—Well, practically, it belonged to the Government as a whole. It is impossible to divide off law and order from questions connected with the shrines.

67. Q.—Of course, I quite understand that. A movement of that kind must seriously affect law and order but the actual Bill to deal with the subject would be a matter for the transferred department ?

A.—Yes.

68. Q.—Law and Order was only concerned as a secondary but a very important branch?

A.—Yes.

69. Q.—But the actual regulation of the shrines is a transferred subject?

A.—From the very first the movement took a form in which law and order was inevitably drawn in from the very beginning.

70. Q.—It was dealt with as a subject affecting law and order and was settled by joint consultation ?

A.—Yes.

71. Q.—Who actually introduced the Bill ?

A.—The Minister for Education.

72. Q.—On both occasions ?

A.—Yes. On both occasions on which a gurdwara Bill was introduced it was done by the Minister of Education, but on a third occasion I drafted a Bill on the subject of jurisdiction in gurdwara cases, which involved a different method of dealing with the matter, and because it did not happen to be a matter concerning Shrines but concerning civil law, it was in my hands.

73. Q.—I take it that in a case like that the Government acted with united Councils?

A.—Yes.

74. Q.—That being so, I do not understand why one member of Government and one Minister voted with the Government and one Executive Councillor and one Minister abstained from voting. You were dealing with the Bill as a Government Bill supported by both halves of the Government ?

A.—The situation modified itself at the last moment. Hindu and Sikh feeling was so strong that Hindu and the Sikh members of the Government simply could not make up their minds to vote for the Bill ?

75. Q.—In those circumstances there are other means of obtaining unanimity in the Government ?

A.—Either resignation or dismissal of a Minister ? That is so. It was of course very undesirable on a question of that kind to force resignation.

76. Q.—I am not concerned with the policy. I am merely drawing attention to the constitutional problem. If a Bill is dealt with as a Bill approved of by both halves of Government, then surely both halves of the Government should support it ?

A.—Yes. Quite. I may say that almost up to the last moment we believed that we had all the members of Government with us.

77. Q.—The change came at the last moment ?

A.—The feeling among Sikhs and Hindus was so strong. It was very difficult for a Hindu or Sikh to stand against it.

78. Q.—You say in para. 19 that a vote of censure was directed against the Muhammadan Minister of Education and that the Hindu Minister voted against the censure ? Was it Mr. Harikishen Lal ?

A.—That is the Hindu Minister.

79. Q.—In other words he supported his colleague ?

80. Q.—On that occasion at any rate you had an example of joint responsibility of Ministers ?

A.—Yes.

Vide 352—356, also A 39.

Joint Responsibility.

81. Q.—Can you say that joint responsibility existed otherwise, that is to say, did the Ministers consult together on general policy ?

A.—They consulted informally very frequently.

82. Q.—Did they get into general touch ?

Vide A—40.

A.—Yes. That was my impression. They got generally into touch and very friendly touch

Vide 53—85.

Finance Department.

83. Q.—I think you have given a rather different impression on that point to what we have heard before. You have explained the position as regards the Finance Department. I take it that the statement that the Finance Department could overrule a Minister is incorrect ?

A.—Absolutely. On the contrary we have many examples of the contrary process.

84. Q.—I would not go through the details but there was a case about the deputation of an officer to pick up experience regarding reinforced concrete.—In that case the Minister had his way ?

A.—Yes. The advice of the Finance Department was overruled.

85. Q.—You have given us some interesting figures in para. 27 showing the marked rise in expenditure in the transferred department ; there was an increase of 35 lakhs under Education, 7 lakhs under Medical, 7 lakhs under Agriculture and 8 lakhs under Industries. Can you tell us whether in your opinion this increase was due to the pressure put on the Government by the Ministers or was it just a natural development ? In other words, did the creation of responsibility in the transferred half result in a flow of money to the transferred side ?

A.—In the case of education and in the case of Industries I am quite certain that it was the influence of the ministers that caused the increase of expenditure on the reserved side.

(Dr. Paranjpye.) Q.—Can you give us the figures on the reserved side ?

A.—Our total expenditure in these years remained virtually stationary.

Chairman.—Q.—The increase was on the transferred side ?

A.—There was a slight diminution on the reserved side to make up the amount on the transferred side.

86. Q.—The money that was reduced went to Education ?

A.—I would not put it that way. The increases which might have come evenly were more in the transferred than on the reserved subjects.

Education.

87. Q.—In paragraph 28 you say there has been a remarkable development in primary education. We have not got the details and I would suggest that you should put in that paragraph ?

A.—I have got it here.

88. Q.—Will have that circulated if you will hand it over to the Secretary ?

A.—(Witness handed in some papers to Secretary). It is only a couple of pages of manuscript. The principal feature of it is that the increase in the number of persons under instruction during the three years was 150 thousand and that is more than double what it is in any other province in India. The nearest figure is Madras which was 78 thousand. The Punjab during the triennium increased by 1,50,000.

89. Q.—Should I be wrong in assuming that it was due to the influence of the Minister ?

A.—That is certainly my opinion.

90 Q.—Who was the Minister for Education ?

A.—Mian Fazl-i-Hussain.

Rural and Urban 91. Q.—With regard to what you say in paragraph 31, I take it that your view, Sir John, speaking generally is that the distinction is more between rural and urban than between Hindu and Muhammadan as regards Council voting ?

A.—That is so far the proceedings in the Council go. It is undoubtedly more a division now of the rural and urban than communal.

92. Q.—That is rather interesting. We have been told that the feeling between Hindu and Muhammadan is so strong that that division has replaced every other division, but that is not your view ?

A.—I hope I have not been misunderstood. I am speaking now of the proceedings in the Council.

93. Q.—May I take it that outside the Council the communal feeling is still very strong ?

A.—Yes and in the Council itself there were many important differences which took the communal division line and there were also many ways in which division by community did affect politics in the Council. I can give examples of that if necessary.

94. Q.—I think you have given examples in your memorandum ?

A.—There is a point which I have not made quite clear and that is the way in which the communal difference caused a curious approximation between the Sikhs and the Hindus. The Hindus had formerly opposed the Sikh desire for particular concessions regarding their shrines. After the riots which took place in September 1922 the Hindus were very much alarmed at the position and afraid of the Muhammadans they began to look about them for allies and they formed a rather close alliance with the Sikhs, the result being that the Hindus and the Sikhs combined together for quite different reasons to throw out the Gurdwara Bill in November 1922. That was the direct result of what the Hindus regarded as a Muhammadan menace.

95. Q.—That was a clear case ?

A.—Yes, of communal feeling coming out

Vide A. 348.

Office Memorandum.

96. Q.—In paragraph 39 you have given an analysis of the results of the voting on transferred subjects. I see that out of the total number the official vote only determined the result in six cases ?

A.—Nine, I think, out of 15.

Sir Muhammad Shafi.—It is 8, Sir John ?

A.—Yes, it is 8, quite correct.

Vide A. 172.

97. Q.—In paragraph 40 you give us the Resolutions on the transferred side and you tell us that except in one case of importance effect was given to them ?

A.—Yes.

Secretaries and Chief Secretary.

98. Q.—In section VIII of your memorandum you give us the functions of the Secretaries. You point out that the Chief Secretary has no more power than in fact any other Secretary. Am I right ?

A.—He has no more power than any other Secretary. He deals with a group of subjects which are more important such as the postings of Officers and personal questions connected with officers and so on

Vide A. 100-106.

99. Q.—He is the most important Secretary ?

A.—Yes.

100. Q.—But his constitutional function is the same as the others ?

A.—Yes.

101. Q.—Save in so far as he may be a very senior man and may be listened to ?

A.—Yes.

102. Q.—The position of Secretaries and Members and Secretaries and Ministers is the same?

A.—The position of Secretaries to Members and of Secretaries to Ministers is the same.

103. Q.—There is no distinction?

A.—No.

104. Q.—A point was made that the arrangements in regard to the services were such that the Ministers were in an undignified position. You say any? in your examination that it is not so?

A.—No, it is not so.

105. Q.—You yourself will remember that the position of a Member and a Minister is the same in this respect?

A.—Quite so.

106. Q.—Have you ever felt any feeling of dissatisfaction at the arrangement that it is not a right and proper arrangement?

A.—No.

107. Q.—You would be just as ready to object to it as a Minister if you feel it a slur?

A.—If my constitutional position were overlooked I should draw attention to the matters.

108. Q.—Another rule of business requires that in certain cases in which heads of departments and Commissioners of Divisions are over-ruled that the Secretary should submit his minute to the Governor?

A.—A Member or Minister is expected to refer to the Governor before negating a recommendation of a Head of Department or Commissioner of Division.

Powers of Governor. 109. Q.—But the mere submission of a case to the Governor does not alter the constitutional position? Supposing the Governor disagrees with the member?

A.—Of course you will recollect that the Governor has the power of over-ruling the Minister.

110. Q.—Quite so, in extreme cases?

A.—Yes.

111. Q.—Supposing he disagree with a member, he will put it on record. It would be open to the member, I take it, if the Governor did over-rule him to ask that it may be taken in Council?

A.—That is the proper course. But in comparatively small cases occurring every day, the Governor comes to a decision and it is accepted.

112. Q.—You do not think it is worth while to take it up further?

A.—Yes. What the member should do if he really thought it important is to say "I wish to have it put before the Council." It can be placed before the Council and a minute of dissent can also be recorded if the member thinks it important enough.

113. Q.—The Governor may take a view that is not perhaps the view members originally took. It is quite possible that when the members look at the Governor's view he will re-consider his own opinion?

A.—Yes. When the Governor records an opinion on a file, the member does not often say "I should like to put it before the Council." On reconsideration the member has accepted the Governor's view.

114. Q.—That is the constitutional position?

A.—Yes.

115. Q.—That covers the position as regards the member of Council?

A.—Yes.

116. Q.—What is the position as regards a Minister? I submit a case with a recommendation for action. What does the Governor do if he disagrees with it?

A.—Probably what the Governor will do will be to ask the Minister to come and see and discuss the matter with him. Then they would arrive at a common decision. Or else, naturally the Governor has the power of over-ruling.

117. Q.—The Governor exercises the power?

A.—Yes.

118. Q.—He would not exercise it without discussing?

A.—No.

119. Q.—He only exercises that power in circumstances where he thinks that not only the decision of the Minister is wrong but it is likely to have serious results. Am I right in taking it in that way?

A.—That, I think, is almost certainly the correct view

(*Maharaja of Burdwan*).—Q.—Supposing a member of the Executive Council puts up a case regarding an appointment and the Governor does not agree with that view, in the case of a Member you have the advantage that if the member, even on reconsideration does not agree with the view of the Governor, he could have the case brought before a Meeting of the Executive Council and then if he is over-ruled he can write a note of dissent. In a similar case in the case of a Minister if the Governor disagrees with the Minister, the Governor and the Minister would have a discussion. If even then they could not come to an agreement and the Minister stuck to his original opinion, do you think that in a case of that kind it would in any way improve the situation if the Minister had a right to have the matter referred to a Joint Meeting of the Council?

A.—Of course it is a hypothetical case so far as the Punjab is concerned. I do not know of any case in which this particular thing has happened.

(*Sir Muhammad Shafi*). Q.—Supposing a case did happen?

120. Q.—It never has happened?

A.—No. It has never happened?

Governor
Ministers.

and

121. Q.—I think you might leave it, I will draw your attention to the Instructions to Governors which lay down what is the course of action to be followed by him. "In considering a Minister's advice and deciding whether or not there is sufficient cause in any case to dissent from his opinion, you shall have due regard to his relations with the legislative council and to the wishes of the people of the presidency as expressed by their representatives therein". Of course that would arise on a big question of policy.

A.—Yes.

122. Q.—Obviously it could not arise in the case of an appointment?

A.—It is conceivable that a particular appointment might involve an important question of policy.

Ministers
Services.

and

123. Q.—You point out that all officers were directed to call upon Members and Ministers. That, I presume refers to a statement made to us that officers did not call on members?

A.—Yes.

124. Q.—Does such an order indicate any reluctance on the part of officers to maintain social relationship?

A.—I do not think that is the case but it was considered better to give them a general instruction.

125. Q.—I should like to have your own opinion as one of the senior member of Council on this point, whether you have observed any reluctance on the part of the services to accept the new Ministers in a friendly spirit?

A.—No it is quite the contrary. When the Ministers came in every body was quite delighted with them. They thought they would get a great deal with more money from the Council for their departments. That was the actual sentiment. They thought

they would get more money, because they had a good advocate in the Council.

"The" legal proceedings.

126. Q.—In paragraph 53 you explain quite clearly the obscure statement that was made to us that a Minister was threatened with legal proceedings by some one in the service. It was really a portion of fulfilment of a contract?

A.—I take it that it was not the Minister who was threatened but it was the Government, the Secretary of State.

127. Q.—In other words owing to reasons which we need not go into here, the Government were unable to perform the contract?

A.—They did not wish to perform it.

128. Q.—And they were reminded that there was a remedy in the law course?

A.—Yes.

129. Q.—And not more than that?

A.—Not more than that.

130. Q.—There was no tendency on the part of members of the services to threaten the Minister with legal proceedings to persuade him to do something that he ought not to do?

A.—There was only one case of an officer on a 5 years, agreement.

131. Q.—And then you mention another case within your own experience?

A.—Exactly an identical case did happen and I was concerned that as Vice-Chancellor of the University.

Patronage.

132. Q.—Then we come to section X of your Memorandum. I think the general effect of that section is that you deny that the Government have in any way used their powers of patronage for the purpose of influencing votes.

A.—I do deny it.

133. Q.—I do not think I need take you any further on it. Thank you.

Government of India versus Local Government.

Sir Muhammad Shafi—Q.—Sir John, in the first three paragraphs of your Memorandum you have referred to 3 Bills and then in para. 3 you go on to say: "These three Bills have been the only instances since the institution of the reformed administration in which there has been anything like a difference between the Government of India and the Punjab over the preliminary assent to the introduction of Bills. In two of the cases those which affected the transferred departments the Local Government has ultimately had its way." Am I to understand that you are perfectly satisfied with the manner in which the Government of India supervised provincial legislation in the Punjab?

A.—You must not ask me to be quite so enthusiastic as that I do think that the Government of India have given us very useful assistance particularly over certain matters and drafting in which, not having such an expert staff, we might have gone wrong.

134. Q.—You name 3 Bills in which there was some difference of opinion?

A.—Yes.

135. Q.—You know of no other Bills in which there was difference of opinion during that period.

A.—I know of no other cases.

136. Q.—In 2 out of 3 Bills, local Government had its way?

A.—Yes.

137. Q.—And these two Bills referred to Transferred subjects?

A.—Yes.

Vide A. 355 to 365.

138. Q.—So that when we come to actual concrete facts, the conclusion deducible from the facts as stated by you is this, that on the whole the Government of India's supervision was exercised to your satisfaction?

A.—Yes, but we did not quite like that matter of the Land Revenue Bill. I am not going to be more enthusiastic than I have been in my memorandum.

(Mr. Chairman).—Q.—That is a Reserved Bill ?

A.—Yes.

139. Q.—The Land Revenue Bill was not hampered in any way by the existence of Section 80A (3) of the Government of India Act. It was not a question of the Governor-General's sanction. It was a question in that case of the Governor-General in Council exercising his powers of superintendence, direction and control ?

A.—Quite right. I take it from you that it was so. I do not recollect the technical position.

(Sir Henry Moncrieff Smith). Q.—It was so. As a matter of fact the Punjab Government applied for sanction of the Governor-General to the Bill. But it was held that the sanction of the Governor-General was not wanted. So anything that happened afterwards was in exercise of the Governor-General in Council's powers of superintendence, direction and control ?

A.—Yes, I take it from you that it was so.

Minister and Governor.

140. Q.—In section II of your Memorandum you deal with the subject of control of the Minister by the Governor ?

A.—Yes.

141. Q.—Was there any case during the first three years after the introduction of the Montagu-Chelmsford Reforms in which the Governor over-ruled any one of the two Ministers on any important question ?

A.—On any important question I could not have been ignorant of it if it had happened, and therefore I am able to say definitely No.

142. Q.—Now, coming to section III of your Memorandum, in paragraph 14 towards the end you say 'There has also been a good deal of informal consultation of Members by Ministers.' Is it both in regard to Reserved as well as Transferred subjects ?

A.—Yes, much more in regard to Reserved than in regard to Transferred subjects. I do not remember cases in which I was consulted on Transferred subjects, except when they were brought before the Governor in Council sitting with his Ministers or in cases where they came to me because I was the Finance Member. But I remember a great many cases in which there was informal consultation on Reserved subjects between Ministers and Members.

143. Q.—That means that the Governor freely consulted the Ministers with regard to questions connected with the Reserved side of the Government ?

A.—Well in that particular sentence I was not referring to those formal consultations at which the Governor himself is present, but the cases in which we met together in our rooms and consulted over a question.

144. Q.—Perhaps I should have put it that the reserved half consulted the Ministers instead of saying the Governor ?

A.—Yes that was the way.

Ministers intervee.

145. Q.—In paragraphs 16, 17, 18 and 19 you give nine instances in all of which, except one, the Ministers acted together when differences arose between the transferred half and the reserved half or between the Ministers and one of the Executive Councillors. In eight out of these nine instances the two Ministers stood together. There are three instances in paragraph 16 ?

A.—They are the only three cases in which the two Ministers stood together against the Executive Councillors.

146. Q.—In paragraph 17 there are three instances in which the two Ministers stood together against one of the Executive Councillor that makes it s.x ?

A.—Yes.

147. Q.—Then we come to be seventh, that is the Bill of March 1921, in which the Ministers stood together ?

A.—Yes, they stood together in 1921.

148. Q.—Then we have the ninth case in which the two Ministers stood together ?

A.—Yes.

149. Q.—It is only the eighth case, that is the Gurdwara Bill of 1922 in which one of the Ministers did not vote ?

A.—Yes that is the only formal case of difference.

150. Q.—Out of these nine cases there are eight cases in which the Ministers stood together either against the Executive Councillors or against one of the Executive Councillors or in connection with other matters ?

A.—Yes, that is to say those are, of course, the formal differences, the differences which disclosed themselves publicly. I cannot pretend to say what differences there may have been which did not disclose themselves.

151. Q.—Now if you will turn to page 20 of your memorandum, paragraph 51, there is the case of the Urban Property Rent Regulation ?

A.—Yes.

152. Q.—Can you tell the Committee if the Member for Education voted in support of the motion ?

A.—Yes he did.

153. Q.—So that at any rate we have now nine concrete instances in which the two ministers stood together ?

A.—Of course there were many more too.

154. Q.—Now in so far as you are aware, apart from the second Gurdwara Bill, did any difference of opinion disclose itself during the many informal discussions or formal discussions that you had with the Ministers as between Lala Harkishen Lal and Fazl-i-Hussian ?

A.—Of course I was perfectly aware that there was a difference about communal representation.

