

# THE MONTAGU—CHELMSFORD REFORM PROPOSALS

WITH A FOREWORD

BY

ANNIE BESANT

*Together with the Text of the Memorandum of the  
Nineteen, the Congress-League Scheme and  
a Summary of Indian Criticisms on  
the Proposals*

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## FOREWORD

THIS book should be useful as offering much valuable information in a compendious form. It is well to reprint the Congress-League Scheme for comparison with the criticisms on it contained in the Report, as it will be seen that those criticisms are more fatal to the Montagu-Chelmsford Scheme than to the one they misjudge. The proposals now offered to India fall far below those of Mr. Gokhale—held up to us as a model of moderation—as well as far below those of the “Nineteen,” and the National Congress and All-India Muslim League, the well-considered reforms demanded by the Indian Nation. Yet all those were formulated in 1914 and 1916, and things have moved fast since then.

But far more regrettable than the limited reforms proposed with the added power of autocracy in the Central Government, is the spirit of the Scheme—the distrust of Indian capacity, the arrogant view of India's unfitness to manage her own affairs, and the assumption that foreigners and not her own people are to determine the stages of her enfranchisement. She is offered Foreign-Determination instead of Self-Determination, and is asked to accept it.

The historical retrospect is purely bureaucratic, waving aside history as it exists in favour of the distorted representations current in Britain and in Anglo-India, and thus gravely prejudicing India's case in the eyes of the British Democracy. I do not believe that it was written in order to delude; I only say that, if it had been so written, it could not have been better wrought out. I acquit the writers of all save ignorance, but ignorance is a disqualification for writing historical essays.

It is of vital importance to India that the Scheme as it stands shall not be accepted. The insertion of the essentials of the Congress-League scheme would make it a short first step towards Self-Government. On that all patriots should concentrate their efforts from the present day until the Bill now drafting becomes an Act.

ANNIE BESANT

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# Report on Indian Constitutional Reforms

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## A Preliminary Point

The report by the Viceroy and the Secretary State on Indian Constitutional reforms is made up of two parts—first consisting a summary of the materials on which the final proposals are based, and the second the proposals themselves. Next follow two appendices, giving a summary of the proposals and indicating the bifurcation of departments and functions among the bodies to be newly constituted. Finally, a few letters are printed to show that the proposals, now submitted, have the approval of the gentlemen who accompanied Mr. Montagu to India, the India Council, and the Executive Council of the Viceroy.

At the outset, the report anticipates one important criticism :

It has been asked why the Secretary of State and the Government of India are devoting time and energies to the task of domestic reconstruction, when the whole activities of the authorities and the country ought to be bent to the supreme purpose of the war. Our report will, we hope, show how strong in themselves are the reasons for not postponing the consideration of reforms. We can add that the calm atmosphere in which we hoped that our inquiry might be conducted has been attained ; and this has in itself been of no small assistance to the Government. It would be easy to rebut the criticism by a specific recital of the part that India has played in the war. But we wish to avoid any appearance of either apology or glorification ; and therefore we prefer to meet it simply by the formal and definite assurance, made with a full sense of responsibility, that the energies of the Government have at no time been diverted from the war by other considerations however important.

The method of inquiry and the scope of the report are next described ; the following explanations are also given regarding some expressions commonly used later on :

The language of our report should not be taken as embodying the exact terms in which the proposals should be expressed in the legal instruments which will be needed to give effect to them. If we speak of India as self-governing, the phrase is a convenient means of referring to the objective set out in the announcement of August 20, namely, responsible government in India as an integral part of the British Empire. When we speak of "provincial autonomy," the words are to be understood as conveniently summing up the position of the provincial Governments which we have defined more precisely elsewhere in the report. When we speak of the action of a local,

Government or of the Government of India, the terms should be understood in reference to the general powers of control exercised by the Government of India and the Secretary of State in Council respectively. If we speak of "Indian opinion," we should be understood as generally referring to the majority of those who have held or are capable of holding an opinion on the matter with which we are dealing. We have not forgotten that public opinion can rarely be unanimous, nor have we overlooked the fact that a public opinion which is the opinion of the population as a whole can be developed in India only as education spreads and as people learn to use the vote.

### Recent Events in India

Passing on to the description of the materials on which the proposals are based, recent events of importance in India are first noticed.

On August 20, 1917, the Secretary of State for India made the following announcement in the House of Commons:

"The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible, and that it is of the highest importance as a preliminary to considering what these steps should be that there should be a free and informal exchange of opinion between those in authority at home and in India. His Majesty's Government have accordingly decided, with His Majesty's approval, that I should accept the Viceroy's invitation to proceed to India to discuss these matters with the Viceroy and the Government of India, to consider with the Viceroy the views of local Governments, and to receive with him the suggestions of representative bodies and others.

"I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility.

"Ample opportunity will be afforded for public discussion of the proposals which will be submitted in due course to Parliament."

We take these words to be the most momentous utterance ever made in India's chequered history. They pledge the British Government in the clearest terms to the adoption of a new policy towards three hundred millions of people. The policy, so far as Western communities are concerned, is an old and tried one. Englishmen believe in responsible government as the best form of government that they know; and now in response to requests

### III.

from India, they have promised to extend it to India also under the conditions set out in the announcement. We need not dwell on the colossal nature of the enterprise, or on the immense issues of welfare or misery which hang upon its success or failure.

A passing reference is next made to the Minto-Morley reforms, the Decentralisation Commission, the Imperial visit, the Public Service Commission. The report proceeds to say :

All this time Indian politicians\* were exerting continuous pressure to increase the pace of progress. The voice of criticism was never silent, but its tone showed a gradual change with the passing years ; the purely negative attitude of opposition gradually passed into a more constructive policy. Criticism came to be combined with advocacy of progress, and with demands that became steadily more insistent for a form of government which would leave Indians free to rule India in a manner consistent with Indian ideas. The spirit of liberty was abroad and active. We can distinguish clearly the directions in which political activities were mainly bent.

First, there was constant opposition to Government measures which were regarded as repressive.- Let us recall the situation broadly, keeping in mind that it is not germane to our main purpose to decide whether criticism was well-founded or not. The ordinary penal law and public opinion had failed to check the outpouring of literature subversive of law and order and in some cases aiming at the overthrow of the British Government. It was proved that a section of the press deliberately instigated to violence : and accordingly in 1910, the Press Act was passed. At the time there was general recognition of its necessity : and the leading politicians were content with criticism of its provisions and offered no direct opposition to its passage. But the Act, though by no means the obstacle to liberty of discussion that it is often represented, has since become increasingly unpopular. The Seditious Meetings Act, 1911, reproduced in a milder form a law which had been in force since the disturbed year 1907 ; but the new Act was a permanent one while its predecessor was a temporary measure, and this point formed the chief ground of attack. The Criminal Law Amendment Act, 1913, followed on the attempt to assassinate Lord Hardinge in December 1912. It amended the Indian law of conspiracy by making it penal to conspire to commit an offence even though the conspiracy was accompanied by no overt act in pursuance of its object. Criticism of all such measures has generally taken the form of an appeal to abstract principles of liberty and the inalienable rights of British citizens ; objection is generally taken to the use of executive rather than of judicial sanction ; stress is laid on the advantages of conciliation ; it is often said, to quote a non-official member of the Legislative Council in 1913, "Trust begets trust ; mistrust, or even the suspicion of it, engenders suspicion." The Government's estimate of the situation is attacked as unduly pessimistic ; the necessity for the measure is denied ; or it is urged that the political position will certainly improve and therefore the measure should be only a temporary one. In particular, notwithstanding the services which the Criminal Investigation Department has rendered to the cause of

peace and tranquillity, and so to the Indian people, by exposing and combating the growth of revolutionary conspiracies, there has been much criticism of its activities as being too wide-spread.

In the next place, we may discern an ever-growing discontent with measures which were resented as evidence of racial discrimination. Again, our concern is to take note of such feeling as an element in the conclusions to which we come hereafter rather than to pronounce a judgment on it. Race feeling is no new phenomenon in India. It has always existed, but has been more bitter at some periods than at others. The spread of English education and ideas, and the growing belief in the future possibilities of India were doubtless among the causes which made nationalist speakers and writers vehemently resent any suggestion of discrimination on a colour basis. We may mention, by way of illustration only, some of the matters which were specially attacked. The first is the preference shown in the arms rules to "every European or East Indian subject of His Majesty," who enjoys the privilege, denied to the ordinary Indian, of possessing ordinary sporting arms and ammunition without a license. Another grievance is what is described as the denial to Indians of the right to bear arms in defence of their country. Although there was no statutory prohibition of the enrolment of Indians in the volunteer force, it was left to commanding officers to admit or to exclude any would-be recruit, and while a small number of Indians, mostly Christians, were admitted as members of volunteer corps, Indians generally were in practice not enrolled. The Indian Defence Force Act has made an attempt to deal with this grievance. Again, there was the exclusion of Indians from the commissioned ranks of the army. Indian officers form a separate establishment from the British officers, and the highest and most experienced of the former rank lower than the most junior of the latter. This particular disparity naturally came into special prominence on the outbreak of war.

Another grievance of a similar nature, which became more generally felt as the habit of travel increased, was the discrimination against Asiatics in the immigration rules and the municipal legislation of some of the Dominions. This stands on a different footing, because the grievance was not one created or removable by the Government of India, which indeed has steadily done its utmost to secure redress; but its action has not always been appreciated and at times the Government of India has had to bear the odium of these grievances as much as if it had been responsible for them.

Thirdly, we find much energy directed to accelerating progress in what may be called the more humanitarian aspects of government and also in social or sectarian reform. Not that Government had been idle; on the contrary, the long record of its activities does it credit; but Indian opinion asked for more. The records of the legislative councils since 1916 are full of debates on resolutions to increase the grants for education and sanitation. The speakers did not always consider where the extra money was to come from; but if it had to be found by reducing expenditure on some other service or department, then the police were nearly always selected as the victim. Police expenditure and administration were a constant object of attack; while the treatment of prisoners and jail administration also attracted frequent attention. In 1913,



and again in 1914, resolutions, which have since borne fruit, directed the attention of the executive government to the whole subject of prison management. In 1911, Mr. Gokhale introduced a Bill to establish a system of compulsory primary education. The Bill was opposed by Government on technical and financial grounds and also by some non-official members, but it received the support of the progressive politicians; and, though defeated, it certainly sowed a seed that is beginning to germinate in Bombay and other provinces. Proposals for new universities, both sectarian and provincial, were another matter in which keen interest was shown. The Hindu University Bill was passed in 1915 and the Patna University Bill in 1917; other projects have had to be deferred till the war ends. In the sphere of social reform, we observe one notable advance. The Government with public opinion behind them abolished indentured labour.

We note at the same time a decided movement in favour of what we may call the liberalisation of existing institutions. The popular feeling in favour of council government in provinces received a stimulus when the new province of Bihar and Orissa was given an executive council. A proposal to set up a similar form of government in the United Provinces received the support of the great majority of the non-official members of the Indian Legislative Council. Its rejection by the House of Lords in 1915 intensified the general demand for council government. We suspect that the desire for more liberal institutions derives some strength from provincial emulation, since it is regarded as a slur on a province if an institution is denied to it which has been granted to a sister province: of this tendency not merely the movement in favour of an executive council in the United Provinces but also the demands for a high court for the Punjab and a chief court for the Central Provinces are instances. In August 1914, the process of equipping all but the smallest provinces with legislative councils was also completed by the institution of such a body in the Central Provinces. The feeling against personal rule also finds expression in the demand for the creation of district advisory councils to be attached to district officers, which was a subject of debate in 1912 and has been supported in many of the addresses recently presented to us.

Finally, we remark a growing desire to improve the status of India in the Empire. We have already mentioned, in its social aspect, the movement for abolishing indentured labour. That movement had also another meaning. It was largely due to a feeling that the indentured system gave the Dominions and Colonies a wrong idea of India which hampered her in attaining her rightful position in the Empire. In 1913, we find the Indian Legislative Council discussing the possibility of increasing Indian revenues by preferential tariffs with the United Kingdom and the Colonies, and, a year later, debating a proposal for a committee to report on the improvement of the mail service between Great Britain and India. India's position in the Empire was clearly becoming a matter of increasing concern to the leaders of Indian opinion; and the claim for representation on the Imperial Conference, which was made in 1915 and cordially accepted by Lord Hardinge's and His Majesty's Governments, was fulfilled in ample measure in 1917, when a Ruling Prince, a Lieutenant-Governor, and an Indian ex-Member of Council attended the

Imperial War Conference and shared in the innermost deliberations of the Government of the Empire.

The next few paragraphs are devoted to India's attitude during the present war, the failure of the revolutionary campaign coming in for special notice. The chapter concludes :

We consider that the attitude of Indian political leaders in the first stages of the war was worthy of all praise. They responded loyally to Lord Hardinge's appeal for the suspension of domestic controversy, and through the legislative sessions of 1915 showed a general desire to co-operate with rather than to hamper Government. But we must recognise that latterly a change has taken place. As India settled down to war conditions, and lost alike its first enthusiasm and its first alarm, the old tendency to criticism asserted itself: the Government was charged with having itself departed from the principle of avoiding controversial legislation ; and the politicians retaliated not merely by raising controversial issues, but by pressing on the Government more and more extravagant demands. We imply no criticism upon the Government of the time when we say that in the light of subsequent events we are constrained to wonder whether a bolder policy from the outset of the war, and a franker inviting of India's co-operation in all forms of war effort might not have done much to steady men's minds. The war is far from being won. Unless it is won, India's political aspirations are a vain dream. We would call the attention of Indian politicians to this obvious truth. But the war and the sentiments to which the war has given expression have made political reforms loom larger in India ; and the fact that among all the pre-occupations of the war time was found for an attempt to solve the Irish problem and to consider questions of reconstruction encouraged Indian politicians to press their demand also. The change in their attitude nowhere more clearly appears than in the difference between the tone of the Congress of 1915 and that of 1916.