155. Q.—Communal representation is a matter which stands apart. Apart from that, in the administration of the Transferred Departments generally, did any difference of opinion show itself ?

A.—Apart from communal representation in its various forms of the services institutions and municipalities, and apart from the Gurdwara Bill, I do not know of any case in which there was a difference of opinion between the Ministers.

156. Q.—And so far as you are aware their relations were most cordial ?

A.—Most cordial.

Mr. Chairman. Q.—There is just one point, I would like to read you some evidence given in reference to the statement of yours. A witness was asked by a member of the Committee :—“ You consulted, of course, your brother Minister ?” and he answered :—“ No. I did not.”

Q.—Don't you think it desirable.

A.—I was told that the reading of the law was that each Minister stood on his own. Whenever I protested to the Governor that we ought to have cabined meetings and we ought to have at any rate principles of policy and principles of legislation discussed, I received no encouragement from him ; but I was told on the contrary that the Governor's reading of the law was that each Minister had his own responsibility.

Q.—You were in thorough sympathy with your brother Minister ?

A.—I had sympathy with his social life.

Q.—With his political views ?

"A—No. To some of his political views I objected very strongly.

"Q.—You would have found it rather difficult to have had joint consultation with him?

"A.—Well, if the law provided or the Governor called us together, we would have discussed. I don't think we would have cut each other's throats or fallen on each other's neck."

161. Q.—That was the picture put before us. Are we to infer, from your own observation, that it was a correct picture?

A.—No.

Finance Department

Sir Muhammad Shafiq. Q.—In paragraph 26 you refer to a particular case in which there was a difference of opinion between a Minister and the Finance Department. In that particular case the Governor upheld the views of the Minister as against the views of the Department?

A.—Yes he accepted the views of the Minister.

Communal Voting.

162. Q.—In paragraph 29 you refer to three instances in which there was voting on communal lines. I invite your attention to the third of these three instances mentioned at the bottom of page 11 in the printed book :—"There was only one other communal, or mainly communal vote in the lifetime of the first Council, on the proposed release of political prisoners." Would you kindly just explain what you mean by that? Were the political prisoners all Hindus or all Muhammadans, or partly Hindus and partly Muhammadans?

A.—No, what I meant was, for some reason or other all the Muhammadans voted one way on it and all the Hindus voted the other way.

163. Q.—What was the Government view on that occasion?

A.—The Government view was opposed to the general release of political prisoners.

164. Q.—Did the Muhammadans support the Government or oppose them?

A.—The Muhammadans supported the Government.

165. Q.—Then it was a case in which the Muhammadans adopted in relation to the resolution before the Council an attitude of support to the Government?

A.—Yes.

166. Q.—Is that strictly speaking voting on communal lines?

A.—What I meant by voting on communal lines was, that practically all of one community stood on one side and practically all of the other community stood on the other.

167. Q.—There was no communal issue involved?

A.—No. On many of these cases there was no communal issue involved. It only happened that on some questions all of one community went one way and the other another.

168. Q.—It may be that the representatives of one community approved of the policy of the Government in relation to that particular question and the other did not?

A.—That may be so, but as a matter of fact on many questions communal reasons cause people to vote one way or the other, and in this particular case it was so, not because it was a communal question. Neither are many of these other cases in which there was much communal voting. Why should Yunani medicine be a communal question? It is not a communal question, but in that case the Muhammadans said "We are going to support our Minister whatever he may do," and the Hindus said, "We are going to down that Minister whatever he may do," and took the other line.

169. Q.—But you must remember that in the case which you have mentioned just now, the policy which the Muhammadan members supported was the policy of the Muhammadan Minister.

In this third case it was the policy of the Punjab Government that the Muhammadan members supported, and not the policy of either of the two Ministers ?

A.—That is perfectly true.

(Mr. Chairman).—Q.—I suppose the large number of the prisoners were Hindus ?

A.—I expect they were.

(Dr. Paranjpye).—Q.—Or Sikhs ?

A.—Or Sikhs.

170. Q.—That may be true because the Muhammadans in the Punjab are seldom guilty of what are called political offences ?

(Sir Tej Bahadur Sapru).—Q.—Was there any feeling that the Muhammadans were less represented in the prisoners than the Hindus ?

A.—I do not know ; there was no insistence on communal representation in that case ?

171. Q.—In paragraphs 31, 32 and 33 taken together do I understand that what you intend to convey is this, that in the large majority of cases voting was not on communal lines ?

A.—That is so. I analysed them all.

Pre-audience.

172. Q.—Will you turn to paragraph 44 where you deal with the functions of the Secretaries. You say :—“ It may occasionally happen that a Secretary may mention a case to the Governor which has not yet been seen by the Minister ; but that is an accident only, and there is clearly an obligation upon the Governor to safeguard the position of the Minister by requiring the Secretary to take the Minister’s orders on the subject.” In so far as you are aware, since the introduction of the Chelmsford-Montague Reforms, the Governor in your Province has taken care to see that the Ministers’ position is safeguarded ?

A.—Yes.

173. (Mr. Chairman).—Q.—I would ask you to consider this question and answer :—

“ Q.—The practice seems to be that cases are taken by the Secretary in the same way as the member would do. You do not like that any way ?

“ A.—I do not know what the practice of the Government of India is, but in the Punjab the practice was like this. A file was waiting on my table. The Secretary was instructing the Governor. Then I took the file and the Governor knew all about it and he had formed an opinion before I took the papers to him.”

174. Q.—Would that be the practice in your Government ?

A.—I should say certainly not.

175. Q.—In paragraph 48 you say :—“ In a recent public statement these arrangements have been described as establishing sole responsibility in the Governor for the services, and as creating a somewhat undignified position for the Members and Ministers.” Now your own personal relations, I take it with both the Ministers during the first three years were very friendly ?

A.—Very.

176. Q.—And they discussed matters with you informally very frequently ?

A.—Yes, very frequently.

177. Q.—Did either of the two Ministers during that period complain to you that his position with regard to the subjects you were discussing in this paragraph was a very difficult one by reason of the Governor’s action ?

A.—No. I remember a statement appearing in the *Tribune* somewhere about two years after the beginning of the Reforms in which something of that kind was hinted at. It surprised me, but I did not understand where this information could have come from.

Sir Muhammaad Shafi.—Statements appearing in the papers are sometimes well-founded ; at other times they are ill-founded. Was any complaint made to you by any of the Ministers themselves ?

A.—Not only no complaint, but no suggestion was made to me.

178. *Q.*—In paragraph 50, after referring to officiating appointment under the ministry of Agriculture with which you deal in that paragraph you go on to say ;

“ In all other cases of appointments subordinate to the Ministers, except those which would normally be filled by a Head of Department without reference to Government it is certain that Ministers either made the appointments themselves or were consulted and approved by the selections. ”

You are fully satisfied that this definite statement is perfectly correct.

A.—Yes. My examination led me to one doubtful case which I have investigated and give particulars about. Of the other cases I am perfectly certain.

*Railway Board and
Tramways.*

Maharaja of Burdwan.—*Q.*—Sir John, I should like to know whether in your Province you cannot introduce any legislation regarding tramways or light railways without reference to the Railway Board—am I right.

179. *Q.*—Well, technically we do not need to refer to the Railway Board but we need to refer to the Government of India and the Government of India would be likely to consult the Railway Board and that is the reason why we had a preliminary consultation with the Railway Board before proceeding with this particular Bill.

A.—But ordinarily with the exception of trunk lines the Provincial Government of the Punjab can at the present moment go in to the question of tramways or light railways. Can you start— can you sanction on behalf of say local bodies any tramways or light railways ?

180. *Q.*—The position is this that we have to act under the General Indian Tramways Act, 1886, until we have provincial legislation. That is the position.

181. *Q.*—But could you not introduce provincial legislation for such small lines ?

A.—Yes, and that is what we wished to do—what we were prepared to do. As a preliminary though we had this consultation with the Railway Board to see what line the Government of India was likely to take ?

182. *Q.*—In four cases out of five you were successful ?

A.—Yes, in the four particular cases I have given. Might I explain ? Supposing we were to proceed with the tramways without getting the agreement of the Railway Board you might a year after find that the Railway Board was making a broad gauge railway which would kill the tramway and make all your expenditure useless. That is one of the practical reasons why consultation with the Railway Board is inevitable.

(The Chair was here vacated by Sir Alexander Muddiman and taken by Sir Muhammad Shafi.)

183. *Q.*—I believe you are the Senior Member of the Government of the Punjab ?

A.—Yes.

Sir Muhammad Shafi.—And Vice-President of the Council ?

184. *Q.*—Yes.

Maharaja of Burdwan.—And you are the only Service Member of the Punjab Government ?

A.—Yes.

The Services.

185. Q. Now you know that a province like the Punjab or like Bihar and Orissa has got only one Service Member on the Executive half of the Government?

A.—Yes.

186. Q.—Do you find that having one Service Member in any way jeopardises the interests of the Civil Service as a whole?

A.—You mean having not more than one Member?

187. Q.—Yes.

A.—Of course they would be all the better off if they had two members.

188. Q.—But now that you have one Service member things do go on?

A.—Yes.

189. Q.—Supposing to-morrow your Governor in the Punjab was a public man from England instead of being a member of the Indian Civil Service; do you think there being only one Service member that would make any difference to the Service? In other words now that there is only one Service member you have at the top of the Government a Governor who is a member of the Indian Civil Service. Supposing now the Governor of your Province to-morrow happened to be a public man from England, would the Indian Civil Service, would the members of the Punjab Cadre think that their interests were not being sufficiently safeguarded by having only one member of the Government belonging to the Indian Civil Service?

A.—I have no reason to suppose they would think so. Of course I cannot really speak for the Service as a whole. I cannot say what their point of view would be.

(*Sir Muhammad Shafi*).—Q.—Do you think the interests of the Service would in any way suffer because of the appointment of some one from England, from the public life of England, as Governor of the Province?

A.—That is to say, would the protection which the Services receive by in any way diminished?

(*Sir Muhammad Shafi*).—Q.—Exactly.

A.—Apart from the question that they would be losing a possible Governorship.....

(*Sir Muhammad Shafi*).—Q.—Apart from that.

A.—Well r.o, I consider that the interests of the Services would be quite as safe in the hands of a public man from England as they are in the hands of a Governor who is also a member of the Indian Civil Service.

190. Q.—That being so, do you think there would be any justification in there being two Service members in a Presidency Government?

A.—That depends on the amount of work.

191. Q.—I don't mean from the point of view of work. Supposing it were possible in a Presidency to be able to deal with the reserved side of the Government with one member, would you as a member of the Indian Civil Service, advocate because there should be more than one Service member that there should be four seats on the executive side of the Government?

A.—No.

192. Q.—You would not?

A.—No.

*Desirability
Advance.*

of 193. Q.—The other point that I want to ask you in this. Of course we have got the opinion of the Punjab Government regarding the future of the Reforms, but I should like to have your own personal opinion as the Senior Member of the Punjab Government as to whether or not you think that between now and 1929 there is any possibility, or do you think it would be desirable to have any more subjects transferred to the transferred side?

A.—Well of course that is naturally a very large question upon which one has a great deal to say.

194. Q.—It is a large question but you know perfectly well that the subjects are very definitely divided. In your Province I take it, as in most other Provinces, you have Police, Law and Order, Land Revenue, Irrigation and probably one or two other departments which are on the reserved side. Now do you think that between now and 1929 you could safely transfer any of these subjects?

A.—I suppose one may put it in this form—whether we could do it now? Isn't that better than what we could do in 1929—that is five years hence? In answering that question there are certain general considerations which one has to bear in mind in this matter of transferring more subjects. I think I might mention some of those more general considerations. In the first place when we started off with the Reforms we started off with certain very adverse influences at work. We started off with a large portion of our voters refusing to vote and a large portion of our public men not willing to come forward because of the movement of Non-Co operation. We had in the election of our first Council only 82 per cent. of the qualified electors voting and that really doesn't convey a true idea of the facts, because 37 per cent. of the rural voters voted but only 5 or 6 per cent. of the urban voters voted. Therefore we did not start off with what one might call a really full and complete representation of the Province. That is one of the peculiarities of the way in which we started off with the Reforms—that is to say, people were really not taking part—neither our public-men nor our voters taking a full part.

In the next place during this 3 or 4 years period we have been suffering from terrible limitations in the matter of finance. There has not been a full opportunity of showing what people are capable of doing when the finances are not so severely strained. That is one reason for thinking that we have really hardly begun. We have hardly had an opportunity of showing whether the thing can work satisfactorily or not. When you have hardly yet made a beginning it is premature to talk of going further. That is the next consideration which I should like to put forward.

Then the next point to which I should like to draw attention is this. The Reforms have had the effect of greatly exaggerating the strength of communal feeling in the Punjab ;—possibly elsewhere but certainly in the Punjab they greatly exaggerated the strength of communal feeling. That I think is probably because when there is some indication that one person intends to abdicate or give up a particular property or a particular position, it is very natural that the possible reversionary heirs should begin to ask themselves "What can be done to strengthen our position in order to get as much as possible of the inheritance." There is not any doubt at all that the Sikh question in the Punjab has assumed its very acute aspects mainly for communal reason. That is to say, a certain number of people felt that there was a possibility of a place becoming vacant and having to be filled. "Let us make quite sure that our community has as good a chance as any other of filling the vacant place which is presumably going to be left." I am making this point—that there were very peculiar influences which did as a matter of fact alter what I should call the normal situation in the Province, and that these conditions had the effect of intensifying communal antagonisms. I have said in the rest of my evidence that communal antagonism has not been present in the Council to anything like the extent that is sometimes supposed but everybody knows it has been present to a very great extent among the population, and that is a condition which one cannot leave out of account in considering the question of extending the number of transferred subjects.

Then, if I may be excused for giving a long answer—it is impossible to give it briefly—I think I must point out that one of the results of this very strong communal feeling has been that there has actually been some demand made upon the Governor to use his special authority for restraining a Minister in the pursuit of a communal policy. There actually has been some demand on the part of persons who might be supposed otherwise to have strong sympathies with democratic practices to ask the Governor to take what I should call rather an anti-democratic action and to restrain his Ministers in their dealings with communal subjects. That does appear to show that people as a whole are not prepared to allow any further extension of work in the hands of Ministers, who must of necessity belong to one community or another. I think it is necessary to point out that in consequence of this strong communal antagonism and the riots which accompany it, it would be virtually impossible to contemplate the transfer of the subjects which are connected with law and order, justice, police, jails and so forth. It is also virtually impossible in such conditions to contemplate the transfer of such a subject as elections. It would be almost an impossible position for a Minister belonging to one community to have to control elections, when he would probably be charged with working in a biassed manner or making his arrangements in such a manner as to benefit his own community against the other. If it is once accepted, as I think it must clearly be accepted, that you cannot transfer certain subjects, that is to say, you cannot transfer justice, police, jails, elections, it seems to me to follow, so long as you have any party in any other part of India which is bent upon the policy of obstructions in the councils that you must not enlarge the sphere within which that party may pursue wrecking tactics by transferring any additional subjects at all unless you are in a position to satisfy that party by transferring all. My point is that it must be all or none. When you have a party which is bent upon wrecking tactics you do not give them an opportunity of extending the sphere of their obstruction by giving them more subjects within which it would be possible to work that system. I say that you must have no more than you have already. So far for the situation in the province as a whole.

Inside the Council I think one has got to recognise that though they have done extremely well, considering they have only been at it for a very short time and considering all the very exceptionally great difficulties with which the province had to deal during that period there have been certain marked defects in their working; they have shown decided irresponsibility upon one or two occasions. They have shown irresponsibility over the matter of balancing the budget; they were clearly not willing to impose any measure of rural taxation; they were ready to impose urban taxation, though not particularly glad to do it, because the majority, of them were rural and the taxation would fall upon the majority, and therefore they were ready to contemplate urban taxation though not as ready as they should have been—I think as a responsible body should have been—to contemplate the necessity of rural taxation for the purpose of balancing the budget. There were also cases, to which I have already alluded in which communal divisions have produced a very embarrassing and awkward position in council. That has been particularly noticeable in the alliance which has been formed between Hindus and Sikhs in opposition to the Gur-dwaras Bill and in one case also it was very marked in the attitude which was taken up by the Muhammadans. The Muhammadans were annoyed because Government had not established a committee for the consideration of communal proportions in the distribution of appointments—the Government had not been

willing to make the proportions of this committee precisely what the Muhammadans wished it to be. They refused to serve on the committee in consequence, and thereby made the committee abortive and they subsequently punished Government by withdrawing their support from Government on a very important issue.

There is just one more point and that is there are certain weaknesses in the electorate. The electorate does not follow, does not understand the politics of the council, does not attempt to do so; there is no touch between the candidate and the electorate, there is no statement of a programme of principles; the electorate votes for a particular candidate merely because of clan reasons or of preference for personalities. Clan influence have been extraordinarily strong in determining the vote: that is to say, you find in rural tracts that old enmities assert themselves; one clan votes for a man and another clan votes against him without regard to politics but merely because of ancient historical enmities and sometimes also in consequence of old practices in connection with such matters as cattle theft and measures for the restoration of stolen cattle.

(*Mr. Chairman*).—Q.—I take it that on this point we may assume that your views are substantially those stated by the Government of Punjab in their letter?

A.—Yes.

(*Sir Muhammad Shafi*).—Q.—I would like to ask you one or two questions in reference to this. What was the percentage of voters who went to the polls at the second election?

A.—49.

195. Q.—In the urban?

A.—I am afraid I cannot give you the urban and rural separately.

196. Q.—But certainly much more than in the first election even in urban areas?

A.—It was 32 per cent at the first election—urban and rural both—and 49 in the second.

197. Q.—You told us just now that at the first election there were hardly more than 5 per cent. of electors who went to the polls.

A.—That was in the urban area. If you take the two separately, at the first election, about 37 per cent. of the rural voters went to the polls and 5 or 6 per cent. in the urban.

198. Q.—At the second election the number of voters in urban areas who went to the polls was much larger than at the first election?

A.—Yes.

199. Q.—And the average was 49 per cent.

A.—Yes.

200. Q.—In so far as your council is concerned, the Swaraj Party consists of a very small number?

A.—Yes.

201. Q.—Only about 7 or 8 I believe?

A.—That is all.

202. Q.—So that the wrecking element in the new council is very small?

A.—That is not quite true, because the Swaraj Party has connected with it a certain number of urban Hindus, a certain number of Khilafat Muhammadans and almost the whole of the Sikh Party.

203. Q.—But in spite of all this the Punjab Government had been able to carry through measures in the legislative council?

A.—Well, we have been absolutely dependent upon what I call the Muhammadan bloc; when the Muhammadan bloc for some reason or other does not vote for us we always lose.

204. Q.—My point is this ; has there been any instance of any first class measure introduced by the Punjab Government in the Punjab legislative council in which the Government has not been able to carry it through ?

A.—Well, there was one which I quoted in my memorandum which we only succeeded in getting through by the casting vote of the President, and that was the whole of the vote for the Police. We were on the point of losing the whole vote because the Muhammadans were irritated with us over something.