But for the real and lasting effects of the war on India's destiny, we should look neither to the generous help of the Princes, nor to the loyalty of the people as a whole, nor to the misguided activities of revolutionary gangs, nor yet to the attitude of the political leaders. They must be sought deeper and, we think, in two main directions. First, the war has given to India a new sense of self-esteem. She has, in the words of Sir Satyendra Sinha, " a feeling of profound pride that she has not fallen behind other portions of the British Empire but has stood shoulder to shoulder with them in the hour of their sorest trial." She feels that she has been tried and not found wanting, that thereby her status has been raised, and that it is only her due that her higher status should be recognised by Great Britain and the world at large. The war has given an interest in public affairs to many thousands who were indifferent before. Many men, using language familiar to them in the past, claim that she should receive some boon as a reward for her services, but we do not think that this expresses the general feeling well or justly. We prefer to say that we find a general belief that India has proved herself worthy of further trust and of a more liberal form of Government, and that whatever changes are made should be made in recognition of her own progress rather than as the reward for any services which she has rendered.

Further, the war has come to be regarded more and more clearly as a struggle between liberty and despotism, a struggle for the right of small nations and for the right of all people to rule their own destinies. Attention is repeatedly called to the fact that in Europe Britain is fighting on the side of liberty, and it is urged that Britain cannot deny to the people of India that for which she is herself fighting in Europe, and in the fight for which she has been helped by India's blood and treasure. The revolution in Russia in its beginning was regarded in India as a triumph over despotism; and notwithstanding the fact that it has since involved that unhappy country in anarchy and dismemberment, it has given impetus to Indian political aspirations. The speeches of English and American statesmen, proclaiming the necessity for destroying German militarism, and for conceding the right of self-determination to the nations, have had much effect upon political opinion in India and have contributed to give new force and vitality to the demand for self-government, which was making itself more widely heard among the progressive section of the people.

The movement found formal expression when on September 1, 1916, the Home Rule League was formally established at a meeting in Madras, and a month later nineteen elected members of the Indian Legislative Council submitted to the Government of India a memorandum of proposed reforms. In December 1916, the Congress and Muslim League in a series of memorable meetings held at Lucknow, agreed to joint action in favour of political reform. Both bodies adopted the proposals now known as the Congress-League scheme, which was an elaboration of the proposal of the nineteen members with the addition of certain special provisions to secure Muslim interests; and both agreed also to co-operate with the Home Rule League in its propaganda.

As regards the Muslim League, a word of explanation is needed. Throughout the troubled years 1907-10, the Muhammadans, with a few unimportant exceptions, held severly aloof from the revolutionary movement, and retained their traditional attitude of sturdy loyalty, secure in the feeling—which the partition of Bengal and the concession of communal representation in the reforms of 1909 had strengthened—that their interests were safe in the hands of the Government. Since 1911, their attitude has been growing far less acquiescent. Their first disquiet arose from the war which broke out between Italy and Turkey in 1911, when Great Britain's neutrality engendered some bitterness of feeling. It seemed to our Muslims in India that in deference to the religious susceptibilities of her seventy million subjects Great Britain ought to have supported Turkey. Before this feeling had died down, the re-partition of Bengal was announced. This was not only a sever disappointment to the community, because it deprived them of what was essentially a Muslim province, but to many it came also as a shock to their faith in the Government which they regarded as positively pledged to maintain the partition. The Balkan war was a further cause of estrangement. This was represented as a struggle between the Cross and the Crescent and led to much bitterness of feeling. Indian Muslims showed their sympathy for Turkey by despatching a medical mission to her

aid in December 1912; and a section of pan-Islamists began to teach that the first duty of Muslims is allegiance to the Khalif, and founded a new organisation—the *Anjuman-i-Khuddam-i-Kaaba*—whose members took an oath to sacrifice life and property in defence of the holy shrine against non-Muslim aggressors. There were signs, however, of an improvement in Muslim feeling in the latter half of 1913, when riots and loss of life in connection with the partial demolition of a Cawnpore mosque caused a temporary setback. The Turks' recovery of Adrianople, the declaration of peace in the Balkans and the reaction from the passions aroused by the Cawnpore affair induced calmer feelings; but a fresh difficulty presented itself when Turkey entered the war against us in November 1914. The Germans counted certainly on being able to stir up disaffection in India, and lost no labour in trying to persuade Indian Muhammadans that Turkey was engaged in a *jihad* or holy war, and that it was their religious duty to take sides against England and her allies. These enemy attempts wholly failed to affect the great mass of the Muslim community. Keenly as they felt the painful position in which they were placed, they were admirably steadied by the great Muhammadan princes and nobles and preserved an attitude of firm loyalty which deserves our praise and sympathy. In this attitude, they were greatly helped by the public assurances given by His Majesty's Government to the effect that the question of the Khalifate is one that must be decided by Muslims in India and elsewhere without interference from non-Muslim powers. But a small section of extremists were quick to seize the opportunity of making trouble and ventured on almost open avowals of disloyalty against which the Government had no choice but to take action.

Probably few communities could have passed through so prolonged a period of trial without some cleavage in their ranks. The crumbling of Islamic kingdoms in Morocco and Persia had led Indian Muhammadans to cling more closely than ever to Turkey as the great surviving Muslim power in the world; and when Turkey was threatened first by Italy and then by the Balkan League, the excited fancy of many Indian Muslims saw in these events a concerted plot of the Christian Powers to make an end of Islam as a temporal power. The re-partition of Bengal and also the check to the hopes entertained of a great Muhammadan university depressed the minds of many honest Muslims with a sense of their inefficiency. There were those who, feeling mainly their political weakness compared with the Hindus, wished to have done with agitation and excitement, to concentrate effort on education, and to rely on Government for protection and fair play. Younger and keener minds, touched often with some fervour of pan-Islamism, were no longer willing "*stare super antiquas vias*." The advanced party prevailed in the counsels of the Muslim League; in 1913, it proclaimed its adoption of the cause of colonial Self-Government of a kind suited to India and was warmly eulogised by the Congress for so doing. So far as pan-Islamic feeling affected the situation, that factor did not tend of course towards union with the Hindus; but at the time stronger causes were at work to bring the advanced parties on both sides together. With them at all events the new nationalism produced by the war prevailed; and at the meetings at Lucknow in Christmas week, 1916, Congress and League came formally together, and the conservative

portion of Muhammadan opinion which remained outside the *concorda* was ignored. This agreement however represents the beginning of united action between Hindus and Muhammadans which every well-wisher of India hopes will grow. The limitations of this union are discussed elsewhere; it is not surprising that some considerable reaction has since occurred; but none the less the Lucknow agreement was a beginning of which note must be taken, and which marks a change in the situation.

On all sides it was felt that the situation demanded new handling. The latter part of Lord Hardinge's term of office was largely devoted to a preliminary and informal examination of the changes which were possible and prudent; and Lord Chelmsford's first act was to take up the inquiry from the point where his predecessor left it, and to concentrate attention in the first place on a declaration of policy. The Cabinet's preoccupation with the war inevitably delayed the decision of questions so delicate and complex; and while the discussions between India, the India Office and the Cabinet were proceeding came Mr. Chamberlain's resignation of his office as Secretary of State. India had learned during his tenure of office, and especially from the lips of her three delegates to the War Conference, how generously and steadfastly he had served her interests, and his retirement was as much regretted in that country as in England. Meanwhile the difficulties of administration in India were rapidly increasing. Lord Chelmsford's Government felt that, without the declaration of policy for which they were pressing, it was impossible for them to act effectively on a directed course. The announcement of August 20 cleared the situation and was hailed with almost as much relief by the authorities as satisfaction by the politicians.

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# The Growth of the Administrative and Legislative Systems

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The next two chapters in the report are entirely historical, dealing with the growth of the administrative and legislative systems from the earliest times. The narrative leads them to a discussion of the relations at present existing between the supreme and provincial governments.

Eighty-four years ago, the Court of Directors set themselves to define the right principles of demarcation. They reminded Lord William Bentinck emphatically that the whole civil and military administration of India was committed to the hands of his Government by the Act of 1833 and that for what was good or evil in it the honour or dishonour would redound on him. They criticised the control previously exercised over the presidency Governments as having generally taken the invidious and ineffective form of *ex post facto* intervention. They wrote :—

“It is evidently the object of the present Act to carry into effect that intention of the legislature to which we have alluded. Invested as you are with all the powers of government over all parts of India, and responsible for good Government in them all, you are to consider to what extent and in what particulars, the powers of Government can be best exercised by the local authorities, and to what extent, and in what particulars, they are likely to be best exercised when retained in your own hands. With respect to that portion of the business of Government which you fully confide to the local authorities and with which a minute interference on your part would not be beneficial, it will be your duty to have always before you evidence sufficient to enable you to judge if the course of things in general is good, and to pay such vigilant attention to that evidence as will ensure your prompt interposition whenever anything occurs which demands it.”

And again five years later :—

“Although a minute interference on your part in the details of the local administration of the subordinate presidencies is neither desirable nor practicable, yet we should hold you but ill acquitted towards those whose interests are committed to your charge, if you should allow to pass without comment and, if necessary, without effective interference, any measures having, in your opinion, an injurious tendency either to one Presidency or to the Empire at large.”

We imagine that the Directors intended that Lord William Bentinck's Government should define the matters in which their interference would be rare, and those in which their control would be constant ; but we find that no such formal differentiation was actually ever attempted. Such discrimination

between functions as obtains at present is the result of gradual administrative devolution. As the Decentralization Commission say :—

“The difficulty of defining the exact limits between a ‘just control, and petty, vexatious, meddling interference’ recognised by the Court of Directors in 1834, still remains. It is easy to say that the central Government should confine itself to laying down general principles, and that the detailed application of these should be left in the hands of the subordinate Governments; but in practice it is sometimes extremely difficult to say what are mere details, and whether these may not affect the application of a principle. Again, what is normally a detail, properly left to a local Government, may at a period of political stress or under altered circumstances become a matter in which the Government of India, and even the Secretary of State, must assert their responsibilities. It is, therefore, of paramount importance, that the relations between the Government of India and the provincial Governments should be readily adaptable to new or changing conditions, and should not be stereotyped by anything in the nature of a rigid constitution.”

Obviously there are tendencies pulling in two opposite directions. Material development, improved communications, the raising of standards of administration, and the interest taken by Parliament in Indian affairs all tend to throw work on the central power; just as the want of detailed knowledge and the variety of local conditions make for provincial liberty of action. The spread of enlightenment has on the whole probably operated to cast more work upon the Government of India; for the growth of national feeling among the educated classes has raised many questions of a general nature with which only the Government of India could deal and increased the habit of invoking its intervention.

Let us glance at the list of work which the administrative Departments of the Government of India deal with not at first-hand but as supervising and appellate authority. To the Home Department are referred questions from the provinces affecting the Indian Civil Service, internal politics, jails, police, the civil medical service, law and justice and courts;—the Departments under the Revenue Member are similarly concerned with revenue, surveys, forests, agriculture, veterinary administration, meteorology, and famine and public works and irrigation; the Political Department with such Native States as are in political relations with local Governments; the Finance Department with opium, stamps, income-tax and the pay, leave and pensions of the services; the Department of Commerce with commerce, exhibitions, factories, mining, explosives, emigration, fisheries, salt and excise; the Department of Education with education, local self-government, sanitation and so forth. All these spheres of business are primarily the concern of local Governments, but in all of them the Government of India exercise an unquestioned right of entry, either of their own instance or an appeal. The measure of interference actually practised varies with circumstances, and to a great extent depends on the financial—discussed in chapter V—for which place therefore we reserve its closer examination.

The text-books generally describe the Government of India as interfering very little with the details of provincial administration. Sir Bampfylde Fuller, writing as an *ex-Lieutenant Governor*, says that the Government of

India, as a rule, content themselves with laying down general principles and watching the effect that is given to them, but keep a very strict hand upon the creation of new appointments or the augmentation of salaries. We have no doubt that this correctly expresses the general aim. But in such a matter all opinion is relative. Compared with past days, provincial Governments enjoy great liberty of action ; but, as we shall show in due course, substantial restrictions are imposed on them by the dominant conception that the entire government system is one indivisible whole and amenable to Parliament. Even though the Decentralization Commission accepted this governing condition, they thought that both the Indian Government and in their turn the provincial governments also had, in the exercise of the control with which they were invested, been dominated too much by considerations of administrative efficiency.

“ They have, we think, paid too little regard to the importance of developing a strong sense of responsibility amongst their subordinate agents and of giving sufficient weight to local sentiments and traditions. In our opinion, the burden of work could be materially diminished if the Indian Government were to refrain from interfering in unnecessary detail with the actions of the authorities subordinate to them, an interference which results in large measure in every administrative authority in India having to do over again work already accomplished at a stage below. Future policy should be directed to steadily enlarging the spheres of detailed administration entrusted to provincial Governments and the authorities subordinate to them and of recognising that they must definitely dispose of an increasing share of the ordinary work of government.

We understand that public and official opinion alike endorsed this criticism. But, as we have said, the question now turns mainly on new and bigger considerations. Official control from above is incompatible with popular control from within and the admission of the latter justifies, indeed demands, a corresponding reduction of the former. Parliament, the Secretary of State and the Government of India must all relax control if the legislative councils in the provinces are to share the responsibility for the administration. Similarly provincial Governments must abate their superintendence where popularly constituted subordinate authorities have been entrusted with functions of their own.

The history of the Legislative Council is next narrated from the early days of British Rule. The present constitution with a Supreme Council for the whole of India and provincial councils for local matters came into existence finally in 1861 ; and the reforms thus introduced are thus described in the words of Lord MacDonnell :

“ The character of the legislative councils established by the Act of 1861 is simply this, that they are committees for the purpose of making laws—committees by means of which the executive Government obtains advice and assistance in their legislation, and the public derive the advantage of full publicity being ensured at every stage of the law-making process. Although the Government enacts the laws through its council, private legislation being unknown, yet the public has a right to make itself heard, and the executive is



bound to defend its legislation. And when the laws are once made, the executive is as much bound by them as the public, and the duty of enforcing them belongs to the courts of justice. In later years, there has been a growing deference to the opinions of important classes, even when they conflict with the conclusions of the Government, and such conclusions are often modified to meet the wishes of the non-official members. Still it would not be wrong to describe the laws made in the legislative councils as in reality the orders of Government; but the laws made in a manner which ensures publicity and discussion, are enforced by the courts and not by the executive, cannot be changed but by the same deliberate and public process as that by which they were made, and can be enforced against the executive or in favour of individuals when occasion requires."