205. Q.—That is not an answer to my question ; my question was—was there any measure of importance introduced by the Punjab Government in the provincial council which Government was unable to carry through—whether by the use of the casting vote of the President otherwise ?

A.—We were defeated over a vote of censure in spite of its being of some importance then that we should not be defeated ; and that was due as I said before to the fact that on that particular occasion the Muhammadan bloc did not support us. When we were supported by the Muhammadan bloc we could carry almost anything ; when we were not supported by the Muhammadan bloc, we could carry almost nothing.

206. Q.—I am very thankful to you for the very long explanation you gave to the Committee regarding the general position in the Punjab. But my original question still remains unanswered. We have got the view of the Punjab Government. What I want is your personal view as to whether between 1924 and 1929 you are for transferring any more subjects to the transferred side or not.

A.—I can answer it only in this way ; I can say that as things are at present I cannot advocate the transfer of any additional subject.

207. Q.—You also said I think that it was a question, in view of the wreckers, of everything or nothing. I take it that you think that diarchy to the wreckers is unpalatable because it must be everything or nothing ?

A.—That is what I understood their position to be.

208. Q.—You take it, as most of us have to take it, that diarchy is a necessary evil for the ultimate goal of responsible Government ? I take it that you subscribe to it ?

A.—I think it is a necessary arrangement—I would not call it a necessary evil ; as we worked it, it was not evil.

(Mr. Chairman).—Q.—You regard it as a progressive stage in the development of self-government ?

A.—That is my view of it.

209. Q.—Therefore further steps towards that progress inevitably must be more departments transferred to the transferred side.

A.—That will be one of the forms which it will take.

210. Q.—I think it will be one of the essential forms ; it is because these transferred departments have been created that diarchy is in existence and that being so the only way in which you can abolish diarchy would be by eventually transferring almost all, if not all the subjects. That must be the eventual form of evolution ?

A.—Yes ; either that or the substitution of some different system.

211. Q.—What kind of system ?

A.—I have not attempted to think it out ; but some sort of federal system seems to be indicated. You would have a very peculiar position if all the provinces were absolutely autonomous and there was no control exercised over them by the central government except such as is now exercised in respect of transferred subject. I do not think that is quite a feasible position

but probably the ultimate form which the constitution will have a lot of warring and irreconcilable units, and if all the provinces are to be autonomous there will have to be a sort of federal to take will be some sort of federal government providing for some kind of control by the central government; otherwise you will have control over the whole. The whole position will have to be completely thought out.

212 Q.—Am I to understand in that case that your idea is that ultimately all the provincial subjects with which the central government need not interfere will be controlled by Provinces and with regard to others there will be a general control by the central government over all provinces? Is that the line on which you would work?

A.—Of course this is the sort of thing which I can imagine the Commission of 1929 or thereabouts would sit down and think for about six months before it could devise anything at all. Therefore my views on the subject are necessarily rather crude. All I can say is that I contemplate what I imagine ultimately to be the solution of all these difficulties will be some sort of federal system.

213. Q.—Is that your general idea?

A.—That is my idea generally of what the final solution of the problem will probably be.

Consultation

Mr. R. Paranjpye.—Q.—In your first para., Sir John, you speak about the measure dealing with land revenue. You remember, of course, that the Joint Parliamentary Committee specially mentions that the provinces and the Government of India should examine this land revenue question and make resettlement amenable to the control of the provincial Legislative Councils, so a Bill on this question was necessarily contemplated by the Reforms Committee.

A.—Yes, no doubt. The Joint Parliamentary Committee certainly did contemplate it.

214. Q.—In para. 13 you tell us "that most of the questions that come before Government have always been considered in a joint meeting of the Members and Ministers. Now, I should have thought that these two questions mentioned in para. 13, that is the admission of Members of different communities to certain educational institutions and representations in the municipalities were sufficiently important to be considered in a joint meeting. Could you tell us the reason why these questions were not considered in joint committee.

A.—Well as regards the first of the two—that is, perhaps the most important—that is the question of the admission of members of different communities to educational institutions I can only say that the neglect to put it to the whole of the Government was a lapse.

215. Q.—You understand, of course that the action taken on it has caused a great deal of resentment?

A.—That is why I say that the neglect to put it to the whole body is what I should call a lapse—that is it was a mistake.

216. Q.—On whose part?

A.—Oh I must not say that. You must not ask me to say that.

Q.—I can only say that I regard it as a mistake. As to the second that is much more easily explicable. You see for years and years past we have had in the Punjab—long before the Reform Scheme—we have had a certain amount of communal representations introduced into municipalities. We have had an arrangement under which each voter would be voting only for his own people, with less possibility of disputes arising, and therefore from time to time we have introduced this system of communal representation in municipalities. The recent measure was merely an extension—carrying on a little further something which we had already been doing before. And therefore I can understand

that it would not have occurred to anybody either to the Minister or to the Governor that this must necessarily go before the whole Government.

218. Q.—Then in para. 16 you make a very interesting remark.

“In one case the Ministers were agreed together in taking a more uncompromising view of the obligation of maintaining law and order than the two Executive Councillors were prepared to take.”

A very good certificate for the Ministers, because we have often been told that law and order would not be well preserved if this department were transferred to the Ministers. At any rate, you have no fear on that point?

A.—What I think might possibly happen would be that communal difficulties would rise over it. We should have a communal riot. Somebody would say—as they already do say—your police weren't on the spot to save us or that the Minister or somebody who supported the Minister did not want to save us.

219. Q.—Can you tell us exactly what this case was?

A.—It is rather a delicate matter. It was in connection with the Sikh question. The Ministers thought that we ought to be much more drastic in preventing encroachments upon shrines—not merely punishing them when they had actually taken place but preventing them, that is to say, sending armed forces to prevent them. And on that point the Ministers held an opinion which was more favourable to drastic action than the Members did.

220. Q.—Now, as regards your Gurdwara Bill, though the question of charitable endowments is a transferred subject, the relations between the various communities is a subject specially entrusted into the hands of the Governor, is not it? The Governor is specially asked to look into questions referring to various special communities.

A.—Yes. The instructions ask him to pay particular regard to backward communities. That is, I think, what you referred to.

Dyarchy.

221. Q.—Yes. Now, you say in para. 20 that dyarchy is according to your conception impossible. Do you mean to say that in the Punjab dyarchy has worked in so far as it has not been practiced?

A.—I should say the Government was a unitary Government.

222. Q.—So that dyarchy as such has not existed?

A.—Theoretical dyarchy has not existed.

223. Q.—As contemplated by the Government of India Act?

A. I don't think that we can say that the system contemplated by the Government of India Act has not existed. Simply that the notion that there will be two separate halves of the Government acting, not together but separately and to some extent adversely to one another,—that has not existed. I don't think that the Government of India Act ever contemplated two halves of the Government acting quite independently because that would have been an impossibility.

224. Q.—Well, in para. 23 you say:

“If a Minister has a grievance because preference is given to other proposals over his own it is open to him to ask the Governor to decide the dispute.”

Do the Ministers know if preference is given in such a case, in order that he might be able to object?

A.—Yes, they know at once.

225. Q.—Even in proposals about reserved departments?

A.—Oh no. A Minister would not necessarily know what expenditure was going to take place in the reserved departments, but he would know at once if any obstacle was going to be put in his way in his own department.

Finance.

226. Q.—When the Finance Department tells him there is no money, the Minister has to accept that answer as absolutely final. Would he know whether the Reserved Department are not getting money also ?

A.—It is a matter of distributing possible new expenditure between the different branches of Government.

227. Q.—You have been Finance Member for the whole time ?

A.—Yes.

228. Q.—Well, what is your usual practice about examining proposals sent in ? Do you examine them only from a financial point of view or from the merits of the measure ?

Vide A. 68 and 73

A.—Oh well, I have heard people talk about examining proposals from the purely financial point of view, but I have never been able to understand what that meant. You must ask yourself, is this a good enough thing to deserve a share of the resources you can provide.

229. Q.—An occasion might arise like this. Some Member proposes the creation of five new appointments and he suggests a certain scale for these appointments. Well, the Finance Department can easily say, this scale will not do because it will have an indirect bearing upon other officers of a similar status. That I consider is a reasonable objection that may be taken by the Finance Department. But the Finance Department, I think, should not consider whether these five appointments are actually necessary if the administrative department considers them necessary ?

A.—Then I can answer your question quite definitely. The Finance Department, as I understand its functions, considers whether the method in which it is proposed to use these five officers is so important as to justify the expenditure. If it considers that it is not so important, then it records its advice against that particular proposal. Its advice is over-ruled if the Minister or the Governor thinks that the advice is not good.

230. Q.—But then your advice of this nature would not be financial advice—it would be advice as a Member of the Government ?

A.—No, I understand my functions as a Finance Member—quite apart from being a Member of the Government—is to scrutinise the usefulness of a particular proposal of expenditure and to record my opinion upon it. But it is only an opinion, only advice, which is liable to be overruled and has on a good many occasions been over-ruled.

*Voting and other
Confidence.*

231. Q.—I would like you to look at the table on page 14. Look at the second amendment moved by Raja Narendra Nath to clause 6 of the Punjab Local Option Bill. You see there that the non-official votes for that motion were 19, and against that were 17 officials and 5 non-officials. We obviously see that in this case the vast majority of elected non-official Members were against it ?

A.—No, pardon me. If you count up the whole thing, 41 members voted altogether. There are 93 Members altogether.

232. Q.—I am leaving aside the officials for the moment. The non-official votes were 19 against 5 ?

A.—There are 73 non-official Members. On this occasion the total number of non-officials who voted were 24 out of 73,—that is, one-third.

233. Q.—Don't you consider this a successful vote of censure on the part of non-official Members against the Minister ?

A.—Well, for one thing it was a very thin House. You notice that, of course. The number of Members who were present was small. The officials were in full strength, but there were only 24 out of 73 non-officials. Our experience is that at the end of the day people get tired and go away.

234. Q.—Who had charge of the Medical Department ?

A.—The Minister of Education.

235. Q.—Well, look at the last two items in that same list. Leaving aside the officials, there were 35 non-officials against the Minister and 22 for him. What, that at any rate was not a case of a thin House. Would you say that in that case the Minister had lost the confidence of the non-official Members of the Council ?

A.—No, I should say the Muhammadans were not present in such strength as they might have been, otherwise they would have supported their Minister.

236. Q.—These 35 and 36 were not Muhammadans ?

A.—Well, if you really want the figures, I can give them to you because I have got a statement of the voting in all these cases.

237. Q.—I would just like to know in this case, because it appears that the Ministers were saved by the official blocks from a very great defeat ?

A.—Here it is. Very well, now, the first of the two votes about the Assistant Surgeons—the voting for was 17 Hindus, 10 Muhammadans, 8 Sikhs, Total 35. The voting against was 16 officials, 3 Hindus, 16 Muhammadans, and 3 Christians.

And in the next one voting was :

For.—18 Hindus, 10 Muhammadans, 8 Sikhs. That is practically the same as in the first—that is what we call the urban block, with the disgruntled Muhammadans and the Sikhs who are apt to go against the Government on everything.

Against.—16 officials, 4 Hindus, 15 Muhammadans, and 1 Sikh.

I am afraid it really came to this that it was a certain party of Khalifat Muhammadans and a few urban Muhammadans who do not vote for the Ministers were on the one side and the rest were on the other side.

Communal Ministers.

237a. (*Sir Muhammad Shafi*).—Q.—Sir John, you said just now in reply to Dr. Paranjpye, with reference to a particular instance that was under discussion at the time, that in that particular instance the Muhammadans did not support their Minister. That was the expression used by you. Are not the two Ministers for the whole province—are they Ministers for any particular communities ?

A.—Do you ask me what they ought to be or what they are ?

237b. (*Sir Muhammad Shafi*).—Q.—The very fact that the Muhammadans have voted against the Muhammadan Ministers shows that it is wrong to speak of the Ministers as Ministers for Muhammadans and Ministers for Hindus ?

A.—I was not cautiously weighing my words of course.

237c. *Dr. Paranjpye*.—Q.—Do you know that even the Punjab Government considers the present constitution of the Punjab Government is practically based on a communal basis. There is one Sikh, one Muhammadan and one Hindu and these appointments have been made from that consideration ?

A.—That was the case very markedly in the first Council. The first appointments were made very markedly on that ground, that is to say that one must be a Hindu, one a Muhammadan and one Sikh. But at present it is rather different. The distribution is the same but the basis is really different. The principal has been that the two Ministers both represent the rural majority. It is true that one is Muhammadan and one is Hindu but the majority is a rural majority and except where particular communal considerations are uppermost the line of division is the rural urban division.

*Adviser & difference
of opinion.*

File 118-118.

238. Q.—You say in para. 44: “It may occasionally happen that a Secretary may mention a case to the Governor which has not yet been seen by the Minister.” Do you consider that happens unfairly frequently?

A.—I think when it does happen the Governor orders the Secretary to take the Minister's orders. This is what I meant to convey. All sorts of lapses have happened in the actual course of business but it is not the accepted practice.

239. Q.—How are the postings made in your province? The postings of the higher Imperial and Provincial service?

A.—The postings in All-India Services all go to the Governor.

240. Q.—Are they initiated by him?

A.—Not initiated by him except in very important cases.

241. Q.—Who initiates that?

A.—The Secretary concerned.

242. Q.—Is the matter first mentioned to the Minister and then taken to the Governor or is the Governor approached in the first instance?

A.—The appointment of a Director of Agriculture for instance would naturally concern the Minister.

243. Q.—Is he consulted first?

A.—If you can tell me any specific case you have in mind I can give you a precise answer.

244. Q.—Take the question of the appointment of an Acting Director of Public Instruction?

A.—They never dream of making any proposal of that kind without consulting the Minister for Education.

245. Q.—All I want to ask you is this, whether a case is taken to the Governor first because if it goes to the Governor and the Governor has made up his mind then it would be very difficult for the Minister with whom I am particularly concerned to oppose the express wishes of the Governor?

A.—I take it you are thinking of cases like the Director of Public Instruction, the Director of Agriculture, the Director of Industries and so on.

246. Q.—Or the transfer of Inspectors for instance?

A.—I leave that out of account. One would have to examine individual cases to find out what happened in each case. I am not thinking of minor cases like the transfer of Inspectors. One would have to see the files to find out what happened in each case I am thinking of important cases like heads of departments. In all those cases the Minister would very possibly initiate if he had very strong views on the subject and would certainly be consulted before the Governor is approached on the subject.

247. Q.—I put it to you that if the Governor had decidedly expressed his opinion about any such posting or any such appointment then it would be difficult for the Minister to have his own way than if the Minister initiates it and then takes it to the Governor. Don't you think so?

A.—I do but I must quote a sentence in my memorandum in which the Minister of Education said that in “any case in which I find a Member of Government or another Minister or head of a department or even the Governor himself encroaching upon my prerogatives, I should immediately speak to the case, Governor and he would put the matter right.”

248. Q.—The position would be much more difficult in that taking human beings as they are?

A.—Yes, if it happened.

249. Q.—What was the usual practice?

A.—I have tried to convey that as regards minor officials such as Inspectors I should like to look into the files to see what actually happened or was done in a particular case but as regards heads of departments under the Ministers it would either be

initiated by the Ministers and it would be referred to him and discussed with him before an appointment is made and before even a proposal is put formerly to the Governor.

250. Q.—In your joint meetings several questions or communications from the Government of India came up for consideration. Were the Ministers shown all the former papers about those cases before the cases were considered in the Council?

A.—In some complicated cases where the case could not be put down in a few words, the papers were circulated but the ordinary practice was to put the case in a few words to them at the meeting.

251. Q.—The papers were not usually circulated?

A.—They were circulated in complicated cases because no body could understand complicated cases without reading the papers. Other cases which could be put in a few words present no particular difficulty and it is unnecessary to circulate the papers in such cases.

252. Q.—If the Ministers differ from the view taken by the Members of the Executive Government, were they allowed to put their opinion in writing?

A.—I am just trying to remember cases in which we did it.

253. Q.—Take the case of the O'Donnell circular or the MacDonald Committee's report?

A.—The O'Donnell circular was about the stopping of recruitment. I am sorry I do not remember what actually happened. I am sorry to say that at this moment I cannot recall what happened.

(*Sir Tej Bahadur Sapru*).—The opinions of Local Government were invited on it.

254. Q.—The Local Government meant only the Governor in Council?

A.—I have already told you that there was no case except one which I can remember in which the Governor in Council ever met without the Ministers.

255. Q.—When the opinions went to the Government, they went as the opinions of the Governor in Council?

A.—Yes.

256. Q.—Did the Ministers when they differed from the opinions so expressed with their opinions to be forwarded to the Government of India?

A.—In case they wished their opinions to be forwarded their opinions were appended to the letter.

257. Q.—They have been?

A.—Yes, it happened in two or three cases to my recollection when the opinions of the Ministers had been appended to the letter.

258. Q.—What happened when opinions were asked about the working of the reforms at the end of two or three years?

A.—Yes. I recollect then that the views of the Minister were either specifically mentioned in the letter or were conveyed in a note appended to the letter.

259. Q.—They were not prevented from having their opinion forwarded?

A.—No.

260. Q.—Could the Ministers call a meeting of the joint government?

A.—No case occurred to my knowledge in which they called for such a meeting.

261. Q.—Could they make a minute on their files that a particular question should be considered in a joint meeting?

A.—I do remember such suggestions being recorded and when they were made they were always acted upon.

(*Sir Muhammad Shafi*).—Q.—That was the practice?

A.—Yes.

262. Q.—They were not prevented from making minutes asking for a joint meeting ?

A.—No. When they wanted joint meeting, it was always acted upon.

Council Secretaries. Sir Moncrieff Smith.—Q.—Did the Governor appoint any Council Secretaries ?

A.—They were appointed.

263. Q.—They are appointed from the first ?

A.—Almost from the very first.

264. Q.—And do they still exist ?

A.—I am sorry they do not. The members of the Legislative Council thought that they would be used merely as a means of detaching non-official members from the support of other non-official members. For that reason and also because some members of the Government do not attach very much importance to their services the system was given up. We found we were suspected of buying over certain members of the Council.

265. Q.—You think under the present constitution Council Secretaries are not likely to be a success ?

A.—Frankly speaking my own view is that I am in favour of having Council Secretaries. I found my own Council Secretary very useful and I was very sorry when the system was abolished.

266. Q.—Could you tell us what functions were assigned to the Council Secretaries ?

A.—My own Council Secretary drafted a Bill for me once. He was a Barrister.

Dr. Paranjpye.—What was his pay ?

267. Q.—Something like Rs. 2,000 or 3,000 a year. It was merely nominal.

(Dr. Paranjpye).—Was he required to attend office every day ?

A.—They were expected to attend only during meetings of the Legislative Council and for just a few days before and after and occasionally they did work like the drafting of this Bill which I sent to my Council Secretary.