"The councils are not deliberative bodies with respect to any subject but that of the immediate legislation before them. They cannot enquire into grievances, call for information or examine the conduct of the executive. The acts of administration cannot be impugned, nor can they be properly defended in such assemblies, except with reference to the particular measure under discussion."

The Councils were reformed in 1892, with the result that a definite start was made in the matter of associating Indians with the legislative machinery. No statutory provision was made in those reforms for elected representatives, but a loophole was left by means of which the Government of India could obtain the benefit of such election.

The impulses which led in 1906 to the initiation of the reforms associated with the names of Lord Morley and Lord Minto were partly internal, partly external. Fourteen years' experience of the reforms of 1892 had been on the whole favourable. Criticism had mostly been temperate though not always well-informed. Useful information had been often, and valuable suggestions not infrequently, received; and the association of the leaders of the non-official public in the management of affairs even in a restricted and rudimentary form had afforded an outlet for natural aspirations and some slight degree of education in the art of Government. Non-official speakers in council and speakers and organs of the Indian National Congress were claiming that the time had come for further advance. Internally indeed the period was one of marked unrest, to which the Russo-Japanese war of 1904-05, the Universities Act of 1904, and the partition of Bengal had contributed. In November 1905, Lord Minto had replaced Lord Curzon as Viceroy, and in December Lord Morley became Secretary of State for India. In these circumstances, Lord Minto, of his own initiative but with the full cognisance and approval of the Secretary of State, followed Lord Dufferin's example in appointing a committee of Council composed of Sir Arundel Arundel, Sir Denzil Ibbetson, Mr. Erle Richards, and Mr. Baker, to consider among other matters the increase of the representative element in the Indian and provincial legislative councils. His reasons for so doing may be best stated in his own words:—

"Indian affairs and the methods of Indian administration have never attracted more public attention in India and at home than at the present

moment. The reasons for their doing so are not far to seek. The growth of education which British rule has done so much to encourage is bearing fruit. Important classes of the population are learning to realise their own position, to estimate for themselves their own intellectual capacities, and to compare their claims for an equality of citizenship with those of a ruling race, whilst the directing influences of political life at home are simultaneously in full accord with the advance of political thought in India.

“To what extent the people of India as a whole are as yet capable of serving in all branches of administration, to what extent they are individually entitled to a share in the political representation of the country, to what extent it may be possible to weld together the traditional sympathies and antipathies of many different races and different creeds, and to what extent the great hereditary rulers of Native States should assist to direct Imperial policy, are problems which the experience of future years can alone gradually solve.

“But we, the Government of India, cannot shut our eyes to present conditions. The political atmosphere is full of change; questions are before us which we cannot afford to ignore, and which we must attempt to answer; and to me it would appear all-important that the initiative should emanate from us, that the Government of India should not be put in the position of appearing to have its hands forced by agitation in this country or by pressure from home—that we should be the first to recognise surrounding conditions and to place before His Majesty’s Government the opinions which personal experience and a close touch with the every-day life of India entitle us to hold.”

The problem which Lord Minto’s Government set themselves to solve was how to fuse in one single government the two elements which they discerned in the origins of British power in India. They hoped to blend the principle of autocracy derived from Moghul emperors and Hindu kings with the principle of constitutionalism derived from the British Crown and Parliament; to create a constitutional autocracy, which differing *toto coelo* from Asiatic despotisms, should bind itself to govern by rule, should call to its counsels representatives of all interests which were capable of being represented, and should merely reserve to itself in the form of a narrow majority predominant and absolute power. They hoped to create a constitution about which conservative opinion would crystallise and offer substantial opposition to any further change. They anticipated that the aristocratic element in society and the moderate men, for whom there was then no place in Indian politics, would range themselves on the side of the Government, and oppose any further shifting of the balance of power and any attempt to democratise Indian institutions.

These sanguine expectations were short-lived. In nine years, the Morley-Minto reforms have spent their utility. They are no longer acceptable to Indian opinion; and in the light of experience official opinion also views them with a critical eye. We judge that this is due in varying degrees to the political development brought about by the reforms themselves, to the precipitation of democratic feeling caused by the war, to some inherent features of the scheme of reforms itself, and to Lord Morley’s assertion that

these reforms were not meant to lead to Parliamentary government. Indeed Lord Morley whole heartedly accepted and even emphasised the contention of Lord Minto's Government that they were not aiming at responsible Government. He wrote:—

“Your Excellency's disclaimer for your Government of being ‘advocates of representative government for India in the Western sense of the term,’ is not any more than was to be expected. Some of the most powerful advocates of the representative system in Europe have learned and taught from India experiences of their own that, in Your Excellency's words, ‘it could never be akin to the instincts of the many races comprising the population of the Indian Empire’. One reason among many is suggested by the statement in the portion of your despatch dealing with local Governments, that ‘Indian gentlemen of position ordinarily refuse to offer themselves as candidates to a wide electorate, partly because they dislike canvassing, and partly by reason of their reluctance to risk the indignity of being defeated by a rival candidate of inferior social status’. While repudiating the intention or desire to attempt the transplantation of any European form of representative government to Indian soil, what is sought by Your Excellency in Council is to improve existing machinery, or to find new, for ‘recognising the natural aspirations of educated men to share in the government of their country’. I need not say that in this design you have the cordial concurrence of His Majesty's Government.

“One main standard and test for all who have a share in guiding Indian policy, whether at Whitehall or Calcutta, is the effect of whatever new proposal may at any time be made upon the strength and steadiness of the paramount power. In Indian Government, there is no grace worth having in what is praised as a concession, and no particular virtue in satisfying an aspiration, unless your measures at the same time fortify the basis of authority on which peace and order and all the elements of the public good in India depend. In the whole spirit of Your Excellency's despatch, I read the conviction that every one of the proposals advanced in it is calculated by enlisting fresh support in common opinion on the one hand, and on the other by bringing government into closer touch with that opinion, and all the currents of need and feeling pervading it, to give new confidence and a wider range of knowledge, ideas, and sympathies, to the holders of executive power.”

We need not review the correspondence in which the proposals were developed. Our purpose will be served by setting forth the salient features of the scheme with a brief explanation of the considerations which shaped them. Its authors agreed that in the immense diversity of interests and opinions in India representation by classes and interests was the only practicable means of embodying the elective principle in the constitution of the councils. For certain limited interests, such as the presidency corporations, universities, chambers of commerce, or the planting community, it was an easy task to frame limited electorates. Difficulties began when it was a question of providing for widespread interests or communities, such as the landholding or professional classes, or for important minorities, such as the Muhammadans in many provinces or the Sikhs in the Punjab. The Muhammadans indeed pressed for and obtained from Lord Minto a promise that

they should elect their own members in separate Muhammadan constituencies. It is probable that the far-reaching consequences of this decision and the difficulties which it would create at a later stage were not fully foreseen: we shall have occasion to discuss them later. Similarly to the large land-owning interests, a special electorate was conceded based on a high franchise. The residuary constituencies for the provincial councils—which constitute the only means of representation of the people at large—were constructed out of municipalities and district boards voting in groups.

Lord Minto's Government were at first disposed to maintain a bare official majority in the provincial councils, but to summon ordinarily only such number of official members as would be necessary for the transaction of business. But in Bombay, it had already been found possible to be without an official majority, and in the year 1906, the local council consisted of 10 officials and 14 non-officials, though to three of the latter seats officials might at any time be appointed. It was decided therefore to face the risks of abandoning the official majority in provincial councils; to rely partly on the use of the veto, partly on the statutory restrictions attaching to provincial legislation, to prevent the carrying of undesirable laws; and to trust to the concurrent powers of legislation passed by the Governor General's legislative council for the enactment of necessary laws which the provincial council refused. The provincial legislatures were enlarged up to a maximum limit of 50 additional members in the larger provinces; and 30 in the smaller; and the composition was generally so arranged as to give a combination of officials and nominated non-officials a small majority over the elected members except in Bengal where there was a clear elected majority.

The Indian Legislative Council was also enlarged. According to the present regulations, the number of additional members is ordinarily 60. Not more than 28 may be officials. The Governor General also nominates three non-officials to represent certain specified communities and has at his disposal two other seats to be filled by nomination. In this case also, it was found necessary to rely largely on the representation of interests rather than territories. The 27 elected seats are partly shared by certain special constituencies such as the landowners in seven provinces, the Muhammadans in five provinces, Muhammadan landowners in one province (at alternate elections only) and two chambers of commerce, while the residue of open seats is filled by election by the non-official members of the nine provincial legislative councils. We may explain that our figures take account of the further changes in the regulations necessitated by the re-partition of Bengal and the subsequent constitution of a legislative council for the Central Provinces. On the Governor General's Legislative Council a small official majority was thus retained. Lord Morley laid it down that the Governor General's Council "in its legislative as well as its executive character should continue to be so constituted as to ensure its constant and uninterrupted power to fulfil the constitutional obligations that it owes and must always owe to His Majesty's Government and to the Imperial Parliament."

The regulations in which these provisions were embodied made an important new departure in expressly recognising the principle of election which the regulations of 1893 had practically but not legally admitted. Up to

1909, as we have seen, there was no obligation to accept the nomination made by the recommending bodies, but in practice the nomination was never disregarded. We have, however, seen it stated that the existence of power to reject a nomination did lead in a few cases to the withdrawal of some undesirable candidatures. The legal recognition of the elective principle in 1909 necessarily involved the imposition of legal disqualifications for election; and an oath or affirmation of allegiance to the Crown was at the same time imposed.

No less important than these changes in the composition of the councils were the changes in their functions. It is quite true that, so far as legislative duties are concerned, the somewhat old-fashioned provisions of the Act of 1861 continued mainly to regulate their powers: but the deliberative sphere of the councils was enlarged in a striking manner. As we have said, for thirty years between 1861 and 1892, the councils had no other function than that of legislation. The Act of 1892, gave members power to discuss the budget but not to move resolutions about it or to divide the council. It became the practice accordingly to allot annually one or two days a year to the discussion of a budget already settled by the executive government. Lord Morley's Act empowered the councils to discuss the budget at length before it was finally settled, to propose resolutions on it, and to divide upon them. Not only on the budget, however, but on all matters of general public importance resolutions might henceforth be proposed and divisions taken. The resolutions were to be expressed and to operate as recommendations to the executive government. On certain questions, among which may be mentioned matters affecting Native States, no resolutions could be moved. Any resolution might be disallowed by the Head of the Government acting as president of the Council without his giving any reason other than that in his opinion the resolution could not be moved consistently with the public interest. At the same time, the right to ask questions of the Government was enlarged by allowing the member who asked the original question to put a supplementary one.

In the next chapter, we shall have something to say about the working of these reforms in practice. But here we may pause for a moment to point out how the Morley-Minto changes carried constitutional development a step further: They admitted the need for increased representation, while reiterating the impossibility of basing it generally on a direct or general franchise. They admitted the desirability of generally securing non-official approval to the government legislation, though they trusted in an emergency to the support of nominated members, to the division of interests between different classes of elected members, and in the last resort to overriding legislation in the Indian legislative council where an official majority was retained. Frankly abandoning the old conception of the councils as a mere legislative committee of the Government, they did much to make them serve the purpose of an inquest into the doings of Government, by conceding the very important rights of discussing administrative matters and of cross-examining Government on its replies to questions. Lord Morley's disclaimer—"If it could be said that this chapter of reforms led directly or indirectly to the establishment of a parliamentary system in India,

I, for one, would have nothing at all to do with it"—is no doubt explicable when we remember his stout insistence on the sovereignty of the British Parliament, and his acceptance of the decided advice of Lord Minto's Government, backed by the experience of every Indian administrator of eminence, that anything beyond very limited constituencies and indirect franchises was unthinkable in India. He took the constitutional view that no relaxation of the control exercised by the British electorate was possible until an Indian electorate, which was not then in sight, had arisen to take the burden from its shoulders. Nonetheless, we are constrained to say that the features of his reforms which we have described do constitute a decided step forward on a road leading at no distant period to a stage at which the question of responsible government was bound to present itself.

One more point calls for notice in this review of the growth of legislative bodies in India. We pointed out in paragraph 63 that the central legislature retained the right of legislating for the whole of India. But there has been growing up during recent years a convention by which the Government of India do not ordinarily legislate for any province in matters which are within the competence of the provincial legislative council. The institution of such councils in the smaller provinces has confirmed this tendency, which by this time has acquired such strength that it is safe to say that very special reasons indeed must now be forthcoming before the Indian legislature would concern itself with any matter with which a provincial legislature was fully competent to deal.

But the reforms of 1909 afforded no answer, and could afford no answer to Indian political problems. Narrow franchises and indirect elections failed to encourage in members a sense of responsibility to the people generally, and made it impossible, except in special constituencies, for those who had votes to use them with perception and effect. Moreover, the responsibility for the administration remained undivided: with the result that while Governments found themselves far more exposed to questions and criticism than hitherto, questions and criticism were uninformed by a real sense of responsibility, such as comes from the prospect of having to assume office in turn. The conception of a responsible executive, wholly or partially amenable to the elected councils, was not admitted. Power remained with the Government and the councils were left with no functions but criticism. It followed that there was no reason to loose the bonds of official authority, which subjected local governments to the Government of India and the latter to the Secretary of State and Parliament. Such a situation, even if it had not been aggravated by external causes, might easily give rise to difficulties: the plan afforded no room for further advance along the same lines. Only one more thing remained to do, and that was to make the legislative and administrative acts of an irremovable executive entirely amenable to the elected councils; on which must have ensued the deadlock and disruption to which we refer elsewhere. The Morley-Minto reforms in our view are the final outcome of the old conception which made the Government of India a benevolent despotism (tempered by a remote and only occasionally vigilant democracy), which might, as it saw fit for purposes of enlightenment, consult the wishes of its subjects. To recur to Sir Bartle Frere's figure; the

Government is still a monarch in durbar; but his councillors are uneasy, and not wholly content with his personal rule; and the administration in consequence has become slow and timid in operation. Parliamentary usages have been initiated and adopted in the councils up to the point where they cause the maximum of friction, but short of that at which by having a real sanction behind them they begin to do good. We have at present in India neither the best of the old system, nor the best of the new. Responsibility is the savour of popular Government, and that savour the present councils wholly lack. We are agreed that our first object must be to invest them with it. They must have real work to do: and they must have real people to call them to account for their doing of it.

The next chapter is devoted entirely to a discussion of the value and effect of these reforms, and it concludes thus:

A casual observer turning over the proceedings of the Indian Legislative Council from 1910 onwards might be struck by the Council's apparent lack of interest in what he would probably regard as its most important function, namely, legislation. In the eight years 1910—17 the council passed 131 laws, of which no fewer than 77 or 59 per cent were passed without any discussion whatsoever. But examination of the proceedings shows that a very large proportion of these were financial or petty amending Acts, while many others, especially since the outbreak of war in 1914, were measures of a more or less technical nature which the council rightly felt that it was not competent to discuss. Moreover, the policy of the Government of India has been to avoid contentious legislation during the war, and some measures which might arouse controversy, such as the Bill to amend the Criminal Procedure Code, have for this reason been deliberately postponed. We must also remember that the central council contains representatives of the more backward as well as of the more advanced provinces, for which reason the general level of ability and power of expression among the non-official members is perhaps higher in the councils of the more advanced provinces. Nor indeed can it be said that the provincial Governments have always been at pains to send up their best official representatives to the central council. They have sometimes naturally preferred to retain their services for the provincial councils. But perhaps the most important reason why so many Bills have met with small opposition lies in the Government's policy of avoiding opposition as far as possible. With this end in view, every effort is made before a Bill is introduced to ascertain as far as possible non-official opinion. It is probably true that the council exercises a greater influence on the shape of Bills before they are introduced, than when they are actually under discussion. The tendency is for the Departments to prune a Bill beforehand of all features expected to arouse controversy, and thereafter to oppose all material amendments. It may thus happen that amendments proposed in council are less frequently adopted than suggestions submitted before the introduction of Bills. The constructive work of legislation is in fact still largely done by correspondence: and this can hardly be otherwise so long as the official majority is maintained. At the same time, there is no reason for supposing that the non-official members are unable to influence the shape of Bills after introduction. On the

contrary, we find that, in spite of the official majority, they have in many cases been able to make their weight felt. Much of the most solid and useful work in the sphere of legislation is done in the seclusion of the committee room and not in the publicity of the council chamber. The presence of the official *bloc* may to some extent give an air of unreality to criticism in the council-hall but to the committee rooms its influence does not extend. The non-official member who is really interested in a particular measure or anxious to have a Bill altered generally arranges to be put on the select committee on the Bill, or to approach the official member in charge and to discuss the question with him in private. The reported debates thus afford no measure of the real influence of non-official members. Since 1909 only eight bills can be said to have encountered really serious opposition. We have already seen that 77 provoked no discussion at all; of the remaining 56, the majority received little public attention, but when the Indian members did take up a decided attitude, they were often able to carry their point. We need only cite the Indian Court Fees (Amendment) Bill (1910), the Indian Factories Bill (1911), the Indian Patents and Designs Bill (1911), the Criminal Tribes Bill (1911), the Life Assurance Companies Bill (1912), the Indian Companies Bill (1912) and the Indian (Bogus Degrees) Medical Bill (1916) as measures which were modified to a greater or less degree, and generally improved, at the instance of non-official members. The White Phosphorus Matches Bill was a very minor piece of legislation but its career illustrates the Government's readiness to defer to public opinion. On its first introduction the Bill was severely attacked on the ground that it would cause hardship to poor consumers and the Government withdrew it for further inquiry. When it was reintroduced the following year, the opposition had died down and the Bill was passed. The Patna University Bill, however, was probably the most striking instance in which a measure underwent change in consequence of non-official criticism. It appears that, whenever the Government has met with anything approaching solid opposition on the part of the Indian members, it has, except on matters touching the peace and security of the country, generally preferred to give way.

Only five private Bills have been passed by the Imperial Legislative Council since 1910. The most important of these were the Musalman Waqf Validation Bill (1913), the passage of which was facilitated by the Government, and the Hindu and Musalman Disposition of Property Bill (1916). At least four other private Bills were introduced: Mr. Gokhale's Elementary Education Bill, Mr. Basu's Special Marriage Bill, and Messrs. Madge and Dadabhoy's Bills regarding prostitution. Of these the first two were rejected. The Government declined to support the former for financial and technical reasons, and the latter because of the practical difficulties which it was feared that its passage into law would raise. But a factor in deciding the Government's attitude was the knowledge that both Bills encountered not a little non-official opposition. The other two Bills were not pressed as the Government itself undertook to proceed with legislation on the subject: but in the event the Government's own measure for the protection of girl minors was postponed during the war, because it was evident that non-official opinion was not agreed upon the proposals embodied in it. As must perhaps be expected in the face



of an official majority, the tale of private legislation is not imposing, but it shows a certain tendency to increase.

We pass to another aspect of the Council's work, namely, the influence which it exercises on the work of administration by means of questions and resolutions. The fact that nearly twice as many questions were asked in 1917 as in 1911 shows that serious value is attached to the right of interrogation. Supplementary questions can at present be asked only by the author of the original question; they have not been numerous; but there is a desire to extend the right of putting them to any member of the council. As the same time, it cannot be said that the right of interrogation has been abused, though there has been a tendency to ask for information which could be ascertained from published reports, to require elaborate statistical information which is of no practical value, and also to ask questions which would appropriately be put in local councils. The right to move resolutions on matters of general importance and on the financial statement was conceded in 1909. The view taken at the time that this concession was perhaps the most important of all the changes has been justified by experience. In all, 168 resolutions were moved in the Council up till the end of the year 1917: of these 24 were accepted by Government, 68 were withdrawn and 76 were rejected either with or without a division. These figures by themselves do not give a true impression of the real effect of the resolutions. In some cases, the mover withdraws a resolution, because he is convinced by the Government reply that his proposal is unsound; but it more often happens that a resolution is withdrawn because, though the Government may for some technical or financial reasons not be able to accept the resolution in the form in which or at the time when it is moved, the spokesmen of the Government have indicated that its attitude towards the mover's object is favourable. Again, many resolutions have been rejected either in pursuance of some settled policy or else because the Government felt it unwise to accept them without inquiry; but the discussions have led to re-examination of the questions in issue, and at times to an ultimate change of policy, as happened indeed in the case of compulsory education and the treatment of persons dealt with under the Defence of India Act, which were both questions on which opinion was alive and active. A rough classification of the resolutions shows that some 73 can be described as fructuous. In not a few instances, substantial results were obtained. Among the measures, the decisions on which have been influenced by council resolutions, were the abolition of the system of indentured labour in certain colonies, the establishment of an executive council in the United Provinces, the establishment of a High Court in the Punjab, the appointment of a committee to enquire into and report on jail administration, and the appointment of the Public Services and the Industrial Commissions. These measures of major importance could be supplemented by a much longer list of less important matters of administration in regard to which non-official resolutions have definitely influenced the action of the Government. But the point needs no further elaboration. Every observer of the recent course of the administration is aware how perceptibly it is affected by the attitude of the non-official members of council on all public questions. Moreover, even when the

Government is unable to accept a resolution, a debate may be of value as affording a convenient outlet for non-official opinions and as giving the Government an opportunity of explaining its own policy.

It is difficult to speak with any certainty about tendencies which have developed in so short a period as that with which we are dealing. We desire, however, to pay a tribute to the sense of responsibility which has animated the members of the Indian Legislative Council in dealing with Government legislation. In the passage of very controversial measures such as the Press Act, the Government received a large amount of solid support from non-officials; similarly it received assistance when measures of real importance, such, for example, as the Defence of India Act and the recent grant of one hundred millions to the Imperial Treasury were under discussion. Again, good examples of the practical nature of the work done were afforded by the debates on the Factories Act or the Companies Act. When we consider the debates on resolutions, we must remember that, while the official majority renders it impossible for non-official members to carry any measure or resolution against the Government, the relatively ineffectual character of resolutions makes it hardly to be expected that members would show the same sense of responsibility in their speeches and votes as in legislation. Further, many resolutions recently have been concerned with racial subjects, and the debates have been tinged with the racial considerations to which we have drawn attention elsewhere. These causes have contributed to induce a habit among the non-official members, nominated and elected, of acting together; and during the years which have elapsed since the inception of the reforms, the tendency to joint action has grown perceptibly stronger. Inasmuch as the nominated members are appointed to represent particular interests, they were at first expected to act independently, but in many matters they have acted with the elected members, and on racial questions in particular it was natural that they should not divorce themselves from the general Indian view. It is, however, we think in legislation rather than in resolutions that the real working of the council must be sought; and from the short experience from which we have to judge all that can be said is that, for the reasons we have mentioned, the tendency is growing for the non-officials (excluding the Europeans, who usually if not always, vote with the Government) to act together.

We should have liked to make a similar analysis of the working of all the elder provincial councils; but neither the time nor the information readily available to us admit of this. Certain differences between the Indian and provincial councils are readily apparent. Both the elected and the official members in the provincial councils are in closer touch with the subject-matter of discussion: many of the elected members have activities which bring them in contact with the official members outside of council and thereby closer relations are established; and because distances are smaller the meetings of councils are more evenly distributed throughout the year, and of shorter duration than in the Indian Legislative Council, with the result that the pressure upon the few official members on whom the chief business falls is probably felt less heavily than in the Government of India. The main point of difference, however, is of course the fact that in all the provincial councils there

is a non-official majority and in Bengal a small elected majority. But the fact that absentees are more numerous among the non-official than among the official members tends to impair the effectiveness of the non-official majority. It cannot be said, however, that the introduction of Government Bills has been generally hindered by the prospect of opposition although there have, we understand, been occasions when a local Government has been deterred from attempting legislation which it desired. As in the Government of India the policy has generally been to anticipate opposition to particular provisions by modifying a draft Bill in the light of objections raised in the opinions received. Moreover, the policy of avoiding controversial discussion during the war has checked legislative activity, and somewhat discounts the conclusions that are to be drawn. It is evident that selected committees have done useful work in improving the actual form and shape of legislative measures. In comparatively few instances, they have done much more. We may select the United Provinces Municipalities Bill as a striking example of the great influence which the elected element has had in shaping legislation. The Bill was changed out of all recognition by the select committee, and in the Council itself twenty-seven non-official amendments were accepted by, and one was carried against, the Government. One of the most vital provisions of the Bill, a clause fixing the proportion of Muhammadan representation in municipal boards, was the result of a conference of non-official members and was incorporated in the Bill by an amendment moved by a non-official member. Nowhere has there been much private members' legislation. In the Bombay Council, only one Bill out of six has passed, but we understand that most of the others were reasonable attempts to deal with important problems. In the United Provinces, non-official members carried Bills against adulteration and opium gambling. A private Bill to stop juvenile smoking is before a select committee in the Punjab and a private Bill dealing with compulsory education in Bihar and Orissa. These same two topics are at present the subject of two private Bills in Bengal.

The right of interpellation has naturally been used more freely than in the Indian Legislative Council. In the United Provinces council, the number of questions rose from 218 in 1910 to 458 in 1916, and in Bengal the increase has also been remarkable: in Madras we understand that the number of questions has been even greater. One local Government estimates that 20 per cent of the questions asked in council relate to information already published and a general tendency to ask for unfruitful statistics is reported. On the other hand, questions have often served the purpose of resolutions in eliciting a statement of the Government's policy; and it is, we believe, generally recognised by moderate opinion that the Government endeavours to answer reasonable inquiries with reasonable fullness.

There is abundant evidence that the right to move resolutions is valued; and the number of resolutions withdrawn when the Government has indicated its benevolent intentions towards, though not its immediate acceptance of, the proposals, suggests that the power has been used with moderation. There is a marked difference, however, between provinces as to the number of resolutions moved; and in some councils the chief activity is confined to a small group of members. It is clear that the provincial

Governments do attach weight to resolutions and exert themselves if possible to defeat those which they are not prepared to accept. Not many resolutions have been carried against the Government, and when a resolution is carried, the Government, if it decides that it cannot give effect to the wishes of the council, usually publishes its reasons for so deciding. But the effect of resolutions is by no means confined to those which are carried against or accepted by the Government, for it often happens that discussion of a subject leads to positive results. An analysis of the results attained by the resolutions moved in one provincial council in the years 1910—17 showed that they secured or helped to secure:—

(1) an opium gambling Act, (2) a new cattle farm, (3) a council library, (4) the removal of a criminal tribe settlement, (5) the defence of poor prisoners charged with capital offences, (6) the regulation of the Burma meat trade, (7) concession to the matriculation examination of partial equality with the school leaving examination, (8) the promotion of deputy superintendents of police to superintendents of police, (9) a promise in connection with the abolition of revenue divisions, (10) Government assistance in connection with a road to a shrine, (11) publication of certain college reports, and (12) an officiating appointment for a member of the provincial educational service.

The tendency of all non-official members to act together is more strongly marked in some provincial councils than others. In the Punjab, where the nominated members are relatively in a stronger position than in other councils, and in Bombay, there is more independence of action than elsewhere. In other provinces, the non-official members tend to act and vote together.