268. Q.—Did you assign any functions to your Council Secretary in the Council ? Did he take your place ?

A.—He answered questions on my behalf, I communicated my views to him on particular occasions and he spoke.

269. Q.—He expressed your view ?

A.—In the case of my own Secretary, he delivered the views which I held but other Council Secretaries spoke on their own and even voted against the Ministers. As far as my own Secretary was concerned, he always served as my own mouth-piece and helped me in every way. When I wanted to find out how the feeling was in the Council on a particular matter, he would frequently find it out for me.

Chief Ministers.

270. Q.—As regards the appointment of Ministers, we were told that in one Presidency a Chief Minister is selected by the Governor and asked to select his colleagues. Do you think that the system would work in the Punjab ?

A.—We have only two Ministers in the Punjab.

271. Q.—One Minister would be called and given a free hand to choose his colleague ?

A.—The thing may be shaped in that direction of course. Now that we have two definite parties, one rural and the other urban, I can imagine the possibility of things shaping themselves in that direction.

The Maharaja of Burdwan.—Don't you think that communal questions would crop up ?

A.—There are difficulties. I presume if you made it over to a member of a particular community to form a ministry he

would naturally take members of other communities but he would take those who would not be likely to be very strongly communal in their feeling.

(*Sir Muhammad Shafi*).—*Q.*—The rural party consists of Muhammadans and Hindus ?

A.—Mainly Muhammadans ; a few Hindus.

272. *Q.*—And Sikhs ?

A.—I am sorry to say that Sikhs, properly speaking, do not form part of the rural party. They are against the Government over everything. That is the present position.

273. *Q.*—If the Chief Minister selected as his colleague a member of another community he would probably select one who is not strongly swayed by communal feelings ?

A.—That would be the case.

274. *Q.*—In that case do you think the Minister so selected, I will not say would be repudiated but would not receive full support from members of his own community ?

A.—We have had cases of that sort of difficulty. I think the bitterness or some of the bitterness of the urban Hindus (I am speaking only of the council) against the Government is possibly due to the fact that they feel that the particular Hindu Minister selected is too friendly to the opposite side.

275. *Q.*—Suppose it was decided that some of the subjects should be transferred, taken from the Reserved side and made Transferred, and suppose that Land Revenue were not be transferred. In the Punjab would it be feasible to effect the transfer of the subject of Irrigation ?

A.—It is feasible to transfer it.

276. *Q.*—Would you recommend the transfer of Irrigation ?

A.—I am unable to recommend it as long as there is any possibility of a policy of obstruction. You do not want to enlarge the sphere in which people will have the means of bringing you to a deadlock.

277. *Q.*—We have heard your general opinion as to the feasibility of the transfer. Would you in the Punjab, supposing conditions were favourable, transfer Irrigation without transferring Land Revenue ? Would it not prove somewhat embarrassing ?

A.—Of course one of the difficulties of transferring Irrigation is this, that our irrigation system runs through Native States. That is one of the difficulties. We have at the present moment, for instance, a very great project, but it is partly in the Punjab and partly in two Native States. They prefer to deal with the Reserved Side rather than with the Transferred Side.

(*Sir Muhammad Shafi*).—The rules relating to the administration of transferred subjects provide for this contingency in cases in which more than one province is concerned or a province and an Indian State are concerned.

(*Sir Sivaswamy Aiyer*).—*Q.*—The subject of irrigation has two aspects, the engineering aspect and the revenue aspect. Which is it that is reserved ? Both aspects ?

A.—Both are reserved.

*Irrigation
and
Land Revenue,*

(*Sir Sivaswamy Aiyer*).—*Q.*—You were asked by Sir Henry whether, assuming that Land Revenue were not transferred, Irrigation could be transferred. What I wish to ask is whether the Engineering side of irrigation could or could not be separated and transferred ?

A.—No. That certainly would not be possible. You cannot divide up a subject like that. I am quite clear about it. You could not separate engineering from Revenue.

(*Sir Sivaswamy Aiyer*).—*Q.*—The construction and maintenance of irrigation works ?

A.—I do not think you can divide it.

(*Sir Sivaswamy Aiyer*).—*Q.*—Who imposes the irrigation

cess? The engineering or the revenue authorities? Who determines the cess?

A.—It is the Government which fixes the rate. Except in one corner of the Punjab it is the irrigation authorities who actually do the assessment. They go to the spot and say "so and so has irrigated, so many acres and will pay so much."

(*Sir Sivaswamy Aiyer*).—Q.—Have the P.W.D. Works been transferred in your province?

A.—Yes, Roads and Buildings.

(*Sir Sivaswamy Aiyer*).—Q.—But not irrigation

A.—No.

(*Sir Sivaswamy Aiyer*).—Q.—Do you think it would be impossible to leave both in the Transferred Department?

A.—I suppose your suggestion is this. All the revenue functions of the Irrigation branch, the assessing of the charges, should be made over to the Revenue branch and then all the irrigation, purely the engineering portion, should be transferred. That is your suggestion. Of course there are, may be difficulties. There is very great opposition on the part of the irrigation authorities themselves to transferring what may be called the revenue side of their functions to the revenue authorities. They do not think that the revenue authorities would be capable of assessing water rates in the same efficient manner that they do themselves and they do not want to lose the touch with the actual irrigator that the assessment of the charges gives.

(*Sir Sivaswamy Aiyer*). Q.—Do the engineering authorities do any assessment themselves?

A.—The engineering authorities, except in one corner of the province, do the actual assessment of the irrigation charges. That is to say, they send their men who say "so and so has irrigated so many acres of sugarcane or whatever it may be, the rate is so much; and he has got to pay so much." It is not assessment in the ordinary sense. It is applying the rates.

278. Q.—If, Sir Sivaswamy Aiyer's suggestions were adopted would it not involve some duplication of staff? One man on the spot does the work now. He can to a certain extent do both branches at the same time. Instead of one man going to the spot, two men would have to go.

A.—That is so. On our canal works the revenue functions of the Executive Engineer or the Sub-Divisional Officer would be reduced very largely, and in some cases he might not even have enough to do. You could not very well diminish the number of engineers, because they are required in the case of emergencies. At the same time they would not, under ordinary circumstances, on canal works which require only maintenance, have enough to do without their revenue functions.

Unitary Government.

Sir Tej Bahadur Sapru.—Q.—Sir John, you said that so far as actual practice was concerned your Government was really a unitary Government?

A.—Yes.

279. Q.—And to that extent it was very successful?

A.—It is not for me to say that it was very successful, but I think it has worked very well.

279 (a). Q.—Is it a fair inference from that statement of yours if it had not been worked on the unitary principal, if strict Dyarchy had been followed, it would not have been so successful as it has been according to your statement?

A.—If both sides had decided all these questions absolutely without consultation, then you would have had the most terrible consequences, because you see the greatest difficulty has been in regard to the Sikh shrines. You would have had a Minister who was responsible for the Transferred subject of shrines dealing with the case entirely without regard to the question of Law and Order.

280. Q.—You think the whole machinery would have broken down ?

A.—It would have absolutely broken down. Fortunately people are not logical.

281. Q.—And if the machinery in the Punjab has not broken down, I take it that it is because in actual practices you adopt a system of unitary Government.

A.—That is so, and my great illustration is the Sikh question.

282. Q.—Now, if you attach so much importance to the practice of unitary form of Government, what objection have you to the theory of unitary form of Government ?

A.—I have no objection to the theory of unitary form of Government.

283. Q.—You have no objection to the theory of unitary form of Government ?

A.—No.

284. Q.—Would it not make any difference if non-service executive council members had therefore been selected from the elected members ?

A.—It is more or less in the way of a personal question. We should not have got such a good representative Sikh out of our elected members as we got by not taking him from the elected members.

285. Q.—In theory, at any rate there would have been no difference ?

(Mr. Chairman).—It would make a considerable difference ?

286. Q.—Now, Sir John, one of your colleagues, says : “the dual system of government has, in my opinion, to some extent, stood in the way of united action.” Do you endorse that opinion ?

A.—No. I do not think it has ever stood in the way of united action.

287. Q.—Now, coming back to the unitary form of Government I suppose you will agree that it is of the essence of unitary form of Government that the policy which is adopted by the Government must be a policy which has been thought out by all and agreed upon after compromise of different views. Isn't that so ?

A.—Yes.

288. Q.—That is what all will distinguish it from strict Dyarchy ?

A.—Yes.

290. Q.—Then, am I to understand that in matters relating to the Reserved half of your Government, for instance maintenance of Law and Order, any policy which was adopted by the Punjab Government during the last three years was a policy which had been worked out not only by the members of the executive council but also by the Ministers jointly ?

A.—Yes, that is so. You must understand there is a certain reservation to be made there. You do not begin from the very beginning and say ‘shall we enforce law and order or not.’ A particular question will come up dealing with such and such difficulty and then we say ‘what shall we do’ ?

291. Q.—Although the Ministers might not have been legally responsible for that policy, I suppose they were prepared to take moral responsibility for that policy ?

A.—That is a question to be put to them.

292. Q.—When they join you round the table and discuss things with you ?

A.—Yes. I may say that the strict theory of the constitution is that when you do meet in this joint consultation it is the Governor in Council who is responsible for the decisions. It is not the Ministers who are responsible for a decision on the Reserved Side. They have given their opinion. But they are not responsible.

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Unitary Government. *Sir Tej Bahadur Sapru*.—Q.—Sir John, you said that so far as actual practice was concerned your Government was really a unitary Government?

A.—Yes.

279. Q.—And to that extent it was very successful?

A.—It is not for me to say that it was very successful, but I think it has worked very well.

279 (a). Q.—Is it a fair inference from that statement of yours if it had not been worked on the unitary principle, if strict Dyarchy had been followed, it would not have been so successful as it has been according to your statement?

A.—If both sides had decided all these questions absolutely without consultation, then you would have had the most terrible consequences, because you see the greatest difficulty has been in regard to the Sikh shrines. You would have had a Minister who was responsible for the Transferred subject of shrines dealing with the case entirely without regard to the question of Law and Order.

280. Q.—You think the whole machinery would have broken down ?

A.—It would have absolutely broken down. Fortunately people are not logical.

281. Q.—And if the machinery in the Punjab has not broken down, I take it that it is because in actual practices you adopt a system of unitary Government.

A.—That is so, and my great illustration is the Sikh question.

282. Q.—Now, if you attach so much importance to the practice of unitary form of Government, what objection have you to the theory of unitary form of Government ?

A.—I have no objection to the theory of unitary form of Government.

283. Q.—You have no objection to the theory of unitary form of Government ?

A.—No.

284. Q.—Would it not make any difference if non-service executive council members had therefore been selected from the elected members ?

A.—It is more or less in the way of a personal question. We should not have got such a good representative Sikh out of our elected members as we got by not taking him from the elected members.

285. Q.—In theory, at any rate there would have been no difference ?

(Mr. Chairman).—It would make a considerable difference ?

286. Q.—Now, Sir John, one of your colleagues, says : “the dual system of government has, in my opinion, to some extent, stood in the way of united action.” Do you endorse that opinion ?

A.—No. I do not think it has ever stood in the way of united action.

287. Q.—Now, coming back to the unitary form of Government I suppose you will agree that it is of the essence of unitary form of Government that the policy which is adopted by the Government must be a policy which has been thought out by all and agreed upon after compromise of different views. Isn't that so ?

A.—Yes.

288. Q.—That is what all will distinguish it from strict Dyarchy ?

A.—Yes.

290. Q.—Then, am I to understand that in matters relating to the Reserved half of your Government, for instance maintenance of Law and Order, any policy which was adopted by the Punjab Government during the last three years was a policy which had been worked out not only by the members of the executive council but also by the Ministers jointly ?

A.—Yes, that is so. You must understand there is a certain reservation to be made there. You do not begin from the very beginning and say ‘shall we enforce law and order or not.’ A particular question will come up dealing with such and such difficulty and then we say ‘what shall we do’ ?

291. Q.—Although the Ministers might not have been legally responsible for that policy, I suppose they were prepared to take moral responsibility for that policy ?

A.—That is a question to be put to them.

292. Q.—When they join you round the table and discuss things with you ?

A.—Yes. I may say that the strict theory of the constitution is that when you do meet in this joint consultation it is the Governor in Council who is responsible for the decisions. It is not the Ministers who are responsible for a decision on the Reserved Side. They have given their opinion. But they are not responsible.

293. Q.—If I may say so, I quite agree and that is the view which has been put forward by the Joint Parliamentary Committee. But what I am asking you is this. Apart from the legal responsibility, did the Ministers give you the impression at the time of the joint consultation that they were prepared to take moral responsibility before their electors for their advice? May I illustrate that, Sir John? Supposing the Punjab Government adopted a certain policy in regard to law and order and a Minister went to the electorate and the electorate asked him 'Have you been responsible for this particular policy?', then would the Minister be prepared to undertake moral responsibility? Was that the impression given to you at the time by the Ministers?

A.—You would have to ask the Minister. If he did not make any public statement to the contrary, I would say he was accepting moral responsibility. Does he make a statement refusing to support particular action? Does he submit a minute when there is an opportunity for so doing? Does he record his dissent? If he does none of these things, it implies that he accepts responsibility.

294. Q. Is it a very legitimate inference?

A.—That is so.

295. Q.—You said I think in reply to a question put by the Chairman— I took down your words—that the Ministers were pressing on you a more uncompromising view of the obligation to maintain law and order?

A.—Yes, that is so,

296. Q.—In other words, the Ministers were less tolerant than the reserved half of the Government of any disturbances of law and order and peace?

A.—Do not let me put it too generally; it was on a specific question connected with the Sikhs. My remark was intended to apply to that specific case. That is to say there was a question whether we should take certain action with the Sikhs,

297. Q.—That is to say they were not prepared to tolerate them to the extent to which the reserved half of Government were prepared to do so?

A.—On that particular point they were not.

298. Q.—I suppose they must have realised that their attitude might possibly cost them their very office if the matter went up before the Council? The Council might have said: "You Ministers had no business to support the reserved half of the Government on that matter"?

A.—I suppose they had a pretty good knowledge of what the communities were really thinking.

299. Q.—Am I right therefore in drawing the inference from that if their view had been accepted by the reserved half of the Government, they would generally have been supported by the Council? The Muhammadan Minister and the Hindu Minister would both of them have been supported by the Muhammadans and the Hindus if the Hindus and the Muhammadans knew that they had supported the reserved half or pressed the reserved half?

A.—At that time something happened which changed the situation, and that was the Hindu-Sikh alliance, which was due to Hindu fear of the Muhammadans.

300. Q.—You have just now said there was a Hindu-Sikh alliance, what led to that alliance?

A.—What led to it was the riots at a particular place had alarmed the Hindus and made them say "We must somewhere find support."

301. Q.—And that had its reaction on the Minister?

A.—The actual form that it took was this, that the Hindu Minister and the Sikh Executive Councillor found it impossible

to stand against their own communities when a particular question, the passing of the Gurdwara Bill came up.

302. Q.—I do not quite follow you ?

A.—The result of what I called the Hindu-Muhammadan alliance, which was due to the alarm at these riots.—

(Mr. Chairman).— Q.—What riots ?

A.—The Mooltan riots. This happened in September 1922. Our Gurdwara Bill came up in November 1922, and we found that this alliance had formed itself and that the Hindus were determined to support the Sikhs, and that they were going to oppose this Gurdwara Bill and the Hindu Minister and the Sikh Executive Councillor refrained from voting on the Gurdwara Bill because of this strong feeling of their communities.

303. Q.—Will you explain your statement. Had the Gurdwara Bill had any measure of support from any party in the Councils, apart from these Hindus and Sikhs who united at that particular time ?

A.—They were opposed to it

304. Q.—Who were the men on whose support you counted ?

A.—We had to depend on the Muhammadan block and the official vote.

305. Q.—But from the very beginning the Punjab Government knew that the Sikhs were not prepared to support that measure ?

A.—No, I cannot say we knew that. We had constant negotiations and they constantly changed their minds. I made several drafts ; the drafts go up to draft H, and I discussed some of them with you ; some of them were prepared at the request of the Sikh members, but when they came up they had always altered their minds.

306. Q.—You said, I think in reply to Chairman, that the present feature of the political situation was that, inside the Council the cleavage was between rural and urban members ?

A.—Yes, I have tried to make it plain that these are cases in which they do not vote communally. The leading division at all events at the present time is rural-urban rather than Hindu-Muhammadan.

307. Q.—Do you expect in the near future or in the next few years this feature to develop in the Punjab ?

A.—Yes.

Rural and Urban.

308. Q.—Or do you think the development of the parties will be on communal lines ?

A.—Well, as far as I am able to forecast the situation, (of course it is a very difficult thing to do) I am inclined to think that there is a permanency about this rural-urban division. There is a real division of interest on those lines, a natural division of economic interests which I think makes it a natural line of division. I can imagine the possibility in the future of its taking an even more permanent place than it takes now.

309. Q.—I suppose the extent to which it promises to be a permanent feature in future, you as a member of the Government have every reason to be satisfied ?

A.—I feel it is a wholesome and natural line of division.

Communal Rep.

(Sir Muhammad Shafi).—Q.—As a basis for a party system it is natural ?

A.—Yes, that is really what I meant, it is natural in the sense of being grounded on real distinction of interests.

310. Q.—Apart from the question of the riot which arose in the Mooltan district, I suppose there has been a considerable amount of feeling in the Punjab between Hindus and Muhammadans over the question of representation in the Councils as well as in the public services ?

A.—Over the question of the Councils, I am not quite sure whether we should say there has been a good deal of feeling about that. It looked to me as if most practical men had accepted the Lucknow pact as being a decision of the question.

311. Q.—But we have been told the Muhammadan community in the Punjab is not prepared to act on the Lucknow pact, and that they want their full share of representation in proportion to their numbers?

A.—Yes, I did see that statement. It was new to me. I had not heard of this particular suggestion before I saw it in the evidence given before this Committee.

312. Q.—You have not seen any signs of strong feeling on that particular question?

A.—No, I have always taken it that the Muhammadans found they had substantial representation and were contented.

(*Sir Muhammad Shafi*).—Q.—Do you remember the anniversary of the All-India Muslim League held at Lahore only recently?

A.—Yes, I do.

(*Sir Muhammad Shafi*).—Q.—Did you see the resolutions that were passed there?

A.—I think one of them did ask for the reconsideration of this question, but I thought that was due to the particular piece of evidence given before this Committee. I thought it was a new suggestion, a new idea which had not occurred to them before, but they thought it a good one when it was made.

(*Sir Muhammad Shafi*).—Q.—You have been such a long time in the Punjab, do you remember when the Lucknow pact itself was arrived at, the then Punjab Muslim League protested strongly against it and was disaffiliated because of the controversy which arose in consequence?

A.—I believe that was so.

313. Q.—Supposing that pact were to be opened, how would the Hindus, the Muhammadans and the Sikhs stand strictly in accordance with their numbers in the Punjab?

A.—The Sikhs would get one-ninth, that is 11 per cent., the Muhammadans 55 per cent., and the Hindus the balance, 34 per cent.

314. Q.—I suppose most of the Muhammadans in the Punjab really come from rural areas?

A.—Yes, there are substantial Muhammadan population in the towns too.

(*Sir Muhammad Shafi*).—Q.—In Mooltan for instance it is about half Muhammadan?

A.—Yes.

(*Sir Muhammad Shafi*).—Q.—In Lahore the majority perhaps are Muhammadan, in Amritsar they are half and half, in Rawalpindi the majority are Muhammadans?

A.—As a matter of fact they are strong in the urban populations, but not among the richer classes; they represent the poorer urban classes.

315. Q.—You were for a long time Vice-Chancellor of the Punjab University?

A.—Yes, I still am.

316. Q.—Dealing with the middle class in the Punjab, is it not true that education in the Punjab has during the last 30 or 40 years not been exactly on secular lines? It has been more dominated by religion in the Punjab? Take for instance the Arya Samaj?

A.—The Arya Samaj has been very prominent in Education.

317. Q.—Take again the Muhammadans and their own Islamia College?

A.—Yes.

(Sir Muhammad Shafi).—Q.—Do you remember when it was started ?

318. Q.—I have been hearing of it for the last 15 years.

A.—It is a comparatively new thing. The Arya Samaj movement of course has been going on for 40 years.

319. Q.—Take the Khalsa College at Amritsar ?

A.—Yes,

320. Q.—So that education in the Punjab has been largely more on denominational lines than in other provinces ?

A.—Of course there are enormous numbers of non-denominational colleges and schools.

321. Q.—What is the number of your colleges ?

A.—We have 28 colleges of university status in the Punjab and about seven or eight of the 28 are probably sectarian in their management.

322. Q.—Apart from the Government College at Lahore, these seven or eight denominational colleges are probably the most flourishing in their resources in their numbers and in the influence which they exercise in the educational life of the Province ?

A.—I am not quite sure I would generalise like that. The Khalsa College has been in dreadful trouble lately. The two most important colleges are, I should say, the Government College and the Forman Christian College.

323. Q.—And the Dayanand Anglo-Vedic ?

A.—Yes it has been large.

324. Q.—And so is the Islamia College ?

A.—That has varied in numbers. At one time it was very numerous, not quite so numerous as the largest.

325. Q.—Is it not true that most of the young men turned out from the colleges in your Province are anxious to go in for Government service ?

A.—Yes they are very anxious to.

326. Q.—Both Hindus and Muhammadans ?

A.—Yes.

327. Q.—There are not very anxious to adopt independent careers or go into business, or adopt any scientific careers in the Punjab ?

A.—No it is not very marked. We have a certain movement in that direction now, but it is a very small one.

328. Q.—I suppose a great deal of the communal jealousy which arises in the Province is due to this fight about loaves and fishes ?

A.—A good deal of it is due to that, but it goes deeper than that I am afraid.

329. Q.—How is it deeper than that ?

A.—It is deeper than that because even the economic causes are deeper than that

330. Q.—Are you referring to the Land Alienation Act ?

A.—And to the general position of creditor *versus* debtor.

(Mr. Chairman).—Q.—Who is the creditor ?

A.—The creditor is the Hindu and the debtor is the Muhammadan, very roughly speaking. It is really the relation of lender and borrower that is the trouble at bottom.

331. Q.—Has there not been some legislation in the Punjab for the protection of debtors ?

A.—Yes.

332. Q.—What is that called, the Land Alienation Act ?

A.—That is to protect the agricultural classes.

333. Q.—Does that afford sufficient protection to the agricultural classes ?

A.—Protection in this sense—it has actually diminished the process by which lands were passing into the hands of money lenders.

Vide 402-8.

Loaves and Fishes.

Vide 403 31.

(*Sir Muhammad Shafi*).—Q.—In other words, it stopped expropriation of the agricultural classes.

A.—It very nearly stopped it. At the present moment the figures actually show a certain gain by the agricultural classes upon the non-agricultural classes. That is, they are buying back the land which they lost before. *Sir Tej Bahadur Sapru*. Now so far as the Press in the Punjab is concerned, I am talking mainly of the vernacular press—that too has been run on communal lines for some time?

A.—Yes. There are communal papers and there are anti-Government papers without regard to community, and there are the catchpenny papers which merely deal with sensation. There are those three classes of papers.

334. Q.—Am I right in assuming that during the last few months a good many of these papers have been inflaming public feeling?

A.—Oh yes, we had to prosecute two or three.

335. Q.—And that very recently?

A.—Quite recently. The prosecution is still pending, I think.

336. Q.—But this sort of thing has been going on in the Punjab at least for the last twelve months?

A.—Well it has been going on longer than that really, but it has been very marked and very intensive during the past few months.

337. Q.—I am only referring to that because it may be in your opinion a contributory cause of the present communal feeling.

A.—There is no doubt that that has thrown oil on to the flames. We know in one case, not in the Punjab but next door to us, we can directly trace the trouble to a particular pamphlet; and the press has been violent on both sides.

*Committee and
Electors.*

338. Q.—Did the average non-official member of the Punjab Legislative Council appreciate the nature of the issues that were raised?

A.—Well I thought myself that generally speaking they were a very creditable and very intelligent lot of men.

(*Sir Muhammad Shafi*).—Q.—And the members of the second Council are comparatively speaking more intelligent than those of the first one?

A.—Well yes. They are certainly more critical and that I suppose is the test. But we had some very good commonsense in the first Council too—very good indeed.

339. Q.—Now, what is exactly wrong with the Punjab elector?

A.—The only thing wrong, though I wouldn't call it wrong, is that he is not accustomed to contemplate political matters.

340. Q.—What sort of political question is he not accustomed to contemplate? Would he be able to understand an issue relating to say, for instance, local option of primary education or public health and village sanitation?

A.—Village sanitation or primary education or local option—I think he is capable of understanding those issues.

341. Q.—Now has he any horror of law and order?

A.—No I think he is very anxious to have it maintained.

342. Q.—Occasionally the villager breaks the head of his neighbour.

(*Mr. Chairman*).—Q.—Isn't the Punjab the most criminal Province in India? I have the misfortune to have murder cases coming to me and I have been horrified to see the number that come from the Punjab.

A.—If I may say so, it is always in those countries which are most anxious for law and order that you have class of men arising who take advantage of the comparative peacefulness of the others.

(*Sir Muhammad Shafi*).—Q.—Aren't a good many murders in the Punjab due to the fact—don't murders occur generally among the agricultural tribes and the martial races in the Punjab.

A.—Latterly disbanded soldiers have been responsible for a great deal.

343. Q.—Would you consider that as a normal feature ?

A.—I should say that latterly the very excessive crime we have had in the way of dacoity and murder has been due to the disbanded soldier.

(*Mr. Chairman*).—Q.—I put it to you that if you examine the criminal statistics for the Punjab over a series of years you will find a much serious crime.

A.—I am only speaking of the excess since the War which has been very great indeed. We have now more dacoities and murders and that due largely to the disbanded troops who have learnt something of how to use weapons.

344. Q.—But ordinarily do you think he appreciates the value of law and order ?

A.—I think the majority do emphatically appreciate it except when they have got some clan quarrel.

345. Q.—Or some fight over water-course ?

A.—Oh yes, undoubtedly.

346. Q.—Now that is the exact nature of the problem of the depressed classes in your Province ?

A.—We are not much troubled with it.

(*Mr. Chairman*).—Q.—Have you got any depressed classes ?

A.—It has not been a problem with us, not a big problem. We have got them but there is very little trouble.

347. Q.—Perhaps you will agree that the Punjab Hindu is very much less orthodox in his mode of life than the Hindus of Madras or the United Provinces ?

A.—Very markedly.

348. Q.—There is no such thing as a Brahmin and Non-Brahmin problem in the Punjab.

A.—No we are troubled with that.

(*Mr. Chairman*).—Q.—There are very few Brahmins ?

A.—Yes, and some of them are agriculturists.

349. Q.—And the Brahmin does not occupy any position of dominating influence in the Punjab ?

A.—He generally becomes either a bhistee or a cook. That is the favourite method of employing a Brahmin.

(*Mr. Chairman*).—Q.—Before we go on I should like to clear up one point. I am afraid it may be taken as a little misleading—this question about the Ministers taking a stronger line on the question of law and order. Now I understand the action contemplated is against the Sikhs. The Ministers were as a matter of fact a Hindu and a Muhammadan. One of the members of the Executive Council was a Sikh. Should I be right in supposing that the weakness came in on the executive side through one of the members being a Sikh ?

A.—On that particular point it so happened that he and I were agreed

The further examination of the witness was adjourned till 3 P. M. after lunch.

Sir Sivaswami Iyer.—Sir John Maynard. Before we begin, may I just point out one correction which has to be made in the printed note ? It is about the middle of page 2. The word 'likely' occurring there should be 'unlikely' and the word 'even' should read 'ever.'

Irrigation.

350. Q.—With regard to the question put to you by Sir Henry Moncrieff Smith about the transfer of irrigation, I should like to pursue the subject a little further—I did not quite follow your answer. In your province is an engineer in charge of works alone or of irrigation alone, or is he in charge of both works and irrigation in his district ?

A.—If you mean by 'works' roads and buildings, no, we do not combine roads and buildings with irrigation in our province; roads and buildings are in charge of a separate branch and irrigation works are in charge of a different branch.

351. Q.—Held by two entirely distinct sets of officers?

A.—Yes.

352. Q.—The engineer in charge of irrigation would have nothing to do with the construction of buildings and roads and engineers in charge of roads and buildings would have nothing to do with irrigation, is that the system?

A.—That is so.

353. Q.—Have these irrigation engineers any final voice in the matter of assessment of water rates?

A.—Yes, they have; the actual rates of course are fixed by Government naturally; but the calculation of the acreage on which the rates are to be charged and that application of the rates to the acreage, that is a matter for irrigation department; except in corner of the province where on the inundation canals it is done by the revenue authorities.

354. Q.—As the system in Madras is somewhat different, I want to ask you this: Is the function of the irrigation officer to advise the government as to the rates which may suitably be levied upon particular classes of lands with particular irrigation facilities or is it for him to lay down what rates shall be levied and has the government to say nothing to that?

A.—No; it is the government entirely which fixes the rates and they are only varied at very rare intervals.

(*Sir Muhammad Shafi*).—Q.—Is not the realisation of water rates the business of the Zilladar and the Deputy Collector?

A.—Yes, that is, in the irrigation branch; except in the Multan Division where for some reason we have got the other system.

(*Sir Muhammad Shafi*).—Q.—So that that the irrigation engineers are really more concerned with the construction of irrigation works and their maintenance and the supply of water than the fixation of water rates or the realisation of water rates?

A.—The irrigation engineer is supposed to check what the Zilladar does. Just as the Deputy Commissioner is responsible for land revenue in the district, so the executive Irrigation engineer is responsible within his charge for the calculation of the water rate which is due.

(*Sir Henry Moncrieff Smith*).—Q.—The fixation of the water rate and the assessment of the amount due are separate things?

A.—Yes. The one is done by the government; but the calculation of the acreage which has been sown and the application of the rates to that acreage, calculation as to where allowance is to be made on account of damage, loss of crops and so on, all that rests with the irrigation department.

355. Q.—In my province the irrigation engineer is responsible for the construction of irrigation works and for their maintenance, for the supply of water under, I believe, the major systems; but the supply of water under some minor irrigation works is in the hands of the revenue authorities. What I want to know is whether the actual application of the rates fixed by the government to the particular land is in the hands of the revenue authorities or of the irrigation authorities?

A.—Except in three districts of the Multan Division where it is in the hands of the revenue authorities, it is in the hands of the irrigation authorities.

356. Q.—With regard to the question of the application of rates to particular fields and the question of any remission to be made on account of floods and so on, is that carried out by the engineer or a revenue officer employed in the irrigation department.

A.—It is carried out directly by a revenue officer employed in the irrigation department; but the responsibility for control-

ling him and for hearing objections and for inspecting the rat and for seeing that everything is done all right, that is on the irrigation engineer.

357. Q.—The first work of assessment and realisation, by whom is that carried out?

A.—That is by a subordinate of the irrigation engineer.

358. Q.—Is he a professional engineer or a revenue official?

A.—He is a revenue official; but if I say that it may be misleading because it might be suggested that he came originally from that we call the revenue department. As a matter of fact he is from the outset in the irrigation department, but he is discharging revenue functions in the irrigation department.

359. Q.—Is he an engineer?

A.—Not an engineer.

360. Q.—Would there be any difficulty, therefore, in separating the engineering work from the revenue work and transferring the engineering side of the irrigation department to ministers?

A.—That question consists of two parts: the first is whether there is any difficulty in separating the revenue from the irrigation work that is actually done in one corner of the province in the Multan division.

361. Q.—But seeing what is done throughout Madras I ask you whether it is not possible to carry it out in your province?

A.—As to whether it is possible, I have no doubt that it is possible; you have naturally various difficulties and objection to doing it, but that is no doubt about its being possible.

*The Govt. of India's
Control.*

362. Q.—In section 1 of your memorandum you speak of the interference of the Government of India and the limitations upon the financial and legislative powers of the local government. Are you quite comfortable in the administrative shoes supplied to you by the Government of India?

A.—There are always little rubs on one's corns, your know.

363. Q.—But do you find any pinching anywhere?

A.—It will be impossible to say that we never find pinch we do find pinching; but I suppose that is inevitable under any system.

364. Q.—Would you like to have that removed or are you quite happy and content to leave things where they are?

A.—The way I would like to put it is this: you cannot expect to be absolutely independent; if every province wished to become absolutely independent there will be no control; but there are little things which could be improved; sometimes we ask for them to be altered: sometimes they are altered: sometimes there are things which are really survivals of the old system which still exist even under the new reformed administration: these, I suppose, will be eliminated from time to time; for instance the rules about the alienation of state lands; they appear to be really applicable to an older state of things when the Government of India was itself entitled to half the land revenue; there is no reason why, now that land revenue is a provincial asset, they should exercise any control.

365. Q.—There are certain matters in regard to which you think that the control now exercised by the Government of India is a little too tight?

A.—Yes, it might with advantage be altered.

366. Q.—And, to vary the metaphor, you would like to ease the saddle?

A.—I should like to slip the bits.

(*Sir Muhammad Shafi*)—Q.—Do you admit that generally speaking it is a case of the shoe fitting easily and it is only very rarely that it pinches?

A.—Yes.

(*Sir Henry Moncrieff Smith*).—*Q.*—Regarding the one case of limitation which you mentioned, you agree that it was a reserved subject and that the Governor-General in Council had power of superintendence, direction and control ?

A.—Yes.

(*Sir Henry Moncrieff Smith*).—*Q.*—Do you suggest that any amendments should be made in the Government of India Act which would remove or at all events relax that power of superintendence, direction and control ?

A.—No ; it is a matter of details and of the method in which the control is exercised on certain points. I have given an instance—about the alienation of state lands—which appears to be a survival from the older times when the Government of India was entitled to half the land revenue and therefore naturally exercised considerable control.

367. *Q.*—Some of these matters are referred to, I believe, in the memorandum of your government.

A.—Some of them are.

(*Sir Muhammad Shafi*).—*Q.*—Apart from amendment of the Government of India Act you would bring about a relaxation of control in certain respects by means of rules ?

A.—Yes.

(*Sir Henry Moncrieff Smith*).—*Q.*—Or conventions ?

A.—Yes.

368. *Q.*—Is the list given in that memorandum a comprehensive list or only by way of illustration ?

A.—No, I think it is an illustrative list.

369. *Q.*—If called upon you can of course supply the Government or the Committee with a fuller list of the points where you would like a relaxation of control ?

A.—Yes.

Dyarchy.

370. *Q.*—With regard to some subjects, for instance, religious and charitable endowments, I suppose the situation really requires more than joint consultation according to your memorandum ? The Joint Select Committee has prescribed or rather recommended that as a means of getting over some of the friction which may be created. But with regard to cases of excise or religious and charitable endowments something more is necessary—I am quoting from your memorandum. You would like the two halves of the Government to be brought together not merely for the purpose of joint discussion, but if possible to participate in the responsibility—is that the idea ?

A.—Well one sees that without it on some occasions very serious difficulty might arise. One is groping after a solution of a future possible difficulty which could not be solved by mere good-humoured agreement. We have not had it so far. There were all these cases of course in which it was obvious that, if a Minister had by any chance insisted on having any particular line about excise or about religious endowments or even about such a thing as mere hygiene, we might have had very serious difficulties. You see even hygiene might lead you to plague riots. We have had very serious riots over plague measures. Veterinary measures might lead to disturbances for cow-killing.

371. *Q.*—Don't you think a joint responsibility would improve matters and contribute to greater smoothness and efficiency ?

A.—Yes, if you can adjust your system to joint responsibility, I think it would.

372. *Q.*—I see that the other Member of your Government, and an ex-Minister they think that this dual system stands in the way of united action. Do you agree with that ?

A.—No, I don't.

373. *Q.*—You don't think that the dual system stands in the way of united action ?

A.—No, I have not found it so.

374. Q.—But I suppose you are aware that they both take that view ?

A.—Yes.

375. Q.—I suppose you will agree that the system of dyarchy is full of anomalies ?

A.—Well, everything—particularly in the line of politics—that comes out of England is full of anomalies. I mean you don't get a logical system. But I don't think you can get any progressive system which is completely logical.

376. Q.—But don't you think it is worth making an attempt to remove the anomalies ?

A.—Well, merely as anomalies I have no prejudice against it at all. The question with me is : does it work ? If it works, then it is good, politically speaking. But no merely logical system will make a good political system.

377. Q.—You have no intolerance of anomalies ?

A.—None.

(*Sir Muhammad Shafi*).—Q.—From the point of view of theory, the thing may be an anomaly, and yet in practical working it may do quite well.

A.—Then with regard to the second section control of the Minister by the Governor that is one of the subjects of complaint generally by nearly all the ex-Ministers who have appeared before us and they also complain that the Secretary's right of access to the Governor interferes with them far too much. I suppose you don't agree in that complaint ?

378. Q.—No.

A.—But the very fact that the complaint was put forward so generally by so many of the ex-Ministers would it not suggest that there is something wrong in the system ? Or do you think that it is entirely due to the ignorance and inexperience of the Ministers ?

A.—Well I should not like to say it was the ignorance and inexperience of the Ministers, but I think it is to some extent due to a misunderstanding of the position. It has occurred to me, reading the statement of some of the Ministers, that they expected to find themselves autocratic in their own spheres and I don't think that is really what is contemplated. I don't think that either the Act or the system which it works does contemplate an autocratic Minister. It seems to me the Ministers think that they ought to be able to appoint and dismiss official and that they ought to be able to pass ukases on various subjects whereas that is not what is contemplated by the system.

Secretaries

379. Q.—Do you think it is possible to make some changes in the rules which would obviate any such complaint or suspicion in the minds of the Ministers that the Secretaries are interfering with them too much ?