Speaking at the Indian National Congress of 1908, Mr. Gokhale justly described the Morley-Minto changes as modifying the bureaucratic character of the government and offering the elected representatives responsible association with the administration. He looked to local self-government to provide the real school of political education, and anticipated that Indians would now have full control and management of local affairs. The expectation has not yet been generally fulfilled, though in some provinces advance has certainly been made. Attention on both sides has been directed more to the provincial councils than to local bodies and the importance of securing what Mr. Gokhale called the base of the edifice has been lost sight of. This seems to us a very strong reason for placing in Indian hands the responsibility for the development of local bodies which still remains to be carried out. Secondly, Mr. Gokhale referred to the everyday problems of administration, legislation and finance as constituting the centre of the position; and in respect of this, he believed that the reforms amounted almost to a revolution. In place of silent administrative decisions, there would in future be open discussion. Over finance for the control of the Government of India would be largely substituted the control of discussion and criticism in the councils. (It must be explained that the Decentralization Commission had not then made its report, and the anticipations of a full measure of financial devolution had not yet been disappointed.) The admission of Indians to the executive councils moreover meant, he hoped, that racial considerations would recede into the background, and that the Indian view of questions would be effectively presented in the highest councils. As regards legislation, the non-official

majority had gained a preventive voice in the provinces; and if the position was otherwise in the central council, he thought that the Government of India would henceforth loom less largely in provincial matters, and that the elected members would have all the opportunity that they needed of influencing the course of provincial business. These concessions, he said, were large and generous; and they imposed two responsibilities. There must be co-operation with Government instead of merely criticism; and the new powers must be used with moderation and restraint and for the promotion of the interests of the whole people. He named mass education, sanitation, peasant indebtedness, technical education as large outstanding questions which it was beyond the power of an official government to handle without the co-operation of the people. Finally, he appealed to Indians not to be content with dreaming; let them prove that they could bear such responsibilities as they were being given before asking for any more.

In the light of these anticipations, it is not hard to understand how the Morley-Minto constitution ceased in the brief space of ten years' time to satisfy the political hunger of India. The new institutions began with good auspices and on both sides there was a desire to work them in a conciliatory fashion. But some of the antecedent conditions of success were lacking. There was no general advance in local bodies; no real setting free of provincial finance; and in spite of some progress no wide-spread admission of Indians in greater numbers into the public service. Because the relaxation of Parliamentary control had not been contemplated, the Government of India could not relax their control over local Governments. The sphere in which the councils could affect the Government's action, both in respect of finance and administration, was therefore closely circumscribed. Again and again a local Government could only meet a resolution by saying that the matter was really out of its hands. It could not find the money because of the provincial settlements; it was not administratively free to act because the Government of India were seized of the question; it could therefore only lay the views of the council before the Government of India. As regards legislation also, the continuance of the idea of official subordination led to much of the real work being done behind the scenes. The councils were really more effective than they knew; but their triumphs were not won in broad day-light in the dramatic manner which political ardour desired. This was one reason why more interest was often shown in resolutions than in legislation. The carrying of a resolution against Government, apart from the opportunity of recording an opinion which might some day bear fruit, came to be regarded as a great moral victory: and it is evident that topics that are likely to combine all the Indian elements in the council offered the best opportunity. Because the centralisation of control limited the effectiveness of the councils, the non-official members were driven to think more of display than they might have otherwise done; and the sense of unreality on both sides deepened. All this time the national consciousness and the desire for political power were growing rapidly in the minds of educated Indians; and the councils with their limited opportunities proved to be an insufficient safety-valve. While therefore inside the councils there are

signs of hardening opposition and the weariness which comes of the sterile efforts outside the councils the tide of feeling was rising more quickly. For a short time after their inception, the Morley-Minto reforms threatened to diminish the importance of the Indian National Congress and the Muslim League. It seemed as if the councils where elected members took a share in the business of government must be a more effective instrument for political purpose than mere self-constituted gatherings. But with the disillusionment about the reformed councils, the popular conventions, where speakers were free to attack the Government and give vent to their own aspirations untrammelled by rules of business or the prospect of a reply, naturally regained their ascendancy; and line taken by prominent speakers in them has been to be little the utility of the councils if not to denounce them as a cynical and calculated sham. We cannot now say to what extent improvement might have been effected by gradual changes in the rules of business, by relaxing official discipline, by permitting freer discussion, and by a greater readiness to meet the non-official point of view. However this be, events have proved too strong. The councils have done much better work than might appear to some of their critics. But they have ceased to satisfy Indian opinion, and their continuance can only lead to a further cleavage between the Indian members and the government and a further cultivation of criticism unchecked by responsibility.

It seems to us that the inherent weakness of the position created by the the Morley-Minto changes is excellently brought out in the following comment:—

“We must make up our minds either to rule ourselves or to let the people rule: there is no half-way house, except of course on the highway of deliberate transition. At present, we are doing neither. We are trying to govern by concession and each successive concession has the air of being wrung from us. We keep public business going by bargaining and negotiation—not however the healthy bargaining of the market place, but a steady yielding to assaults which always leave some bitterness behind on both sides. This is in no sense the fault of individuals; it follows inevitably from the influences at work. Up to Lord Curzon’s viceroyalty, there was a sturdy determination to do what was right for India whether India altogether liked it or not. The reforms which followed his regime brought in a power of challenge and obstruction—influence without responsibility; and rather than fight we have often to give way. We are shedding the role of benevolent despotism, and the people—especially those who are most friendly to us—cannot understand what role we mean to assume in its place. We are accordingly losing their confidence and with it some of our power for good. If we returned to sheer despotism, we should carry many of the people with us, and should secure an ordered calm. But that being impossible, we must definitely show that we are moving from the eastern to the western ideal of rule. And, secondly, we must maintain the full weight and order of Government while the move is going on. Otherwise we cannot look for either internal peace or the co-operation of the people, or indeed for anything else except growing weakness with the fatal consequences that weakness involves in an eastern country.”

In these words, we catch an echo of Warren Hastings’ pregnant saying:—  
“In no part of the world is the principle of supporting a rising interest and of

depressing a falling one more prevalent than in India." Transition is indeed a difficult business and full of risks that we should be short-sighted to ignore. The old structure does not admit of development. All that could be done with it would be to increase the size of the non-official part of the councils—a step that would deprive those responsible for the Government of the country of any power of obtaining necessary legislation. We must therefore create a new structure. That means time for the fresh material to form; real work for it to do so that it may harden; and retention of genuine powers of guidance, supervision, and if need be, of intervention, until such time as the task is complete.

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# The Conditions of the Problem

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The next few paragraphs describe the existing structure, the various checks on the district and provincial administrations. The description concludes thus :

The system which we have described was originally due to imitation of the quasi-military organization of the Moghul empire. The councils and local bodies are innovations, due to the totally different conception of administration which springs from English political thought. In large centres of population, municipal institutions are a reality, and they form an oasis of popular control in the midst of an official system. In smaller towns, official influence is still actually, though not technically, strong. The boards to whom rural affairs are committed though they often enjoy elected majorities are, in practical working, probably still weaker in relation to the official system than the Morley-Minto changes left the councils in relation to Government. The organization is still well-suited in many ways to the needs of a backward people and is well understood by them. Among all the suggestions made to us it has never been suggested that the system has broken down. It has the great advantage that in every district and portion of a district—that is to say, in many parts of the country, within not more than twelve or fifteen miles of every single inhabitant—there is a direct representative of Government, to whom complaints on every conceivable subject can be addressed, and through whom the Government can act. Its weaknesses are, we conceive, equally apparent. It is humanly impossible for the district officer to control the whole business of Government and to look after his army of subordinates as closely as is required. His utmost vigilance and energy do not suffice to prevent petty corruption and oppression from disfiguring official business. The people are slow to complain and prefer to suffer rather than to have the trouble of resisting. This mischief is being slowly remedied with the improvement of the subordinate services. It could be remedied further at great expense by decreasing district areas and increasing the supervising staff. But there can be no general improvement except through the awakening of public opinion which we believe that our reform will stimulate. Strong as it is, the official system is too weak to perfect the enormous task before it without the co-operation of the people.

This executive organization which we have described has been well likened to a nerve system of official posts, actuated up till now chiefly by impulses of its own, but affected by the popular ideas which impinge on it from three sources—the British Parliament, the legislative councils and local boards. Parliament can, of course, make its commands effective at any moment, but rarely chooses to do so. The effect of the councils and local bodies in India has been to influence, but not yet to control, official working.



The system has in the main depended for its effectiveness on the experience, wisdom and energy of the services themselves. It has for the most part been represented by the Indian Civil Service, which, though having little to do with the technical departments of Government, has for over one hundred years in practice had the administration entrusted to its hands, because with the exception of the offices of the Governor General, Governors, and some members of the executive councils it has held practically all the places involving superior control. It has been in effect much more of a Government corporation than of a purely civil service in the English sense. It has been made a reproach to the Indian Civil Service that it regards itself as the Government; but a view which strikes the critic familiar with parliamentary Government as arrogant is little more than a condensed truth. It has long been a tradition of the service that men in it are entitled not merely to administer but to advise. From the outset of their career, they have been habituated to the exercise of responsibility; they have had to take important decisions of their own in emergencies; and they have acquired at first hand, and not merely from precedent or prescription, a stock of practical knowledge which they have been used and been encouraged to contribute to a common purpose. Because they have looked forward to attaining positions where they could decide or help to decide policy, they have, within the restraints imposed by discipline and good order, been accustomed to express their ideas freely as to India's needs, and to criticise and advise a Government which has in essentials been one with themselves.

It is a commonplace to say that Indian administration in the past has depended mainly upon the district officer. We believe that no testimony of ours is needed to the character of his labours. The greatest work that has been done in India has been the familiarisation of the people at large with standards of public character and conduct which they accept as higher than their own. The country people have and always have had confidence in the English official because of his integrity, fair-play, and detachment. He has given them peace and justice and made life easier for them, and the vast majority of people asks for little more. It is impossible but that the application of our guiding principles should react on the district organization, and we have to see how this will be. Clearly our first and immediate task is to make a living reality of local Self-Government. This cannot be done by a few amendments of the Indian statute book and a few notifications and executive orders. Such methods only prepare the ground. We can bid the Government official—district officer or tahsildar—step aside from his position as executive officer of the boards, and assume for the future the role of onlooker and friendly adviser. We can transfer the execution of the board's orders from subordinates responsible to Government to employes of the boards themselves, and in part, we may perhaps hope, to honorary agency. But we cannot ourselves breathe the breath of life into these institutions. That must come with the awakening of the sense of duty and public spirit which the war has fostered, and which opportunity will develop.

Further, as the principle of popular control is admitted into the Government through the medium of the legislative councils, some means must be devised of enabling the established services to fall in with the new order of

things. The precise means of doing so will depend on what we have to propose hereafter as regards the machinery of Government. Naturally there will be many men to whom the change will be irksome, while some men will find it grateful. But we shall be wise to minimise by every means that human foresight can devise the friction which a change in a long-established system tends to produce. Our aim throughout must be to make the change not needlessly difficult for the services, to enlist their co-operation with the popular element in the Government, and to induce on both sides the habit of good-will and mutual toleration, which is essential if India is to pass peaceably through the trying transitional period in front of her. We have, as we shall show, made due provision for the exercise of the duty which lies upon us to protect the services; but without good-will and a readiness to co-operate, it will not be possible either to retain the men who compose them, or to get from them the best that they can give. Our labours will be vain and worse than vain, unless the Indian public men who will be responsible for the working of the reforms which we advise, succeed in so working them as to retain for India the willing help and guidance of many men like those who have led her thus far on her way, until such time as she has produced a generation of administrators of her own to compare with them in strength and foresight, integrity and detachment. Of the services much is being asked. We are confident that they will respond to the demand. But it will rest with the Indian leaders also to show themselves capable of statesmanship and self-restraint.

The report then proceeds to discuss the conditions that must govern political reform in India and the various obstacles to be faced. In view of the importance of this discussion to understand the proposals for reform, we give it here in full:

### **Basis of a system of responsibility**

A material difficulty is that the matters most essential to our purpose do not readily lend themselves to statistical exposition. Let us remember what the working of responsible institutions in their typical form involves. The electors send men to the councils with power to act in their name, and the councils commit power to ministers, over whom they reserve control in the form of the power of removing them from office. The elector controls his Government, because if his representative in council supports ministers of whom he disapproves, he can, at the next election, change his representative. The system presupposes in those who work it such a perception of, and loyalty to, the common interests as enables the decision of the majority to be peaceably accepted. This means that majorities must practise toleration and minorities patience. There must in fact be not merely a certain capacity for business, but, what is much more important, a real perception of the public welfare as something apart from, and with superior claims to, the individual good. The basis of the whole system is a lively and effective sense of the sanctity of other people's rights.

These qualities are only developed by exercise; they are greatly affected by education, occupation, and social organization; but ultimately they rest on the traditions and habits of thought of the people. We cannot go simply

to statistics for the measure of these things. We cannot turn to the census tables and tabulate according to wealth, or literacy, or occupation, the number of people who might reasonably be given the franchise. None the less we must try to realize the broad facts. Two dominating conditions will be quickly apparent to anyone who turns to the records and reports. One is that the immense masses of the people are poor, ignorant and helpless far beyond the standards of Europe; and the other is that there runs through Indian society a series of cleavages—of religion, race, and caste—which constantly threaten its solidarity, and of which any wise political scheme must take serious heed.