A.—Well, you see it is only after all a free right of stating one's opinion. All that the Secretary does—he has got no authority—he goes and says what he thinks is the right position. A Minister ought not to mind that. He is putting forward an argument which the Minister may rebut by other argument. It is a free system, it is not a system where everyone is completely subordinated to a Minister. It never surprises me when a Secretary of mine says : I don't agree with you. I expect him to tell the Governor so if he thinks it important enough.

381. Q.—Then would he go and tell the Governor first and then inform you or would he first inform you and then take it to the Governor ?

A.—He would go in the ordinary course, whenever his time may be, and if the conversation happens to turn on the subject, I suppose he would mention it. But what has actually happened is

that, when the Secretary has gone to the Governor and talked about the matter first without informing the Minister, the Governor has said to him : You must not do this, you must go to the Minister.

382. Q.—Don't you think it would be a better system if the Secretary was allowed to go to the Governor only if he had mentioned the matter to the Minister or Member, first

A.—Yes, I think that would be a very proper arrangement. He would say to the Minister : I differ with you about this and when I go to the Governor I shall say so.

(*Sir Muhammad Shafi*).—Q.—Is not this in the Punjab rules ?

A.—As a matter of fact it is in the Punjab rules.

383. Q.—And as a matter of practice.

A.—One or two cases have happened in which it was not done and in which the Governor said to the Secretary : Unless you first take it to the Minister ; cannot consider it. You see, when you are working any system these things will happen. People will do occasionally what they ought not to do and then the best thing is to tell them their mistake and put them right

(*Sir Henry Moncrieff Smith*).—Q.—Still the opportunity to make the first representation to the Governor does give some thing like an advantage ?

A.—Well, now, I think, though I cannot recall the particular rule of executive business, I think the rules of executive business do actually provide for that.

They provide for what you say should be done. At all events that is the practice in the Punjab.

(*Sir Henry Moncrieff Smith*).—Q.—Are these disputes, Sir John, between Secretaries and Ministers common or exceptional ?—these differences of opinion, I mean ?

A.—Oh, very rare, in the sense of the serious difference of opinion which leads a man to think it necessary to state his own views. It is a very rare thing. Differences which lead Secretary to think it necessary to take the case to the Governor are very exceptional.

384. Q.—May I know if there is a rule governing such cases ?

A.—Let me see. No I don't find this in the rules, but that is certainly the practice.

385. Q.—And you agree with me that it would be an advantage to make a distinct rule to this effect ?

A.—I beg your pardon, I find there is something here in rule 43 (2) of executive business. Oh, but that refers to one particular case where there has been a departure from the rules. It does not deal with these cases of possible difference of opinion. You see, a Secretary, if I may put it this way, a Secretary who differs from from his Minister or Member or unless he is on extraordinarily strong ground runs the risk of a very serious snub if he brings it up. That is plain is it not ?

386. Q.—You mean he would not take it unless it is a very strong case ?

A.—If he took it up and the Governor differed from him.

387. Q.—At any rate, it would remove a possible ground for a grievance if it was made a rule that he would take it only after mentioning it to the Minister ?

A.—Well, I see no objection to this rule and I think that is the practice in the Punjab.

388. Q.—Excuse me, my attention has just been called to rule 8 on page 35 of your rule of business ?

“ Any case or at any rate such as any Secretary of a Department thinks fit, be submitted by him to the Governor. The case should, however possible, be submitted through the Member or Minister concerned and wherever it is not possible the Member or Minister informed by the Secretary.”

I am sorry I took up your time.

Then, with regard to this question of joint consultation of Members or Ministers, you observe in para. 12 that prior to June 1924 certain intervals elapsed without joint consultation. I suppose there were several such intervals ?

A.—Yes, but I mentioned the one that was longest. There was never any other interval as long as that.

389. Q.—And during these intervals were important questions or principle or policy considered without a joint sitting ?

A.—Well, I don't know of any important questions of policy which came up in any of those intervals. I can only give you the specific cases which I have mentioned, that is the particular cases which happened which should have been up in joint consultation and were not.

390. Q.—Since the present Governor came into office the practice has been quite regular of having joint consultation ?

A.—Quite regular—at least once a week.

391. Q.—And then at these joint sittings do you consider only mixed cases, or cases arising in any department even though they are not mixed cases ?

A.—Any cases arising in any department, whether they are mixed or not.

Consultation.

392. Q.—In para. 14 you speak of informal consultation of Members by Ministers ?

A.—That is the passage I corrected. It should be "and" instead of "by."

393. Q.—So far as the system has been worked in your province, has dyarchy worked smoothly and fairly successfully ?

A.—I should say it has been worked very smoothly.

394. Q.—And as a matter of fact, dyarchy has been worked because it has been ignored practically ?

A.—Yes.

395. Q.—Could you not completely ignore it and work it as a really unitary Government in all respects ?

A.—Oh that means, whether one can transfer the reserved subjects ?

No, no, I have given reasons for thinking otherwise.

Finance Department.

396. Q.—I pass on now to the relations of the Finance Department with the Ministers. Have you got any other portfolio ? Do you hold any other beside finance ?

A.—Yes, I am the Home Member—that is to say, Police, Jails, Justice—those are the principal ones.

397. Q.—With regard to the proposals emanating from your own department for expenditure—have they to run the gauntlet of any other Department in regard to financial scrutiny ?

A.—They pass through my Secretary and he is a very vigilant person and criticises my proposals just as much as he criticises others from the financial point of view.

398. Q.—But still, don't you think you would have a certain amount of unconscious tenderness towards proposals emanating from your own department ?

A.—Well, that may be so, it will be a very expressive arrangement.

399. Q.—You would be superhuman if you had not had such tenderness ?

A.—But I have also got a tenderness for some other departments.

(*Sir Muhammad Shafi*).—Q.—Would it not be better to have a separate office called the Controller of Provincial Finance who will be common to both the reserved and the transferred side ?

Don't you think it will be an improvement ?

A.—It practically means that there will be another member who will be a sort of Auditor-General.

(*Sir Muhammad Shafi*).—Q.—He will be common to the reserved and the transferred sides, holding the balance even between the two halves of the Government ?

A.—And not subordinate to either.

(*Sir Muhammad Shafi*).—Q.—Instead of a Finance Member who will be a member of the Service and also on the reserved side who will unconsciously favour the reserved sides, the Controller of Finance will be an independent person ?

A.—He would be purely advisory because he would not be a member of Council at all.

(*Sir Muhammad Shafi*).—Q.—He would scrutinise all proposals that involve expenditure both on the reserved and the transferred side ?

A.—The only difficulty that occurs to me is that he would not come to his work with quite the same weight and force as a Member of Council comes.

(*Sir Muhammad Shafi*).—Q.—He would be directly under the Governor and independent of both the reserved and the transferred side and in consequence free from bias or anything in favour or against either side ?

A.—He would not be allowed to participate in deliberations of the Council, of course.

(*Sir Muhammad Shafi*).—Q.—He might be called upon by the Governor to attend meetings of the Council but he would not vote ?

A.—I think you want your Finance Department to be very powerful and I think the force of the Financial Department would be diminished by the fact that he was not represented by any one who actually took part in the deliberations of the Council.

(*Sir Muhammad Shafi*).—Q.—That is the only objection you can see to an arrangement like this ?

A.—I have not had an opportunity of considering this proposal before but *prima facie* that is the one objection that occurs to me.

400. Q.—The business of the Finance Department is to advise and place the Finance Department's point of view before the Government and see that it receives due consideration ?

A.—It is just the receiving of that due consideration that is the important point. One sometimes has got to struggle very hard to get the proper weight attached to the financial point of view, sometimes very hard indeed.

401. Q.—Apart from the question of cost, you have no objection to a separate Finance Member holding that portfolio and nothing else ?

A.—No, apart from the question of cost I have nothing. There are various difficulties which will arise. You will be increasing the number of your Members of Council and you will require the addition of another Minister to balance the addition.

402. Q.—Have you any objection to the financial portfolio being held by Minister ?

A.—That means transferring more subjects. I am not prepared to admit that.

403. Q.—Just as the Finance portfolio is combined with other subjects on the reserved side, why not give a chance to Ministers to hold the portfolio of finance in conjunction with some other portfolio ?

A.—That means transferring an additional subject and a very important one.

404. Q.—Suppose there were no technical objections in the way ?

A.—I was not really considering the technical objections.

405. Q.—Suppose the Government were willing to transfer it. I want to know what you think of the proposal ?

A.—My general objection to transferring additional subjects is that it cannot be done so long as communal differences and the party of obstruction remain.

406. Q.—The Finance Department is not an originating department. You know that has been repeatedly maintained?

A.—It is advisory. It is not a final authoritative department.

407. Q.—There is no question of final voice. You can only expostulate and you can only advise? Then why not allow it to be held by a minister?

A.—I have already said that while the present conditions continue I object to the transference of more subjects. If those conditions cease to exist, then I should be prepared to consider it.

408. Q.—You refuse to consider it except as part and parcel of the whole general issue?

A.—Yes.

409. Q.—Apart from that general and more comprehensive objection you have no specific objection to put forward now?

A.—I should like to consider it very carefully before I say that I have no other objection.

Opposition to advance.

(*Sir Muhammad Shafi*).—Q.—You said just now that so long as communal differences and party of obstruction continue you are opposed to the transfer suggested by.

410. Q.—May I ask if the party of opposition in the Punjab Legislative Council can be strictly called a party of obstruction such as Mr. C. R. Das's party in Bengal?

A.—I am not dealing with this as a purely provincial question.

(*Sir Muhammad Shafi*).—Q.—With regard to your observations about the transfer of subjects generally you gave the same reason and therefore the question is pertinent. Can you call the party in opposition in your Council as a party of obstruction strictly so called such as exists in Bengal and the C. P.?

A.—So far as the desire goes it seems to be the same. So far as the power goes it is not the same.

(*Mr. Jinnah*).—Q.—May I ask if these are the only two difficulties in the way of the transfer of the financial portfolio to ministers, namely, communal differences and the party of obstruction? Is there any other objection?

A.—What I said was that before I say there is no other objection I should like to have an opportunity of considering very carefully what is to me an entirely new proposal.

(*Mr. Jinnah*).—Q.—You have not considered it?

A.—It was never put to me until this moment.

(*Mr. Jinnah*).—Q.—You have not been following the evidence before this committee?

A.—Yes, portions of evidence which particularly concern the Punjab.

(*Mr. Jinnah*).—Q.—The point has not struck you?

A.—No.

411. Q.—On page 9 you refer to the increases of expenditure under certain important heads of the transferred department. May I know whether there has been any increase in the expenditure of the reserved department during the same period?

A.—I think the question was put to me before. Roughly speaking, during these years our total expenditure has remained stationary because of the financial difficulties. That means to say that whatever was added to the transferred departments was taken out from the reserved.

412. Q.—On page 12 you say there is opposition to demands for travelling allowance for arts colleges and secondary schools. What is the nature of the opposition. I do not quite understand?

A.—It came out during the course of the budget proceedings. There was a particular grant for travelling allowance of students of arts colleges and the professors. It was, I think, a small item.

413. Q.—Who proposed it ?

A.—The Minister of Education.

414. Q.—Is it for attending Senate meetings ?

A.—It is quite a small item. The amount of travelling that is done on behalf of the arts colleges would be small. As it was, it was opposed.

(Dr. Paranjpye).—Q.—It would probably be for excursions ?

A.—I do not think it is for that. It is a separate head. All I can tell you is that there was a small item for this purpose. Precisely what the travelling was for I cannot tell you.

(Sir Muhammad Shafi).—Q.—It might have been, for instance, to attend Meetings of the Provincial Educational Conference which you occasionally hold ?

A.—That would be one of the possible reasons.

(Dr. Paranjpye).—Q.—Scientific congresses ?

A.—Yes.

415. Q.—In para. 45 of your memorandum you point out what the constitutional remedy is for a minister who feels that his constitutional position has been infringed upon. Do you think it is a very convenient way of transacting business for a minister to be always threatening to employ that remedy on each and every occasion ?

A.—I do not think he would have to threaten it often. My own experience in dealing with Secretaries and everybody else is that it is hardly necessary to say that certain things will happen in certain circumstances. But if there are unreasonable people one may have occasionally to do it.

Resignation.

(Dr. Paranjpye).—Are you aware that in the Punjab resignation was offered by a Minister four or five times and he was persuaded to withdraw it each time ?

Vide A 298. As to this see introduction ante.

A.—I am aware that it was so stated. My personal knowledge is that there was a discussion between the minister and the governor about resignation and that was after the defeat of the minister on the Urban Rents Bill which was a very serious defeat. I understood at the time that the minister asked whether the governor thought that the case was one in which he could constitutionally resign and that he was advised that it was not and therefore he did not resign. That is what I understand is the position. As regards the other three cases I can only say it is quite obvious that if the resignation was ever tendered it certainly was not pressed and if one is not prepared to press his resignation it is quite useless to tender it.

(Dr. Paranjpye).—Q.—He may not have achieved his object by resignation ?

A.—There is no object in resigning unless you think so strongly on the subject that you are prepared to carry out the resignation if your purpose is not achieved.

(Mr. Jinnah).—Q.—If the Governor yielded because of the threat of resignation he would have achieved his object ?

A.—He would have. It is quite a constitutional weapon.

Mr. Jinnah.—Do you deny the statement made by one of the Punjab Ministers who appeared before this committee that he carried his resignation in his pocket ?

(Mr. M. A. Jinnah).—Q.—Do you deny that fact that one Minister stated before this Committee that he had actually to carry his resignation in his pocket. Do you deny that fact ?

A.—That means to say that he was prepared at any moment to resign. That is the meaning. I deny, that. Yes.

(Mr. M. A. Jinnah).—Q.—Deny what ? That a Minister stated here . . .

A.—I am not concerned now with what he stated.

(Mr. M. A. Jinnah).—Q.—My question is this. One of the Ministers of the Punjab stated that he only could carry on his work with the resignation in his pocket ?

A.—Do you mean to ask whether I deny that he said so ?

(Mr. M. A. Jinnah).—Q.—Yes ?

A.—No, no. You have got it on record.

(Mr. M. A. Jinnah).—Q.—My next questions are you prepared to say that it is not a correct statement ?

A.—If it means that the Minister was prepared to resign at any moment and thereby achieve certain objects, I say that it is not so.

(Mr. M. A. Jinnah).—Q.—How do you know that ?

A.—My knowledge in all these matters is derived from a very close following of the business of Government.

(Mr. M. A. Jinnah).—Q.—Did the Governor tell you that ?

A.—The Governor would have told me if there was the question of resignation.

(Mr. M. A. Jinnah).—Q.—Did he tell you ?

A.—He did not tell me that he did not do it.

Sir Arthur Froom.—Q.—I think, Sir John, you have told the Committee that the present system of Government called Dyarchy in your province has been a success ?

A.—Yes.

416. Q.—And in spite of certain difficulties attending its working, do you consider that the present system of Government which we call Dyarchy is providing an advance towards some form of responsible Self-Government ?

A.—That is the way in which I look at it. It is a sort of bridge towards a responsible form of Government.

417. Q.—One of the ex-Ministers of your province told the Committee—there is no reason why I should not give you his name, Mr. Harkishan Lal—that he was disappointed in his office and that he felt he was doing no good at all. Did he announce that to your knowledge to His Excellency the Governor or to the members of the Executive Council or did he announce that at any meeting ?

A.—No.

418. Q.—He did not. He further added that he felt he was a square peg in a round hole. That was what Mr. Harkishan Lal told the Committee. It is on record.

A.—Yes.

419. Q.—Would you suggest that it is the fault of the hole or the peg ?

A.—My own impression was that Mr. Harkishan Lal was an excellent Minister ; he did a great deal more than was expected in a short time. What I really thought about him was that he did not realise the enormous difficulties which stand in the way of any administrator doing a great deal in a very short time. He had 2 years and 8 months part of which was a time of financial stringency. I think he did not know how difficult it is to do anything. I am sure that you have to struggle : we who have experience of administration know that you have to struggle for years to achieve things. It would be extremely lucky if you manage in a long period to do anything worth doing. He expected to do more in a short time.

420. Q.—Perhaps he would come under the category of a Minister who expected to have autocratic power ?

A.—I think that was one expectation that he would have autocratic power.

*Harkishan Lal,
Minister.*

(Sir Muhammad Shafi).—Q.—In your close co-operation with him, Sir John, as a member of the same Government, did you yourself come across anything to show that Mr. Harkishan Lal was a square peg in a round hole ?

A.—No. I did not. I thought he was an excellent Minister in his particular line.

421. Q.—Then we will put it down to his modesty ?

A.—Or to excessive expectation of the possibilities of achievement. That is what I would put it down to.

Finance.

422. Q.—Coming to the question of finance I take it that the absence of sufficient finance might be responsible for some of this disappointment that this Minister felt ?

A.—Yes ; I should say possibly some of it.

423. Q.—I do not mean especially in his department, but the finances of the Government generally ?

A.—Yes.

424. Q.—And I think my colleague Sir Sivaswamy Aiyer suggested that there might be a bias on the part of the Home Member of the Punjab by virtue of his holding the dual office of Finance Member and Home Member to provide perhaps more funds than were fair to the Home Department. That was suggested I think by my colleague ?

A.—Yes.

425. Q.—But a member in that dual position possibly from sheer sense of fairness might be included to give too much away ?

A.—It is possible. I think my real answer is to point to them figures in my Memorandum. Those figures show an increase. They relate to the transferred Departments. At the same time the expenditure as a whole was approximately stationary.

426. Q.—As regards the suggestion of having a separate officer altogether to look after finance. I think you told the Committee that the Secretary of the Finance Department, your Secretary, was extremely particular in what he did pass ?

A.—Yes.

427. Q.—And I take it His Excellency the Governor could send for another official in the Finance Department ?

A.—Yes.

428. Q.—That being so, I see no reason for the argument that a separate officer should hold the portfolio of Finance in the Executive Council ?

A.—That is my view.

429. Q.—I am afraid I must refer to these communal difficulties just briefly. I think you told the Committee that in your opinion the present reforms had had the effect of increasing communal antagonism ?

A.—Yes.

430. Q.—You did say so ?

A.—Yes.

431. Q.—And do you consider that any additional reforms given would also further increase communal antagonism ? That there would be reason to suppose that they would.

A.—I have not, I confess, considered that. I think it is possible that they might. They would certainly give rise to certain special difficulties as regards the transfer of certain departments. I specify in particular elections, for instance, and of course important questions regarding Police in dealing with communal riots. Those are instances where difficulties would arise in consequence of transfer.

432. Q.—Then do you consider that these regrettable communal differences are at the present time a stumbling block in the way of further advance towards self-Government in your province ?

A.—I think they are the principal stumbling block. From my point of view they are the principal stumbling block.

433. Q.—Until they can be removed they will remain a stumbling block ?

A.—Yes, that is my view.