### Immensity of the Problem

Now let us face squarely the immensity and difficulty of the problem. British India has two and half times the populations of the United States. The United Provinces and Bengal hold each as many people as the British Isles. We may compare Bihar and Orissa in respect of population with France; Bombay with Austria, and the Punjab with Spain and Portugal combined. In England and Wales four-fifths of the people live in towns. India has many ancient and historic cities, but taken all together they hold but a tiny fraction of her enormous population. It may perhaps be assumed that the first approach to urban conditions occurs when ten thousand people reside together in one place; for on that scale questions of water-supply and lighting and drainage—the material things which awake men to a consciousness of their common needs as neighbours—begin to be a serious concern. On that basis we may say that 226 out of 244 millions of people in British India live a rural life: and the proportion of these who ever give a thought to matters beyond the horizon of their villages is very small. Agriculture is the one great occupation of the people. In normal times, a highly industrialised country like England gives 58 persons out of every hundred to industry, and only 8 to agriculture. But India gives out of every hundred 71 to agriculture or pasture, 12 to industry, 5 to trade, 2 to domestic service,  $1\frac{1}{2}$  to the professions, and  $1\frac{1}{2}$  to Government service or the army. In the whole of India, the soil supports 225 out of 315 millions, and 208 millions of them get their living directly by, or depend directly upon, the cultivation of their own or others' fields. What concerns them is mainly the rainfall or the irrigation supply from wells or canals, the price of grain and cloth, the payment of rent to the landlord or revenue to the State, the repayment of advances to the village banker, the observance of religious festivals, the education of their sons, the marriage of their daughters, their health and that of their cattle. They visit the local town on bazar days and the sub-divisional or district centre rarely on business or litigation. They are not concerned with district boards or municipal boards; many of them know of no executive power above the district officer, and of Parliament or even of the legislative councils they have never heard. In one province, it is stated that 93 per cent of the people live and die in the place where they were born. Similar concerns are perhaps the main interests of the population of some country districts in the United Kingdom. But in India the conditions indicated apply to the great mass of the population.

### Extent of Education

The educational returns tell us much the same story. In British India, 6 per cent of the population, males and females together, were able at the last census to comply with the test of literacy which consisted in reading and writing a letter in their own script. It has no doubt risen perceptibly in the seven years since 1911. The percentage was much higher (11) in the case of men, than in that of women (1·1). It was also naturally much higher in large cities, where it rose to 30 per cent. Aryas, Brahmos, Parsis and Jains are the best educated classes; then in order Buddhists, Christians and Sikhs. Among Hindus education is very much a matter of caste; some of the higher castes are better read than Buddhists, others are far lower down. Muslims also come low in the list. The knowledge of English is confined to less than two million people, a fractional percentage of the entire population.

The Indian Government compiles no statistics showing the distribution of wealth, but such incomplete figures as we have obtained show that the number of persons enjoying a substantial income is very small. In one province, the total number of persons who enjoyed an income of £ 66 a year derived from other sources than land was 30,000; in another province 20,000. The revenue and rent returns also show how small the average agricultural holding is. According to one estimate, the number of landlords whose income derived from their proprietary holdings exceeds £ 20 a year in the United Provinces is about 126,000, out of a population of 48 millions. It is evident that the curve of wealth descends very steeply, and that enormous masses of the population have little to spare for more than the necessities of life.

### Extent of Interest in Political Questions

The fraction of the people who are town-dwellers contribute only a very small proportion to the revenues of the State; but among them education has made some head-way, municipal institutions have been at work, and the presence of political leaders among the professional classes has made itself felt. This is the radius to which interest in political problems is chiefly confined. The question is often asked—what ratio of the people really ask for greater political power? It cannot be answered with any accuracy by tabulating the circulation of newspapers, the number of societies, the sum total of professional men or traders, or the population of colleges. There is a core of earnest men who believe sincerely and strive for political progress; around them a ring of less educated people to whom a phrase or a sentiment appeals; and an outside fringe of those who have been described as “attracted by curiosity to this new thing or who find diversion in attacking a big and very solemn Government as urchins might take a perilous joy in casting toy darts at an elephant.” On the other hand is an enormous country population, for the most part poor, ignorant, non-politically minded and unused to any system of elections,—immersed indeed in the struggle for existence. The rural classes have the greatest stake in the country, because they contribute most to its revenues; but they are poorly equipped for politics and do not at present wish to take part in them. Among them are a few great landlords and a larger number of yeoman farmers. They are not ill-fitted to play

a part in affairs but with few exceptions they have not yet done so. But what is perhaps more important to appreciate than the mere content of political life in India is its rate of growth. No one who has observed Indian life during even the past five years can doubt that the growth is rapid and is real. It is beginning to affect the large landholders : here and there are signs of its beginning to affect even the villages. But recent events and above all the war have given it a new earnestness and a more practical character. Men are coming to realise more clearly that India's political future is not to be won merely by fine phrases : and that it depends on the capacity of her people themselves to face difficulties and to dispose of them. Hence comes the demand for compulsory education, for industries, for tariffs, for social reform, for social, public and even military service. For a long time many Indian leaders were content to criticise ; they have now begun to construct ; and because construction is a matter in which the Government can so greatly help or hinder they are more than ever anxious to take a share in the Government itself.

### Political Capacity of the Rural Population

The potential capacity for politics of the rural population, of whom the peasant proprietor and the tenant are typical, is discussed in the following extract from an official report :—

"Our rule gave them security from the violence of robbers and the exactions of landlords, regulated the amounts of revenue or rent that they had to pay, and assured to both proprietor and cultivator—in the latter case by the device of the occupancy right—a safe title in their lands. The change was so great that they sank into a condition of lethargic content ; even yet they have barely realized that Government has any other gifts to offer ; as for the idea of self-government, it is simply a planet that has not yet risen above their horizon.

"But there are signs of awakening. They have already learnt an important lesson—that it is legitimate to bring their troubles to the notice of Government and that a good government will listen to them with sympathy. They are often contemptuously branded as the 'voiceless millions of India' ; but the charge is untrue. They do not ask much or often, but that is because they want so little. Nevertheless, if they are aggrieved, they do not hesitate to say so. They may not be vocal, but they are certainly not voiceless."

"Hitherto, they have regarded the official as their representative in the councils of Government ; and now we have to tear up that faith by the roots, to teach them that in future they must bring their troubles to the notice of an elected representative—further, that they have the power to compel his attention. We have to bring about the most radical revolution in the people's traditional ideas of the relation between ruler and ruled, and it will be a difficult and even dangerous business, for it is neither safe nor easy to meddle with traditional ideas in India. Unless the political changes now in contemplation are accompanied by an educational campaign directed to awaking in all classes alike, but especially in this particular class, a sense of citizenship, disaster will certainly result."

### Interests of the Ryots

It is just because the Indian ryot is inarticulate and has not been directly represented in our deliberations that we feel bound to emphasise the great claim he has upon our consideration. The figure of the individual cultivator does not often catch the eye of the Governments in Simla and Whitehall. It is chiefly in the mass that they deal with him, as a consumer of salt or of piece-goods, or unhappily too often as the victim of scarcity or disease. But the district officers and his lieutenants know well the difficulties that beset him and his very human needs: and in the local revenue offices these make up nine-tenths of the public business done. What matters most of all to the ryot are his relations with his landlord: but his fortunes are by no means to be disposed of by considering them solely from the stand-point of "agrarian legislation." Much of the activity of Government comes home to him eventually; and whatever helps him in his difficulties adds enormously to the happiness of the country as a whole. It is not merely a matter of securing him in possession of his plot of land, of assessing his dues equitably and collecting them with discrimination, of advancing him money in bad days and waiting till he is in a position to repay it. A simple, cheap and certain system of law is one of his greatest needs. He greatly requires to be protected against the intricacies of courts and the subtleties of law and enabled to defeat the advantage enjoyed by long-pursed opponents. The working of all the great Procedure Codes, the law of usury, of legislation, of limitation of contract, the Court-fees Act, the Stamp Act, is felt in the remotest village in the land. The ryot and hundreds of thousands of his kind may be lifted from penury to comfort by a canal project costing millions of pounds. One of his constant needs is protection against the exaction of petty official oppressors. Improvements in seed or stock, manures, ploughs, wells; the building of a new road or a new railway: facilities for grazing his cattle or getting wood for his implements; the protection of his crop from wild animals, his cattle from disease and his brass vessels from burglars; co-operative banks to lend him money and co-operative societies to develop his market; the provision of schools and dispensaries within reasonable distance—these are the things that make all the difference to his life. They have all been dispensed for him by an official Government in the past; and we must always bear in mind that he will not find it easy to learn to arrange them for himself in future. He has sat on caste *panchayats*; he has signed joint petitions to official authority. But he has never exercised a vote on public questions. His mind has been made up for him by his landlord or banker or his priest or his relatives or the nearest official. These facts make it an imperative duty to assist and to protect him while he is learning to shoulder political responsibilities.

### The Politically Minded class

In estimating the politically-minded portion of the people of India we should not go either to census reports on the one hand, or to political literature on the other. It is one of the most difficult portions of our task to see them in their right relation to the rest of the country. Our obligations to them are plain for they are intellectually our children. They have imbibed

ideas which we ourselves have set before them and we ought to reckon it to their credit. The present intellectual and moral stir in India is no reproach but rather a tribute to our work. The *Raj* would have been a mechanical and iron thing if the spirit of India had not responded to it. We must remember, too, that the educated Indian has come to the front by hard work; he has seized the education which we offered him because he first saw its advantages; and it is he who has advocated and worked for political progress. All this stands to his credit. For thirty years he has developed in his Congress and latterly in the Muslim League, free popular convocations which express his ideals. We owe him sympathy because he has conceived and pursued the idea of managing his own affairs, an aim which no Englishman can fail to respect. He has made a skilful, and on the whole a moderate, use of the opportunities which we have given him in the legislative councils of influencing Government and affecting the course of public business, and of recent years he has by speeches and in the press done much to spread the idea of a united and self-respecting India among thousands who had no such conception in their minds. Helped by the inability of the other classes in India to play a prominent part he has assumed the place of leader; but his authority is by no means universally acknowledged and may in an emergency prove weak.

### **Their Relations to the Masses.**

The prospects of advance very greatly depend upon how far the educated Indian is in sympathy with and capable of fairly representing the illiterate masses. The old assumption that the interests of the ryot must be confided to official hands is strenuously denied by modern educated Indians. They claim that the European official must by his lack of instruction and comparative lack of skill in tongues be gravely handicapped in interpreting the thoughts and desires of an Asiatic people. On the other hand it is argued that in the limited spread of education, the endurance of caste exclusiveness and of usages sanctioned by caste, and in the records of some local bodies and councils, may be found reasons which suggested that the politically minded classes stand somewhat apart from and in advance of the ordinary life of the country. Nor would it be surprising if this were the case. Our educational policy in the past aimed at satisfying the few, who sought after English education, without sufficient thought of the consequences which might ensue from not taking care to extend instruction to the many. We have in fact created a limited *intelligentsia*, who desire advance; and we cannot stay their progress entirely until education has been extended to the masses. It has been made a reproach to the educated classes that they have followed too exclusively after one or two pursuits, the law, journalism or school teaching; and that these are all callings which make men inclined to overrate the importance of words and phrases. But even if there is substance in the count, we must take note also how far the past policy of Government is responsible. We have not succeeded in making education practical. It is only now, when the war has revealed the importance of industry, that we have deliberately set about encouraging Indians to undertake the creation of wealth by industrial enterprise, and have thereby offered the educated classes any tangible inducement to overcome there

traditional inclination to look down on practical form of energy. We must admit that the educated Indian is a creation peculiarly of our own; and if we take the credit that is due to us for his strong points we must admit a similar liability for his weak ones. Let us note also in justice to him that the progressive Indian appears to realise the narrow basis of his position and is beginning to broaden it. In municipal and university work he has taken a useful and creditable share. We find him organising effort not for political ends alone, but for various forms of public and social service. He has come forward and done valuable work in relieving famine and distress by floods, in keeping order at fairs, in helping pilgrims, and in promoting co-operative credit. Although his ventures in the fields of commerce have not been always fortunate, he is beginning to turn his attention more to the improvement of agriculture and industry. Above all he is active in promoting education and sanitation; and every increase in the number of educated people adds to his influence and authority.

### Divisions of Indian Society.

Now let us turn to the other main feature of Indian society—its division by races, creeds and castes. Thirty years ago Lord Dufferin drew the following picture of India:—

“This population is composed of a large number of distinct nationalities, professing various religions, practising diverse rites, speaking different languages, while many of them are still further separated from one another by discordant prejudices, by conflicting source of usages, and even antagonistic material interests. But perhaps the most patent characteristic of our Indian cosmos is its division into two mighty political communities as distant from each other as the poles as under in their religious faith, their historical antecedents, their social organization, and their natural aptitudes; on the one hand the Hindus numbering 190 millions, with their polytheistic beliefs, their temples adorned with images and idols, their veneration for the sacred cow, their elaborate caste distinctions, and their habits of submission to successive conquerors—on the other hand, the Mahomedans, a nation of 50 millions, with their monotheism, their iconoclastic fanaticism, their animal sacrifices, their social equality, and their remembrance of the days when, enthroned at Delhi, they reigned supreme from the Himalayas to Cape Comorin. To these must be added a host of minor nationalities—most of them numbering millions—almost as widely differentiated from one another by ethnological or political distinctions as are the Hindus from the Mahomedans, such as the Sikhs with their warlike habits and traditions and their enthusiastic religious beliefs—the Rohillas, the Pathans, the Assamese—the Baluchees, and other wild and martial tribes on our frontiers—the hillmen dwelling in the folds of the Himalayas—our subjects in Burma, Mongol in race and Buddhist in religion—the Khonds, Mhairs, and Bheels and other non-Aryan peoples in the centre and south of India—and the enterprising Parsees, with their rapidly developing manufactures and commercial interests. Again, amongst these numerous communities may be found at one and the same moment all the various stages of civilization through which mankind has passed from the pre-historic ages to the present day. At one end of the scale we have the naked savage



hill man, with his stone weapons, his head-hunting, his polyandrous habits, and his childish superstitions; and at the other, the Europeanized native gentleman, with his English costume, his advanced democratic ideas, his Western philosophy, and his literary culture; while between the two lie layer upon layer, or in close juxtaposition, wandering communities with their flocks of goats and moving tents; collections of undisciplined warriors, with their blood feuds, their clan organization, and loose tribal government; feudal chiefs and barons with their retainers, their seignorial jurisdiction, and their mediæval notions; and modernized country gentlemen and enterprising merchants, and manufacturers, with their well managed estates and prosperous enterprises."