434. Q.—And supposing you were asked not by this Committee but by somebody outside whether the province of the Punjab is ripe for further advance towards self-Government, one of your objections to this further advance towards self-Government would be the present regrettable communal difficulties ?

A.—Yes, that is so.

Communal Difficulties.

435. Q.—And when these communal difficulties are settled, then one of the great stumbling blocks towards further progress will be removed ?

A.—Yes, to my mind the principal stumbling block. I do not think I have any further questions. Thank you.

M. A. Jinnah.—Q.—I have read your memorandum, Sir John, with great hurry and if I make any mistake you will forgive me ?

A.—Yes.

436. Q.—I read it on my arrival here. Do I understand from your memorandum that you suggest no change at all in the present constitution ?

A.—No change of principle at present.

437. Q.—Do you suggest any change ?

A.—There are changes of detail. I did not attempt to go into changes of detail.

438. Q.—As far as your memorandum goes, you do not suggest any change ?

A.—No large change of principle at present.

439. Q.—Is there any change ?

A.—Perhaps I might explain. My memorandum is written not to cover the whole ground but mainly by way of removing certain misconceptions which might have been created by previous statements. It was not intended to cover the whole ground. Therefore I did not attempt to go into all the detailed changes which might conceivably be necessary. As regards the main question of principle you are right in saying that I do not recommend any changes at present.

440. Q.—You do not recommend any changes which would be made or could be made either under the Act or under the rule-making powers ?

A.—I have tried to say that is a question of detail and not a large question. I mean to say I do not recommend the transfer of any subject which is not now transferred.

441. Q.—Not only that, I gather from your memorandum that there is nothing that you recommend as a change which would strictly come as a change under the Act itself or under the rule-making powers ?

A.—I would have to write another memorandum.

442. Q.—I am talking of this memorandum ?

A.—I have already explained to you that my memorandum is not intended to cover the whole ground.

443. Q.—That is not answering my question ?

A.—Pardon me, it is answering your question. I do contemplate certain changes in detail, but my memorandum is not written for the purpose of giving expression to them.

444. Q.—I must ask the witness to answer my question. Is there anything in your memorandum which suggests any change either under the Act itself or under the rule-making powers ?

A.—My memorandum is before you, Sir, and you can judge for yourself whether there is any recommendation or not.

(*Sir Muhammad Shafi*).—Q.—I think the question really has sufficiently been answered when the witness said that his memorandum was not written to cover the whole ground ?

A.—I ask for a direct answer to my question.

(*Sir Muhammad Shafi*).—Q.—The answer is in the negative obviously ?

A.—My memorandum is before you and you can judge for yourself. My memorandum speaks for itself. That is my answer.

445. Q.—I will put it to you—I do not want to wrangle—once more if you like. Is there anything in your Memorandum which you can point out as a change recommended by you either under the Act or under the rule-making power ?

A.—I must again answer that my memorandum speaks for itself.

446. Q.—You cannot point out ?

A.—I will read from my memorandum and see if there is anything.

447. Q.—Read it.

A.—That would take too long a time.

(*Sir Muhammad Shafi*). Q.—I am afraid, Mr Jinnah, I must intervene. I think the question has been sufficiently answered. The witness has stated that he did not write his memorandum from that point of view. It was written merely to remove misconceptions that may have arisen because of the statement of previous witnesses. The inference is obvious that he has made no suggestions nor expressed any opinion with reference to the point.

Mr. M. A. Jinnah.—If you say that is the inference, I am quite satisfied with it. The inference is obvious that the witness does not suggest any change.

448. Q.—I do not quite understand what you say in your paragraph 8. You say :

“It has recently been stated, in a public manner, that a Minister cannot introduce any measure however much it may be desired by the majority of the Legislature, unless the Governor allows him to do so. It is possible that what was really meant was that the Governor had the power of withholding his assent from a Bill² passed by the Council at the instance of the Minister.”

Can the Minister take any initiative without consulting the Governor ?

A.—It would be very unusual for him to do so ; on an important question like Legislation he would naturally talk it over with the Governor.

449. Q.—Please follow me. I was not talking about that talking over. According to the constitution as it is now can the Minister initiate a measure of a legislative character without first consulting the Governor ?

A.—Yes, there is nothing in the law to prevent him from doing so. It would be very unusual as I said before, for him to do it.

450. Q.—Under the Act he can do so without consulting the Governor.

A.—Yes. I cannot conceive of such a thing being done, but as you want an answer on that particular question, that is my answer.

451. Q.—Have you considered the sections ?

A.—I think so. I do not know of anything in the Act which prevents a Minister from doing it.

452. Q.—I will just show you the section. There is one section which says, I believe, with regard to Transferred subjects, the Governor is to act with his Minister ?

A.—May I ask you what is the section ?

453. Q.—I will give you the section in a minute. 46, I think, it is ?

A.—Section 46 says the Governor acting with his Ministers under the Act...

454. Q.—46 says—

“In relation to reserved subjects by a Governor in Council and in relation to transferred subjects, (save as otherwise provided in this Act) by the Governor acting with Ministers appointed under this Act.”

So that with regard to transferred subjects the section says that the Governor is to act with Ministers ?

A.—Yes.

455. Q.—Could the Minister act without the Governor ?

A.—Your question, I understand, refers to some specific matter

*Introduction by
Minister.*

456. Q.—It does not matter what it is. In relation to transferred subjects the section says, "the Governor acting with Ministers appointed under this Act" ?

A.—What really governs the matter is the provision which says that in certain circumstances the Governor may over-rule.

457. Q.—Excuse me. Then comes section 52. When the Minister tenders his advise to the Governor then he may over-rule. But in the first instance, the Statute says the Minister cannot act along. He must act with the Governor ?

A.—Of course that is a very nice legal point. But that is not the way in which that section has ever been understood.

458. Q.—I do not know how it is worked. That is not my point. My point is a purely constitutional point ?

A.—That is a question for reference to the Legal Remembrancer or Legal Adviser.

(*Sir Henry Moncrieff Smith*).—Q.—When a Bill is introduced in the Legislative Council, is it promoted by the Governor or is it promoted by the Minister ?

A.—It is promoted by the Minister.

459. Q.—The Governor is not responsible for it ?

A.—No.

460. Q.—Sir John says it is a question of law, and I do not want to pursue the matter. Supposing I am right (we will assume that for the moment) that the Minister cannot take the initiative without first consulting the Governor, than in that case the position of the Minister is a very difficult one if there is a difference between him and the Governor ?

A.—If there is a difference between the Minister and the Governor it is for the Minister to resign. If it is a trifling matter, he will probably continue.

461. Q.—I do not know whether you have considered this point, Sir John. We are not talking of provincial governments. As a matter of fact here is no responsibility at all given to the Legislature or the representatives of the people ?

A.—I presume you are referring to the fact that it is possible for the Governor to certify or restore. If that is what you mean, then I say that does not constitute the denial of responsibility. That only provides certain specific rare cases.

462. Q.—Under the Act as a matter of fact no responsibility is given to the Legislature with regard to provincial governments ?

A.—No responsibility in the executive part of the government.

463. Q.—Transferred part of the Government ?

A.—No responsibility on transferred subjects ? The correct constitutional position, as I understand, under the Act is that the Legislature has no executive responsibility whether in transferred or in any other subject. The responsibility rests upon the Governor in Council for reserved subjects and on the Governor with his Ministers over the transferred subjects.

Certificates.

464. Q.—And such power as the legislature has can always be over-ruled by certification and the powers of the Governor ?

A.—By restoration ?

465. Q.—Restoration and certification ?

A.—That is so. Of course you must understand the difference between a power which can be exercised and a power which is not in practice exercised. The Crown in England has the power of veto on the action of the Houses of Parliament but it has not exercised that veto for a matter of 230 years.

466. Q.—I am only testing the constitution ?

A.—If you are testing the constitution as a purely legal matter, if you are not testing it with all the conventions which attach to it, then you are not testing it correctly.

(*Sir Muhammad Shafi*).—Q.—Is there any power of certification in regard to legislation in the transferred sphere ?

A.—I believe not. It is all in the Act. It is safer to look at the Act than to ask me. I think not.

(*Sir Muhammad Shafi*).—Q.—In regard to votable items with reference to the transferred field, is there any power of restoration with the Governor ?

A.—There is a very limited power of restoration in cases where the peace or tranquillity of the province is concerned.

467. Q.—There is something more. We have got the section here. The Governor can arrest a Bill in the course of progress and the Governor can restore any item in the budget if he thinks it is necessary. There are very wide powers ?

(*Sir Muhammad Shafi*).—I think really that is a matter which can be discussed among ourselves and need not be discussed with the witness.

468. Q.—I am asking this question for this reason. I know we can discuss it among ourselves. I am asking this question because Sir John seems to convey, on a careful consideration of para. 8, that there is a certain amount of responsibility given to the Legislature. That is what I want to make clear ?

A.—Paragraph 8, if I may say so, does not refer to the Legislature at all. It refers to Ministers.

469. Q.—Quite so. The Minister is responsible to the Legislature. I should be quite content if the answer is given that the Legislature has no responsibility ?

A.—In executive matters the legislature is not responsible. Its function is not in the executive sphere.

470. Q.—And with regard to Bills ?

A.—In regard to Bills I tried to explain. There is all the difference in the world between a legal power and a power which by convention is to be exercised either rarely or not at all. I gave the instance of the veto of the Crown in order to illustrate the difference between the two things. The Crown has the legal power to veto. It has not exercised the power for 230 years. The effort has been in the province in working the constitution to avoid using exceptional powers of the Governor because it is likely to weaken the sense of responsibility which it is desired to encourage.

(*Sir Muhammad Shafi*).—Q.—May I remind you of the provision in section 72D, proviso (a), which says :

“ the local government shall have power, in relation to any such demand, to act as if it had been assented to, notwithstanding the withholding of such assent or the reduction of the amount therein referred to, if the demand related to a reserved subject, and the Governor certifies that the expenditure provided for by the demand is essential to the discharge of his responsibility for the subject.”

That is in regard to a reserved subject. Then in section 72E (1) we have :

“ Where a Governor's Legislative Council has refused leave to introduce, or has failed to pass in a form recommended by the governor, any Bill relating to a reserved subject, the Governor may certify that the passage of the Bill is essential for the discharge of his responsibility for the subject.”

All the provisions are confined to reserved subject ?

A.—Yes. May I say that the real answer to this question is this. Examine the cases in which these powers had been actually used. Were they numerous ? Were they reasonably exercised ? If you find that on all the occasions on which these powers had been exercised they had been exercised for good and on reasonable grounds, then I think this contention falls to the ground.

471. Q.—Has there been any cases of certification in the Punjab during the last three years ?

A.—None.

(Dr. Paranjapye).—Q.—Not even in regard to any budget item ?

A.—That is a restoration. There have been restorations recently in two cases. They were of one class. The Council had rejected certain proposals for spending money for the re-assessment of districts. On that occasion there was restoration.

472. Q.—I think you said that you were not prepared to recommend the transfer of any more subjects as long as communal differences existed and the party of obstruction existed. Is that correct ?

A.—That is correct.

Party of Obstruction.

473. Q.—Sir John, do you think that the party of obstruction is the only party in India in existence ?

A.—It is obvious : fortunately it is not.

474. Q.—Do I take it that you understand that there is only a section that forms the party of obstruction ?

A.—Yes, I do ; unfortunately in two provinces it is a very strong section.

475. Q.—Don't you think that you ought to have regard to the whole of India ?

A.—I do indeed.

476. Q.—And don't you think that if you have regard to the whole of India that argument of yours loses its force, namely, that because there is a section which has formed itself into a party of obstruction therefore you decline to make any advance ?

A.—You see it is a practical question ; you have a certain party in certain provinces which is very actively and very effectively obstructing the Government. It is not a question of punishing anybody ; it is simply a question of common prudence ; common prudence tells me that when there is somebody who is busy upsetting the administration it is not right to widen the sphere within which he has his opportunities. If you increase the number of transferred subjects you widen the sphere within which obstruction will be effective, because you diminish the powers of the Governor to restore items either by certification or by his other constitutional powers. Therefore it is a mere matter of prudence. I say it is not judicious to do it.

477. Q.—Would it not be a matter of greater prudence if you can manage to reduce the powers of that party of obstruction by making a further advance ?

A.—To be honest I do not think you will reduce it, except by giving everything. It should be all or nothing ; either you must establish complete autonomy or so long as this obstruction continues, you must see that we do not widen the sphere within which obstruction can be effective. If it were possible to give everything, then I should agree with your contention.

478. Q.—Do you think, if it was possible to give complete responsible government, then the obstruction would disappear ?

A.—The obstruction would disappear, I think ; oh, yes, unless of course obstruction goes on on an entirely different issue. You would then have your communal difficulties. It is the two combined that make the difficulty. The communal differences make it impossible to give up everything ; the obstruction makes it injudicious to give up some thing and not give up all.

479. Q.—Don't you think this obstruction is really due to the fact that the people are not satisfied with the present constitution ?

A.—The obstruction is due to people being in a great hurry ; it is very natural. I sympathise with it.

480. Q.—Is it not due to the fact that they are not satisfied ?

A.—I have no doubt they are not satisfied ; I do not question that.

(*Sir Muhammad Shafi*). —Q.—You mean those who follow this policy of obstruction are not satisfied with the existing conditions ?

A.—Yes ; I think I must give them credit for being perfectly genuine and for meaning what they say ; I presume they are not satisfied.

481. Q.—Don't you think that an effort should be made to satisfy them ?

A.—Yes, I do should like to satisfy them if I saw any course which did not entail greater dangers than those already existing.

482. Q.—By giving them a further advance what would be the danger ?

A.—The danger, that is, of transferring further subjects. As I have tried to put it, you enlarge the sphere within which obstruction is likely to be effective. In every transferred subject the difficulties of restoration, certification, etc., are increased, because the powers are not so great in the case of transferred subjects and therefore every time you add one more to the list of transferred subjects you enlarge the sphere within which this particular enemy is going to make his plan of operations effective.

483. Q.—Let us take it step by step. At present you have not got a party of obstruction except a section—it is a section is it not ?

A.—Yes ; a very important section in two provinces.

484. Q.—We will concede for the moment that it is an important section ; but it is not the entire body of representatives who are a party of obstruction.

A.—No.

485. Q.—Supposing a section of the representative of the various legislatures are a party of obstruction ; if you make a further advance, do you not think that that party will be weakened because some of them at least might be satisfied and give up obstruction rather than create obstruction since more subjects will be transferred ?

A.—My real conviction on that subject is that this particular party which has adopted obstruction will not be satisfied until all the subjects are transferred or until there is complete autonomy whether way you like to put it ; that is my personal conviction and I think that is the principle which they themselves state ; they say " Till you give us complete autonomy we are going to obstruct, that is what I understand them to say. You say by giving them a little some of them might give up that policy ; I do not believe that by giving them a little you can bring about that result.

486. Q.—I do not mean a little crumb—I mean some substantial advance ?

A.—You mean something like land revenue and irrigation and forests should be transferred.

487. Q.—Don't you think you will break this party of obstruction if you do so ?

A.—Candidly I do not think so.

488. Q.—Now, with regard to communal differences, you think it is not possible to make an advance on account of the communal differences such as exist to-day ?

A.—I think I have tried to make it plain that there are certain things which cannot be transferred so long as communal differences exist—law and order principally—but also certain other things ; elections is a very obvious subject.

489. Q.—That is all ?

A.—I should say, police, jails, justice and elections.

490. Q.—In other words, law and order and elections ?

A.—Yes. I see what you are driving at ; as I have said it is the combination of this policy of obstruction and the communal differences which makes the position difficult. Communal differences tell you that there are certain things which cannot be trans-

ferred ; and the party of obstruction says that it is no good transferring some things unless you will transfer all.

491. Q.—Don't you think that if you pursue this line you will have nothing but a party of obstruction all over India ?

A.—I hope not.

Sir Arthur Froom.—Q.—Sir John, I want to ask you a question on this policy of obstruction. I take it that it is admitted that whatever views any of us here or in the provinces may hold we all have good wishes for the welfare of India ?

A.—Yes, indeed.

492. Q.—Supposing your province yielded to this policy of obstruction and complete self-government is given to your province out of regard for the welfare of India, do you think that would be a wise policy ?

A.—I am not quite sure.

493. Q.—I will continue my question ; are you not lying up for India when she gets self-government, party who have gained their ends by obstruction and who, when you have got self-Government will want something else and proceed to obstruction tactics again ?

A.—I think you always have the chance of the weapon of obstruction being used.

494. Q.—Whatever government you have, if you yield to obstruction you will give the party that pursues obstruction an impetus again ?

A.—Yes ; I think there is no doubt about it ; the weapon of obstruction is now a recognised and known one and people use it anywhere and everywhere whether you yield on a particular action or not.

495. Q.—Do you agree that they would have learnt a lesson that obstruction can be made effective if they got self-government ?

A.—I suppose it will be so ; but there are other reasons.

495a. *Sir Tej Bahadur Sapru.*—Q.—There is only one question I would like to put : I understand that your position is that there is really speaking no half-way house between the present system of things, namely, diarchy, and full provincial autonomy ?

A.—I would like to say that ; but I say there is no half-way house between holding on where we are, excepting changes of detail of course and suitable conventions and alterations of details, and some new system which would mean practically autonomy.

496. Q.—In other words the transfer of a few more subjects here or there will not really affect the situation ?

A.—It will not satisfy anybody.

By Sir Muhammad Shafi.—Q.—I want to ask you one or two questions with regard to one or two answers you have given to some of my honourable colleagues. May I invite your attention to what the Joint Select Committee said with reference to clause 6 of the Bill which is now section 49 of the Act ? They said ?—

“The Committee desire on this point to give a picture of the manner in which they think that under this Bill the government of a province should be worked. There will be many matters of administrative business, as in all countries, which can be disposed of departmentally ; but there will remain a large category of business, of the character which would naturally be the subject of cabinet consultation. In regard to this category this Committee conceive that this habit should be carefully fostered of joint deliberation between the members of the Executive Council and the Minister sitting under the chairmanship of the Governor. There cannot be too much mutual advice and consultation on such subjects. But the Committee attach the highest importance to the principle that

when once opinions have been freely exchanged and the last word has been said there ought then to be no doubt whatever as to where the responsibility for the decision lies."

Further on this is what they say (He here means Governor):—

"He should never hesitate to point out the Ministers what he thinks is the right course or to warn them if he think they are taking the wrong course. But if, after hearing all the arguments, ministers should decide not to adopt his advice then in the opinion of the Committee the Governor should ordinarily allow the ministers to have their way fixing the responsibility upon them, even if it may subsequently be necessary for him to vote any particular piece of legislation."

Now, do not these passages that I have quoted from the Joint Select Committee's Report really represent almost exactly the picture that you have given to us of the Punjab Government during the last four years?

A.—Yes; of course there is one difference, rather an important one; that passage was written before it was decided to insert in the Act the provision which says the Governor may in certain circumstances over-rule the Minister.