The colours of the picture have since toned down. The generation that has passed since Lord Dufferin wrote has witnessed great growth. Schools have more than doubled; higher education has increased threefold; printing presses and newspapers have multiplied; and the production of books in English has increased by 200 per cent. The spread of western education has brought India more into touch with the outside world, and tended constantly though slowly to break down the barriers of social and religious customs. The sense of unity is growing and has been quickened by the war. As the Public Services Commission saw, not merely is there greater communion of thought among educated Indians themselves but also closer communion of thought between educated India and England. At the same time they go on to say—

"Even amongst the educated, the conflicting traditions of Hindus and Muhammadans are still constantly reflected in their respective attitudes towards social and political questions of the first order, whilst, in addition to this main line of religious cleavage, there are other important communities such as Sikhs, Parsis, Buddhists (chiefly in Burma) and Indian Christians, who are all more or less widely separated from the bulk of the population, either Hindu or Muhammadan. Nor does religion constitute the only line of cleavage. Geographical and climatic as well as social conditions have also helped to preserve down to our own times differences originally imported into India by successive waves of conquest and migration. Of all these considerations, it would be unwise not to take cognisance. But it would be equally unwise to ignore that growing body of western educated opinion, which is gradually creating a new atmosphere all over India. Even those who most strongly deprecate some of its manifestations realise that it has contributed largely to the great social and religious movements, which are aiming at giving a new direction to old beliefs and at harmonising ancient doctrines with the teachings of science. It is reflected in that new sense of unity which is displacing the idea of ordained separation hitherto prevalent in Indian society."

Thus from a bird's eye view India is still a country "marching in uneven stages through all the centuries from the fifth to the twentieth." There are tracts where it would be fantasy to dream of representative institutions. There are everywhere people so ignorant and so depressed as necessarily to lie outside the limits of any franchises which can at the outset be framed. Even within the limits to which the new constitution can be applied there are

differences of conditions of which account must be taken in applying it. And running through the whole body politic is a series of divisions of sect and race which, as the Public Services Commission saw, still affect the minds of educated Indians.

Imperfect as it is, this sketch may serve to bring out the chief elements of the Indian part of the complex and heterogeneous total known as British India. We refer to the other components later on. Why have we tried to describe the complexities of the task before us and in particular why have we laid stress upon the existence of silent depths through which the cry of the press and the platform never rings? In the first place of course we wish to insist on the importance of these factors in considering the time necessary for the complete attainment of responsible Government in a country where in spite of rapid processes of growth so great a majority of the people do not ask for it, and are not yet fitted for it. But our chief purpose is more important than this. We desire to test the wisdom of the announcement of August 20. If we have conceded all that can fairly be said as to the difficulties of the task before us, then the policy which has been laid down can be judged in the light of all the facts.

### **The Justification of an Advance**

We believe that the announcement of August 20 was right and wise; and that the policy which it embodies is the only possible policy for India. We have seen it estimated that the number of people who really ask for free institutions does not exceed five per cent. of the population. It is in any case a small proportion; but to the particular numeral we attach no importance whatever. We are not setting about to stir 95 per cent. of the people out of their peaceful conservatism and setting their feet upon a new and difficult path merely at the bidding of the other five per cent.; nor would that be our reason, whether the articulate minority were 20 per cent. or one-half per cent. of the whole. Our reason is the faith that is in us. We have shown how step by step British policy in India has been steadily directed to a point at which the question of a self-governing India was bound to arise; how impulses, at first faint, have been encouraged by education and opportunity; how the growth quickened nine years ago, and was immeasurably accelerated by the war. We measure it not by the crowds at political meetings or the multiplication of newspapers; but by the infallible signs that indicate the growth of character. We believe profoundly that the time has now come when the sheltered existence which we have given India cannot be prolonged without damage to her national life; that we have a richer gift for her people than any that we have yet bestowed on them; that nationhood within the Empire represents something better than anything India has hitherto attained; that the placid, pathetic contentment of the masses is not the soil on which such Indian nationhood will grow, and that in deliberately disturbing it, we are working for her highest good.

If then our faith is right what are the conditions of success? Obviously there is much to change. The habits of generations have to be softened if not overcome; we have to call forth capacity and self-reliance in the place of helplessness: nationhood in place of caste or communal feeling. But we

have great influences working with us in the spirit of liberty that is stirring in Asia as in the rest of the world, and the intense desire of educated Indians to prove that their long period of tutelage may be ended and that they may take their place in the forefront of the world as a self-governing part of the Empire. The task is a great and worthy one, but it calls for some effort and self-sacrifice from every element in the community.

### Political Education of the Ryot

Let us begin with the ryot, because his is the most difficult case. When local bodies are developed some of his class will have a vote on local questions. He will thus begin to discover that if there is no school near his village or no road to take him to market, the right way to procure these benefits is, not as heretofore by asking the Collector for them, but by voting for the local board member who is most likely to get them for him. The process will be an up-hill one; it will take time; and very probably advance can only come through previous failure. The rural voter will perhaps find himself cajoled or bought or coerced into voting in a way that does himself no good. But eventually it will dawn upon him, as it has done upon the agricultural classes elsewhere, that because he has a vote he has the means of protecting himself and that if those who claim to represent him neglect his interests he can discard them. As his political education proceeds, he will come to apply the lesson learned in local affairs to the affairs of Government also. It will occur to him eventually that if landlords or oppressive and usurers grasping and subordinate officials corrupt he has at his command a better weapon than the *lathi* or the hatchet with which to redress his wrongs. He will gradually learn that though the Government is far off he can take a remote part in determining its action, and he will find that because the infinitesimal power which he wields is in the aggregate effective the Government becomes more sensitively alive and responsive to his needs. But his rate of progress will always depend upon the measure of assistance which he receives; and we look to both officials and candidates to feel a responsibility for helping him. Finally he will come to realise that if he is to deal effectively with the more clever and better educated men who represent him in the councils, he must acquire learning: and education, which he rejected so long as it merely seemed to him to clash with his material interests by depriving him of his children's labour and then unfitting them to follow the plough after him, will acquire in his eyes a new attractiveness when it presents itself to him as a factor in the process of getting better tenure or easier advances for himself. The present times are favourable to growth. The minds of India's peasant soldiery who have returned from abroad will never again work quite in the old way and they will relate their experiences to many who stayed at home. But we feel no doubt that in learning to rise to his new responsibilities the Indian peasant voter will need all the help that other people, officials and non-officials alike, can give him.

### Obligations of the Landed Aristocracy

The natural and acknowledged leaders in country areas are the landed aristocracy. They generally represent ancient and well-born families, and

their estates are often the result of conquest or grants from some mediæval monarch. By position, influence and education, they are fitted to take a leading part in public affairs. Some of them are beginning to do so; and our aim must be to call many more of them out into the political lists. They are conservative like the ryot, but like him they also will learn the need to move with changing times. They also, when they perceive that the protection of interests which are dear to them depends upon doing so, will find out how to organize, and to argue and to make speeches. It will be no very easy task for them. They stand upon a conception of social order which is not easily reconcilable with the hustings and the ballot box. But undoubtedly they are called to take their place in the new regime, and to recognise that political life need not impair their dignity and self-respect. Like the representatives of their class in other countries they must learn to fulfil the responsibilities of their position in a new way. After all they start with considerable advantages inasmuch as they have command both of means and position. We must give them a special measure of representation, if they need it, at the outset; but it may be that their political education like the ryot's will come mainly by pressure of events.

For the smaller landed gentry the task will, we hope, be easier. Their estates have often a more utilitarian origin: they are descended from the officials of old time Governments, from farmers revenue, from younger sons, dependents, or captains who received grants of land for maintenance or good service. They are less influential but often not less educated than their former overlords, and being unhampered with the traditions of nobility they will be less averse to playing their part in public affairs. Indeed they figure already upon local and district boards; and there is hope that they will furnish a useful and independant contingent to the legislative bodies of the future. No men are better qualified to advise with understanding and great natural shrewdness on the great mass of rural questions which will come before the provincial legislatures.

### **Duty of the Educated classes towards the Ryot**

To the educated classes we would address a similar appeal. If they resent the suggestion that has been made that they have hitherto safe-guarded their own position and shown insufficient interest in the peasant and labouring population, now is the opportunity for them to acquit themselves of such an imputation and to come forward as leaders of the people as a whole. Hope for the future lies along the lines which the great leaders of Indian opinion have already eloquently pointed out and which, as we have said, some advanced Indians are beginning to pursue. As Mr. Gokhale said:

“There is work enough for the most enthusiastic lover of his country. On every side whichever way we turn only one sight meets the eye; that of work to be done; and only one cry is heard, that there are but few faithful workers. The elevation of the depressed classes who have to be brought up to the level of the rest of our people, universal elementary education, co-operation, improvement of the economic condition of the peasantry, higher education of women, spread of industrial and technical education, and building up the industrial strength, promotion of closer relation between the

different communities—these are some of the tasks which lie in front of us and each of them needs a whole army of devoted missionaries.”

It is indeed plain that there is an immense work of education to be done throughout the countryside. Everything that tends to waken the Indian royt's intelligence, that helps him to be an independent, self-determining man; everything that breaks down the barriers between communities, and makes men regard each other as neighbours and not as the wearers of some caste or creed insignia hastens on the day when self-government within the Empire will be attained. All this is work that the educated Indian can and ought to undertake. The work is more than arduous. It demands men who are really thinking of their country, who really have the interests of the masses at heart—men of courage and fixity of purpose, who do not fear responsibility and are capable of leadership.

### And towards Agitation

Together with this there is a very real responsibility of the utmost importance. There exists a small revolutionary party deluded by hatred of British rule and desire for the elimination of the Englishman into the belief that the path to independence or constitutional liberty lies through anarchical crime. Now it may be that such persons will see for themselves the wisdom of abandoning methods which are as futile as criminal; though if they do not the powers of the law are or can be made sufficient for the maintenance of order. But the existence of such people is a warning against the possible consequences of unrestrained agitation in India. We are justified in calling on the political leaders, in the work of education that they will undertake, to bear carefully in mind the political inexperience of their hearers; and to look for further progress not to fiery agitation, which may have consequences quite beyond their grasp, but to the machinery which we devise for the purpose. In every country there will be persons who love agitation for agitation's sake or to whom it appeals like an intoxicant. It is the duty of the leaders of Indian opinion to remember the effect on people not accustomed to weighing words of fiery and heated speeches. Where ignorance is widespread and passions are too easily aroused, nothing is easier than for political leaders to excite a storm; nothing harder for them than to allay it. Breaches of the peace or crimes of violence only put back the political clock. Above all things, when the future of India depends upon co-operation among all races, attacks upon one race or religion or upon another jeopardise the whole experiment. Nor can the condemnation of extremist and revolutionary action be left only to the official classes. We call upon all those who claim to be leaders to condemn with us and to support us in dealing with methods of agitation which drive school boys to crime and lead to religious and agrarian disturbance. Now that His Majesty's Government have declared their policy, reasonable men have something which they can oppose successfully to the excitement created by attacks on Government and by abuse of Englishmen, coupled with glowing and inaccurate accounts of India's golden past and appeals to race hatred in the name of religion. Many prominent Indians dislike and fear such methods. A new opportunity is now being offered to combat them; and we expect them to take it. Disorder must be prejudicial

to the cause of progress and especially disorder as a political weapon. But we have no hesitation in recommending that the Government must maintain power to prevent the disastrous consequences if in any case law and order are jeopardised. Outbreaks of anarchy cannot be tolerated.

### **Duty of discouraging Religious Animosities.**

Finally, what of the differences between races and creeds? We do not propose to review the evidence placed before us showing the extent to which they still endure. But we must take them into account as presenting a feature of Indian society which is out of harmony with the ideas on which elsewhere in the world representative institutions rest. We have of course no intention of interfering with questions of a religious nature or bound up with religious beliefs, which it is the duty of Government so far as possible to respect and to leave alone. But we can at least appeal to Hindu and Muslim, Brahman and non-Brahman to cultivate a community of interests in the greater welfare of the whole. On them all rests a great responsibility for the development of their common country, and their realization of this truth will be the surest way, perhaps the only way, of ending disunion. Self-Government for India within the Empire is the highest aim which her people can set before themselves or, which we as trustees for her, can help her to attain. Without it there can be no fullness of civic life, no satisfaction of the natural aspirations which fill the soul of every self-respecting man. The vision is one that may well lift men up to resolve on things that seemed impossible before. Is it too much to hope that the desire of the people of India so to govern themselves and the conviction that they can never do so otherwise in any real sense, may prove eventually to be the solvent of these difficulties of race and creed? The first duty of the leaders of every party in the state is to unteach partisanship. If the Hindu or the Muslim displays intolerance of the other's religious practices, if the higher castes refuse to admit the children of low castes to schools which their own sons attend, or if caste exclusiveness takes even harsher shape towards the out-castes, it is the business of the enlightened leaders of the community to explain to them that they are only retarding a cause that ought to be dearer to them than their own sectional interests. So long as the latter are paramount any form of self-government to which India can attain must be limited and unreal at best. But our aim is that it should be complete and real and to this end as we have stated it our reforms are designed.

### **Possible effect of the Reforms**

Nor are we without hope that the reforms will themselves help to provide the remedy. We would not be misunderstood. Representative institutions in the west, where all are equal at the ballot box, have checked but not abolished social exclusiveness. We do not make a higher claim for similar institutions in India than that they will help to soften the rigidity of the caste-system. But we hope that those incidents of it which lead to the permanent degradation and ostracism of the lowest castes will tend to disappear in proportion to the acceptance of the ideas on which the new constitution rests. There is a further point. An autocratic administration, which does not share the religious ideas of the people, obviously finds its sole safe

ground in leaving the whole department of traditional social usage severely alone. In such matters as child-marriage, it is possible that through excess of caution proper to the regime under which it works, it may be actually perpetuating and stereotyping customs which the better mind of India might be brought, after the necessary period of struggle, to modify. A Government, in which Indians themselves participate, invigorated by a closer touch with a more enlightened popular opinion, may be able with all due caution to effect with the free assent or acquiescence of the Indians themselves, what under the present system has to be rigorously set aside.