497. Q.—Please fix your mind on my question; you have given us a picture of how the Punjab Government has been carried on in our province during the last four years; and on the basis of that picture you have made the statement that it was really unitary government and not diarchical government. I have read out to you the recommendations of the Joint Committee with regard to this particular point. Would it not be more correct to say that diarchy as embodied in the Government of India Act has been carried on in the Punjab in the spirit in which the Joint Select Committee of the two Houses recommended it should be worked?

A.—I quite grasped your question; but I also feel obliged to say that at the time this passage was written the decision that the Governor should in certain circumstances have the power to over-rule the minister had not been arrived at, and that it has in a measure modified the result. If after discussing with his minister he finds that the minister adheres to his view and if the Governor still thinks that the matter is a very important one on which he ought to over-rule his minister he can do so.

498. Q.—May I point out that the words in the Act are "shall ordinarily be guided by the advice of his minister" and it is that provision which the Joint Select Committee recommends should be carried out in the particular manner pointed out by them? May I ask you this? Unitary government connotes joint responsibility of all the members of the Government, doesn't it?

A.—Yes, a proper and full unitary government.

Q.—Do you consider yourself constitutionally responsible for all the acts of your colleagues who were ministers during the first three years of government in the Punjab?

A.—I think I should put it this way, that anything I did not protest against in any form I should say that I was morally responsible for it; if I knew of it and did not take measures to get it altered or did not protest in any form, then I think I should have a moral responsibility for it.

499. Q.—I am not speaking of moral responsibility; of course where there is a general practice of joint consultation as recommended by the Joint Select Committee and as a result of that joint consultation a measure is introduced, whether it be on the transferred side or on the reserved side, there is moral

responsibility of all the members of the government. I am speaking of constitutional responsibility. Do you consider yourself responsible in that sense for all actions of your colleagues who were ministers during the first three years in the Punjab Government ?

A.—As regards legal responsibility, that is obviously not so. Constitutionally I do feel myself responsible for anything that I have known of and have not protested against.

500. Q.—Morally responsible, I quite agree ; but in the case of a unitary government is each member of the government only morally responsible ?

A.—I think I should go further and say that I recognise my constitutional responsibility for any act of the government of which I had known and against which I had not protested. I think I had better put it that way.

501. Q.—But does the Government of India Act give power to members of the reserved side of government to protest actions of the transferred side of the government of any way ?

A.—It does not in form certainly.

502. Q.—(By *Sir Tej Bahadur Sapru*).—But why can't you protest if there is a joint deliberation ?

A.—I should, of course, be able to protest in some form.

Sir Sivaswami Iyer.—Q.—May I put one question ? Is the position of the Governor as laid down in the Act and in the Instrument of Instructions the position of what I may call a constitutional governor as it is ordinarily understood ?

A.—There may be more forms than one of constitution.

503. Q.—I am referring to the transferred departments ;

A.—Quite so ; you want me to compare it, we will say, with some dominion constitution in which the position of the Government is something different. Now the position of the Crown in England, if I may take that, is almost, legally speaking, identical ; that is to say, he listens to his Ministers ; he is generally guided by their advice, but he has the power of veto. That is the position theoretically and legally. He can require his Ministers to do what he pleases ; in practice he does not ; and that is to my mind exactly what is being done in these provinces ; that is to say, the Governor can legally require his Ministers to do certain things, but in practice he will exercise that power only very rarely, in exceptional conditions.

504. Q.—So do you think that the position of the Governor is that of a constitutional governor in the dominions ?

A.—Yes, because there is that power of taking action though it is very rarely to be exercised for good practical reasons.

505. Q.—In the case of a responsible dominion Governor has the Governor-General or Viceroy power to dismiss Ministers or to dictate what particular course of action should be taken ?

Or to dictate what particular course of action should be taken ?

A.—He has the power to dismiss them of course ; he also has the legal power to take action, but politically he is very injudicious if he does it ; in any but an exceptional case.

The Chairman thanked the witness who then withdrew.

The Committee then adjourned till the next day.

APPENDIX A.

(Being a Reprint of an interview published in the Tribune,
dated 4-5-6th November 1924.)

SIR JOHN MAYNARD'S EVIDENCE.

LALA HARKISHEN LAL INTERVIEWED.

" WAS HE CONTRADICTED " ?

A representative of the *Tribune* called on Lala Harkishen Lal on Saturday to ascertain his position regarding some of the statements made by Sir John Maynard before the Reforms Inquiry Committee who appeared on behalf of the Punjab Government " to remove the misapprehensions and misstatements made by the witnesses from the Punjab." The following is a report of the conversation that took place—

Q.—Is it a fact, Lalaji, as we are informed by our Simla correspondent, that you asked for permission to reappear before the Muddiman Committee and that they have asked you to submit a written memorandum instead ?

A.—Yes, I sent the following telegram under date October 21 to the Secretary, Reforms Committee, Simla :—

" Seen report of Sir John Maynard's statement before Committee this morning in *Civil Military* characterising my statement in one instance as untrue and to others using milder terms of condemnation (stop). Kindly supply immediately copy of his authorised statement and of his memorandum (stop). Ask Committee allow me reappear with Punjab Government files and rules to give verse and chapter to verify statements made by me (stop). Am wiring instead of writing to save time."

I received a reply enclosing the memorandum of Sir John Maynard and saying that I could submit a written statement and omitting all reference to my request for files.

Q.—Sir John Maynard is generally said to have " contradicted some statements made by you." Is that correct in fact ?

A.—His evidence hardly contradicts any statements made by me. Of course his view point in some cases is different from mine, but as regards facts, where he has not been misled by his instructors, he is, curiously, not only in agreement in the general version of facts but approximates to my statements even in *qualifications and limitations*. All the fuss is due, in the first instance, to the evident desire of Press reporters from Simla to create a sensation ; secondly, to the comments based on the Press reports ; and thirdly, to a desire to create an impression that the Reforms of 1919 are good, which, I maintain, are perfectly *hollow* ; as also to misquotations from my evidence by the members of the Enquiry Committee in their questions to Sir John.

Q.—Would you mind at this stage if I take you ever the first report in the Press of Sir John's evidence wired on the 20th October ?

A.—I don't mind at all how you proceed.

INTERFERENCE BY GOVERNMENT OF INDIA.

Q.—Sir John is reported to have said in reply to the President that the Government of India had not interfered in respect of legislation in the transferred half, while your statements give a different impression.

A.—My answer to this is in the words of Sir John himself from para. 3 of his memorandum. After describing certain Bills he says :

" These three Bills have been the only instances since the institution of the reformed administration in which there has been anything like a difference between the Government of India and the Punjab over the preliminary assent to the introduction of Bills. In two of the cases those which affected the transferred department, the local Government has ultimately had its way."

If this is read with what I stated on being questioned by Sir H. M. Smith, it would be clear that this carries no contradiction. I emphasized in my evidence that my position was that there was a *conflict of interests* between the Government of India. I said, "I have said in paragraph 12 that some conflict of interest was noticed in legislating about Tramways and Local Option. I did not say we were unfairly treated or we were put under pressure; but as things stand you did your best and we did our best. But we were at different poles." Here the quotation ends. You can see the agreement rather than differences.

Q.—So this is the position about legislative matters. What about the Government of India's interference in financial matters?

A.—Here, again, you have to compare the two statements only to find agreement rather than difference. Sir John Maynard, on being examined by the President, stated as follows:—

“Q.—Then in paragraph 7, you tell us that no instance has occurred in which the Local Government has failed upon application to obtain advances from the Government of India for capital developments under these heads. Could you tell us if the Government of India have given an advance?—
Oh yes.

“Q.—In no instance has it ever been refused?—They have not been given for specific objects but they have been given for general capital purposes as well as for financing the Government of the Punjab's deficits.

“Q.—Quite so. No money has been refused under these heads?—No. *I understand there was an idea of a development loan which would have covered certain projects of this character but it never went so far as to be put forward seriously.*”

Para. 11 of my "notes" is worded thus: "It was also felt—that the financial and legislative powers of the Local Government being limited, *progress in matters of Tramways, Electricity, Co-operation and Communications was much restricted.*" And Sir John does not show that *much or any progress is recorded.*

Further, so far as I am concerned, I put the matter of the Development loan as seriously as I could before Sir John Maynard as the Finance Member. If he did not treat it seriously then it proves what powers the Finance Dept. possessed. And if he could not carry in the Finance Members' meeting, as he told me at the time that the Government of India would not countenance such loans, then it was the Government of India that was responsible for this, and both my complaints against the Government of India and the Finance Department stand.

In fact, I treated financial and legislative powers of the Government of India separately in separate paragraphs, but the Committee and Sir John mixed them up. They tried to disprove what I never stated. What applies to the financial difficulties would not necessarily apply to legislative interference.

PRE-AUDIENCE BY SECRETARIES.

Q.—According to the Associated Press report Sir John is reported to have stated that "he did not think that the complaints against the Secretaries going to the Governor without first consulting the Minister were justified."

A.—As to pre-audience you and everybody knows already that we had a time table as to when each functionary was to see the Governor and the Secretaries in the transferred departments were timed to see the Governor before the Ministers on Wednesday. To question that Sir John would require a great deal of topsy-turvy of the actualities.

And as to the Governor's impressions about my files before I took them to him Sir John will have to be credited with omniscience to know what he did not could not and would not know. As a matter of fact, the procedure followed by myself and the Secretaries in my departments could be known only to me or from me and my Secretaries. I should very much like to know if any Secretary of my departments made any statement that he consulted me on any subject before he went to the Governor.

RESIGNATIONS.

Q.—Lalaji, what have you to say about the long talk that was given to the committee about your resignation? Sir John Maynard says you had resigned only once while the impression given by your evidence was that you had resigned more than once.

A.—I stated in my evidence :—“As a matter of fact, you know that I resigned three times. So I applied that remedy (of resignation) several times, but it was unfortunately ineffective.” It was suggested that my resignation was “Inoperative.” To this replied that it was “not accepted.”

I have in my hand a letter, dated 14th March 1922, marked “Private” from H. E. the Governor in which he says :—

“I have just received your letter of the 11th on my return from Camp, and I need not say how astonished I am to get issued and how grieved. I had no idea that there was any reason for your resigning.

This is one occasion while the incident of the Urban Rent Bill that Sir John mentioned was in August 1922. So this makes two occasions on which I resigned. The third was when the Jacob incident on the export of wheat resolution took place, and the fourth, when I finally resigned and anticipated the sound advice now given by Sir John Maynard by insisting on it in August 1923.

Q.—What do you say to Sir John Maynard's views about resignation?

A :—Curiously, Sir John gives away his own case by the lecture. Under constitutional government an individual minister resigns to his chief for difference of opinion but for defeat in parliament it is the ministry that resign and not the individual minister. Sir John says, we had cabinet government. Was he willing to resign with me alone with his Sikh colleagues and along with my Mohammedan colleague following the parliamentary practice which he has preached?

JOINT CONSULTATIONS.

Q.—How do you compare your statements with those made by Sir John in regard to joint consultations?

A.—A reference to what I stated in my evidence as also to the statements made by Sir John will serve to make things clear. In reply to the President's question I stated as follows :

“Q.—When you say that there is no Cabinet Government you mean that the law makes no provision for joint consultation?”

A.—The law, and to a very large extent, practice; both.

“Q.—There is nothing in the law which prevents joint consultation?”

A.—There is a great deal absent in the law. It makes no provision. Law is after all a restrictive measure. Lots of things are however done over and above law. But there is no Cabinet Government and the whole thing rests with the Governor and unfortunately the Governors are in this matter led by the letter of the law.

" Q.—My question was this. The Government of India Act as it stands contains no provision prohibiting joint consultation ?

A.—It does not.

* * * * *

" Q.—What joint consultation actually followed in your province ?

A.—Sometimes we did meet for a trifle, sometimes for important matters, but there was no regular policy of Cabinet joint consultation.

" Q.—You consulted, of course, your brother Minister ?

A.—No I did not.

" Q.—Don't you think it desirable ?

A.—I was told that the reading of the law was that each Minister stood on his own. Whenever I protested to the Governor that we ought to have cabinet meetings and we ought to have at any rate principles of policy and principles of legislation discussed, I received no encouragement from him, but I was told on the contrary that the Governor's reading of the law was that each Minister had his own responsibility.

" Q.—You were in thorough sympathy with your brother Minister ?

A.—I had sympathy with his social life.

" Q.—With his political views ?

A.—No, to some of his political views I objected very strongly.

" Q.—You would have found it rather difficult to have had joint consultation with him ?

A.—Well, if the law provided or the Governor called us together, we would have discussed. I don't think we would have cut each other's throat or fallen on each other's necks.

" Q.—I am not suggesting that.

A.—We would have discussed matters in a friendly way and put our views before the Governor ; sometimes one would have won and sometimes the other.

What Sir John said was :—

" Q.—Now paragraph 12, on the question of joint consultation. Apparently up to recently there were no regular dates for these joint consultations ?—No.

" Q.—I understand it was held frequently ?—Yes.

" Q.—Was it the practice in the Punjab for the Governor-in-Council to have regular meetings and the Governor with his Ministers to have regular meetings ?—No, I have only known one case in which the Governor-in-Council as such has held a meeting apart from the Council sitting with Ministers.

" Q.—Then practically you have abolished the distinction between a meeting of the Governor-in-Council and the Governor and his Ministers for all practical purposes ?—Yes, for all practical purposes.

" Q.—Has the Governor ever had a meeting of the Ministers, a distinct meeting of the transferred half ?—No, I believe not.

" Q.—It has practically disappeared ?—Yes.

It would thus be clear that my statements about consultation between the Ministers themselves, are borne out rather than contradicted and that I never stated that there were no meetings of the Cabinet.

Further, it will interest you to know what I stated in reply to certain questions by Sir Henry M. Smith. Here it is.

“Q.—I do not quite remember whether you said there was very little consultation between you and your colleague, your co-minister?”

A.—In the administration of our departments; otherwise met every day in the house, we walked together, we drove together, we were invited together; and we held together.

“Q. But if there was a difficult matter in which your colleague was particularly interested, did he ever talk it over with you?”

A.—No. Of course casual talk on some things is different.

The matter of the Minister's individual responsibility I noted on a file officially when in office, as follows:—

“This is a very important constitutional matter. My reading of the situation is that ‘Dyarchy’ has been set aside or found unworkable so far as mutual exchange of views by discussion was concerned. Cabinet discussions have been retracted from the start, reduced in numbers and subjects as time went on. In practice or in determination of policy of various departments, even Dyarchy has been bisected.”

No objection was taken to this at the time. Nor was any objection raised on another occasion when, presiding at a public meeting, I painted the same picture, for public exposition. For this you can refer for your own file.

Q.—Sir John says, excepting two questions all others were discussed at joint meetings.

A.—I don't consider myself still at liberty to disclose all the subjects that were discussed at joint meetings, but when analysed the number of subjects discussed would be found very limited. There were certainly more subjects than two that were not discussed if permitted the list would serve as an object lesson to other cabinets how to limit discussions.

Q. Lalaji, would you mind explaining to me the significance of Sir John Maynard's statement that “the Hindu and the Muslim Ministers were anxious that more drastic steps be taken” than those advocated by Sir John and his Sikh colleague with regard to the Akalis?

A.—Let me refer to the words used by Sir John himself. Explaining to Dr. Paranjpye the case in which, according to him, the Ministers were agreed together in taking a *more uncompromising view of the obligation of maintaining law and order* Sir John stated:—

“It was in connection with the Sikh question. The Ministers thought that we ought to be much more drastic in preventing encroachments upon shrines, not merely punishing them when they had actually taken place but preventing them, that is to say, sending armed forces to prevent them. And on that point the Ministers held an opinion which was more favourable to drastic action than the Members did”.

It is wrong to state or to imagine that we advocated sending armed forces. Nothing of the kind was advocated and nothing of the kind was needed under the circumstances. Our position was, and mine would be again, that the forcible ejection of people from the property they hold by anybody was to exhibit weakness in Government and we rightly thought that measures may be taken to prevent that.

It was before non-violent non-cooperation was adopted by the Sikhs. The real position would be clear by using the words of Sir John himself again. On the 25th February he wrote to me “You and H. M. E. (Hon'ble Minister for Education) argued so strongly last October that I suggested leaving the Akalis to do as they will” and wanted me to do something which would not be in accordance with the view expressed above. Will mild Maynard

and milder Majithia kindly explain to the world whether it was the exhibition of this mildness that showed itself at Guruka-Bagh and in the alleged treatment of Akalis in several jails managed by these mild gentlemen? Were the Ministers consulted? Had the Ministers any voice?

PATRONAGE.

Q.—Now as to patronage. Is there anything you would say in regard to this?

A.—No, not much, I would only give you the words by me in noting officially:—“Voting in the Council: A distinction has to be made in voting for the grants and discussions on the grants, which is limited to a small number of members. Voting has a tendency to support the Finance Member entirely, then come the Revenue Member and then the Education Minister; and the Agricultural Minister has had the worst luck, not on account of ‘unpopularity’ of the Minister for Agriculture; but the ‘expectation of patronage’ had something to do with this aspect of the matter. It may be also that my friends amongst the M. L.C.’s carried false tales to me.

PUNJAB FINANCE.

Q.—What about the Punjab Finance Department?

A.—Refer to the following, but remember, my grievance was against the Finance *Department*. In reply to Sir Mohammed Shafi Sir John Maynard stated: ‘I think you want your Finance Department to be very powerful and I think *the force of the Financial Department would be diminished* by the fact that it was not represented by any one who actually took part in the deliberations of the Council.’

OFFICIAL BLOC.

Q.—Will you kindly make your statement about the official bloc more clear?

A.—Curiously, this is one of the matters: which I briefly generalised and which he has taken pains to prove by adducing figures. No doubt, I said, ‘it was small, but a nuisance,’ implying that responsible Government was not possible with its presence in the Council, or, in other words, that it should disappear to establish responsibility in the Council. Originally, I had said in para. IV of my memorandum that no Minister could hold office without the support of the official bloc, which amounts to a negation of responsible Government.” Sir John stated as follows:—

“Q.—In paragraph 39 you have given an analysis of the results of the voting on transferred subjects. I see that out of the total number the official vote only determined the results in six cases?

“A.—Nine, I think, out of 15.

“Sir Mohamad Shafi—It is 8, Sir John?

“A.—Yes, it is 8, quite correct.”

Thus you see that in 8 cases out of 15 the Ministerial cart would have been upset if driven only by elected teams; but the official bullock was there to keep it in its place. This is no doubt an indication of great friendliness between the *ins* and the *outs*, but it is not responsible half or responsible dyarchy.

Q.—Anything more, Lalaji?

A.—Yes, one point, to show how a misreading of my evidence led Sir John inadvertently to the misrepresentation of a case I stated thus in my examination:—

“Q.—Did they get on very well with you? Was there any tendency to rebel against you?

“A.—Excepting in case of one or two from one and the same department there was no apparent tendency.