So far we have tried, without under-estimate or reserve, to set out the difficulties that undoubtedly attend the introduction of responsible institutions into India. They have to be taken into account, and they must lead us to adjust the forms of popular Government familiar elsewhere to the special conditions of Indian life. But we have also seen that there is good reason for hope. Free institutions have, as we have said, the faculty of reacting on the adverse conditions in which the start has to be made. The backwardness of education may embarrass the experiment at the outset; but it certainly ought not to stop it, because popular government in India as elsewhere is sure to promote the progressive spread of education and so a widening circle of improvement will be set up. While, however, we do not doubt the eventual capacity of Indians for self-government, we find it freely and widely admitted that they are not at present ready. Indeed the facts that we have endeavoured to bring out make this obvious. The successful working of popular government rests not so much on statutes and written constitutions as on the gradual building up of conventions, customs and traditions. These are based on the experience and political thought of the people, but are understood and appreciated by both the governed and the Government. Nothing but time can adequately strengthen them to support the strains to which they are exposed. There are examples ancient and contemporary alike to point the moral of the disasters which during a period of transition from official to popular rule may follow from ignoring this fundamental truth.

### **Provision against Religious Dissension**

While therefore we believe that the policy is right and we believe that it will succeed by enlisting on its side the best efforts and the highest thoughts of India, we recognise also that there are precautions to be taken. The difficulty that outweighs all others is the existence of religious differences. We may to the political union-achieved in December 1916 between Muslims and Hindus, was an impressive demonstration of willingness to sink acute differences for a common end. We entirely agree that it is worthy of praise as testimony to the growing force of national feeling. The last thing that we desire is to see it broken. But we are bound to ask ourselves what sure guarantee it affords that religious dissensions between the great communities are over. The compact by which the Muslims were to get a certain proportion of seats in the councils in some case in excess of those to which their numbers entitled them, and by which also the discussion of measures affecting either community could only proceed by leave of its representatives in

council shows under what pressure agreement was reached. We shall discuss these provisions in our next chapter. Here we need only say that we cannot regard the *concordat* as conclusive. To our minds so long as the two communities entertain anything like their present views as to the separateness of their interests, we are bound to regard religious hostilities as still a very serious possibility. The Hindus and Muhammandans of India have certainly not yet achieved unity of purpose or community of interest. They have yet a long road to pursue before that end is reached. How quickly and violently the ignorant portion, which is also far the largest portion of either great community, responds to the cry of "religion in danger" has been proved again and again in India's history. The record of last year bears recent witness to it. We should not discharge properly our responsibility for the well-being of the Indian people if we did not take account of the danger that such calamities may hapen again; and did not reserve to the Government effective power to deal with them impartially, as it alone can.

To the other difficulties which we have mentioned we propose to apply the same treatment, and while we do everything that we can to encourage Indians to settle their own problems for themselves we must retain power to restrain them from seeking to do so in a way that would threaten the stability of the country. We have shown that the political education of the ryot cannot be a very rapid and may be a very difficult process. Till it is complete he must be exposed to the risk of oppression by people who are stronger and cleverer than he is; and until it is clear that his interests can safely be left in his own hands or that the legislative councils represent and consider his interests we must retain power to protect him. So with the depressed classes. We intend to make the best arrangements that we can for their representation, in order that they too may ultimately learn the lesson of self-protection. But if it is found that their interests suffer and that they do not share in the general progress, we must retain the means in our own hands of helping them. So again with other interests which are less completely identified with the common life of India, like those of the British commercial and the Anglo-Indian communities. We offer them representation and we expect them to make good use of it; to learn to play their part in the political life in the country; and to rely not on artificial protection but on their capacity to demonstrate to intelligent Indian opinion their real value in the economy of India. But during the period of transition, when political experience is young and impulse rather than judgment may characterise leadership, we must maintain the power to defend interests for which past history has made us responsible.

We shall discuss the case of the public services in a later chapter. But we have definitely to secure their essential interests because we believe that they are indispensable to the future of India, and also because, as has always been recognised at similar periods of transition, His Majesty's services have the strongest possible right to be secured by His Majesty's Government. At a time when great changes are coming in India, the possible consequences and reactions of which no one can foresee, the element of experience and continuity which the services supply will be of such value that in the interests



of India herself they must be secured. Moreover in the educative work of the immediate future they have an important part to play. Not only will they provide the executive machinery of Government; it will be their part to assist as only they can do in the training of the rural classes for self-government; their help will be greatly needed to explain the new principles of Government to many who will find them strange. They will be prepared, we have not the slightest doubt, to face some temporary sacrifice of efficiency, recognising that efficiency may be too dearly bought at the price of moral inanition. We are confident that the services, always conspicuously loyal in the carrying out of any new policy, will respond to this call. We are hopeful that the British element will so enter on a new career, and gain a new security in the progressive development of India. Meanwhile we repeat that the Government must recognise its responsibilities to those whom it has recruited, and must retain the power to protect and support them in the discharge of the duties imposed upon them.

### Position of the Native States

We shall examine separately the series of questions presented by the Native States; but this general survey of the problems before us would not be complete without brief reference to them. The map of India, says Sir Bampfylde Fuller, "may be likened to an ancient tessellated pavement, the greater part of which has been replaced by slabs of uncoloured stone work. The *tesserae* represent the Native States." They extend over one-third of the country, but being generally less fertile than British India sustain not much more than one-fifth of the total population. We need not now pause to describe the way in which our relations with the Ruling Princes and Chiefs have developed, the limitations on their sovereignty; and on the other hand the limitations which the Government of India observes upon its interference in their domestic concerns. These matters are regulated by agreements with the States which must be fulfilled whatever changes may occur in British India itself. Our immediate purpose is to point out how changes in British India may react upon the States. As we shall see, the volume of business which is of common concern to the States and to British India is steadily growing in importance. So long as such matters remain ultimately in the hands of the Governor General in Council the Princes may perhaps rest content with the means which they have at present of securing the due consideration of their views. But if the control of matters common to India as a whole is shared with some popular element in the Government, it must be anticipated that these Rulers may wish to take a share in such control also. There is a stronger reason why the present stir in British India cannot be a matter of indifference to the Princes. Hopes and aspirations may overleap frontier lines like sparks across a street. There are in the Native States men of like minds to those who have been active in spreading new ideas in India. It is not our task to prophesy: but no one would be surprised if constitutional changes in British India quickened the pace in the Native States as well; if the advanced Princes who have already set up the rudiments of representative institutions were impelled to develop them and if even the most patriarchal Rulers thought it time to clothe their authority in more modern garments. Our business,

however, is to observe our treaty obligations and to refrain from interference and to protect the States from it. We must leave the natural forces at work to provide the solution in due course. If change comes in the Native States it can only be by the permeation of ideas and not as a direct result of constitutional changes in British India.

### Responsibility for Foreign Relations

Finally we come to our supreme responsibility for India's relations with her great Asiatic neighbours, and for the security of six thousand miles of land frontiers and nine thousand miles of seaboard. This line was violated when the *Emden* fired on Madras; and thereby made the realities of war unpleasantly apparent to some hundreds of thousands of Indians. But the military danger that centuries of painful experience have impressed so deeply on the imagination of India that it lingers in the thoughts of her people to the present day is that of invasion from the North-West. This responsibility for India's defence is the ultimate burden which rests on the Government of India; and it is the last duty of all which can be committed to inexperienced or unskilful hands. So long as India depends for her internal and external security upon the army and navy of the United Kingdom, the measure of self-determination which she enjoys must be inevitably limited. We cannot think that Parliament would consent to the employment of British arms in support of a policy over which it had no control and of which it might disapprove. The defence of India is an Imperial question; and for this reason the Government of India must retain both the power and the means of discharging its responsibilities for the defence of the country and to the Empire as a whole.

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# The Congress-League Scheme

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The first part of the report concludes with a discussion of the Congress-League Scheme and we reproduce the chapter in full :—

In tracing the course of recent events in India in Chapter I, we should how various influences combined to produce the reform scheme put forward jointly by the Indian National Congress and the All-Indian Muslim League. This was the latest, most complete, and most authoritative presentation of the claims of the leading Indian political organisations; and as such it was the first to require attention in the course of our enquiry. We found that it commanded so large a measure of support that we were entitled to regard it as disposing of earlier constitutional essays on some what similar lines. We have examined it with every desire to bring it into relation with the announcement of August 20; and we will now explain the objections which we feel to some of its features, and why, though we make suggestions similar to other features of it, the principles on which its main proposals are based seem to us essentially unsound.

The scheme assumes, as its basis, a condition of provincial autonomy, entailing the relaxation of control by the Government of India and the Secretary of State over provincial governments, in favour of control by popularly elected legislative councils. We entirely agree that this must be the first aim; and as will be seen later, we have ourselves striven to attain it as far as possible. We need not here pause to explain the limitations which seem to us necessary for the time being in the application of this principle. Our reasons will be clear when we set forth our own proposals for changes in the provincial governments and their relations with the Indian Government. On this foundation the authors of the scheme have erected a form of Government by which the people, through their representatives in the legislative councils, would be enabled to control the actions of the nominated and irremovable executive.

## Composition of Provincial Executives

First let us see how it is intended that the provincial executives should be composed. It is proposed that provincial governments should consist of a Governor, who should not ordinarily be a member of the Indian Civil Service or any permanent service, together with a council, of which half shall consist of Indian gentlemen elected by the provincial legislative council, and the other half shall not ordinarily include members of the Indian Civil Service. The original scheme contained no suggestion as to the number of members of council, but this omission was made good in a memorandum presented to us by a joint deputation representing the National Congress and the Muslim League which asked that there should be six members. We recognize that educated opinion in India strongly favours council government; and we agree

that we should proceed to a general extension of the system. We agree too that a large element in the Government should be Indian, and that part of it should be non-official. But at present there exists no bar to the appointment of members of a permanent service to Governorships; and though we propose to assimilate the method of appointment of all Heads of provinces we see every disadvantage in such a bar. In practice presidency Governors have almost invariably been selected from England; but members of the services have always been eligible for these appointments, and in this respect there appears to us no good reason to make a change. The personal burden resting upon the Head of a province will be heavier in future than in the past, and it is essential that the best men from whatever source should be freely available. Nor can we agree that these councils should have six full-time members; nor that members of the Indian Civil Service should not ordinarily be appointed to the councils; nor that the Indian members should be chosen by election. We will take each point in turn. The existing provincial executive councils have only three members each, two Europeans and one Indian. There would nowhere be sufficient work for six full-time members of executive council and a Governor. When a proportion of the executive government consists of Indian gentlemen who will ordinarily have no administrative experience, it seems to us essential, especially if the Governor lacks knowledge of India, that the European members of council should be versed in Indian administration. Forthcoming changes will tax both the tact and ability of the executive councils, and during the period of gradual change to responsible government we are not prepared to deprive them of the help of official experience. The intention of the scheme is that the European seats in the executive council should be filled by the appointment of public men from England. But it would be highly inexpedient that the European colleagues of the Governor should be from the outset so largely dependent either on their secretaries or on their untrained Indian colleagues for information about Indian conditions; nor do we think that men with the high qualifications for which we ought to look, would be willing to interrupt their career in England for a membership of a provincial executive council. The office carries no pension, nor does it offer either the amenities or the pay of a seat on the Governor-General's Council. India will need in the future the finest type of public servant that she can get and more will be demanded of her European officials than in the simpler conditions of the past. We have to take into account the effect upon the services of excluding them for such positions. It would indeed be short-sighted policy to preclude ourselves from employing them in the domain where especially during the transitional period they will be of the very greatest usefulness. But the feature of the proposals regarding these councils to which we most decidedly demur is that the Indian members should be elected by the elected members of the legislative council. If the object is merely to find some means of ensuring that the Indian members of the Government enjoy the confidence of the legislative council, we are in full sympathy with it, though we think that it can be attained by other means. We are aware that in the past the nominations made to the executives have not always given satisfaction. There has been a disposition

to regard the men appointed as chosen because they are safe and not likely to give Government trouble ; and, if legislature and executive are to work smoothly together, it is, we agree, necessary to make appointments which command confidence and ensure efficiency and ability. We feel sure, however, that to choose part of the Government by election is not a good method of obtaining this result. So far as we are aware there is no precedent on which we can base ourselves in the constitution of any country of importance. Election would deprive the Governor of all discretion in making recommendations as to his colleagues ; and it would make it impossible to take steps to give all communities an opportunity of obtaining these appointments. Election is perhaps the best, though it is not the only, method of securing representation ; but when ability in administration ought generally speaking to be the test, nomination by those who are in the best position to judge must be far more satisfactory than election, success in which largely depends on other qualities. Further, the scheme involves the association of individuals in the Government, who while sharing in the same degree the same responsibilities, yet derive their authority from different sources, being responsible to the Secretary of State in the one case and the legislative council in the other ; and hence in the event of a divergence of view there is no easy way of securing the unity of action required.

### The Provincial Legislative Councils

The provincial legislative council is the key to the strong position at present occupied by the provincial executive government. The Morley-Minto reforms have shown the Indian politician that the way to the citadel lies in mastering the out-works. The Congress-League scheme proposes that these councils should be enlarged so as to consist of not less than 125 members in major provinces and from 50 to 75 in minor provinces. The present numbers vary from 52 in Bengal to 19 in Burma. It intends that four-fifths of the members should be elected and one-fifth nominated, and that the franchise be widened and made direct. Without committing ourselves to approval of the particular proportions we agree with the principle of all these proposals. There is admittedly the strongest reason for making the present councils more representative, and this we propose to effect by enlarging them and by introducing a system of direct election on as wide a franchise as is possible, having regard to the materials at hand for the creation of an electorate. But our view decidedly is that the size of the councils cannot be determined *a priori*, but must depend on an examination and measure of the electorates. We consider that the time has come to grant substantial elected majorities but the exact size of the Councils and the proportions which would suffice for the representation of the official view and for the representation of important minority interests which cannot be represented by election cannot be settled at present. These matters, as we explain in due course, need further study in detail.

### Minority Representation

Important minorities, it is proposed, should be represented by election. This appears to point to a system of reserved seats but not of special electorates, which latter are specified only for Muhammadans, who are no longer to

be allowed to vote in the general electorates as well as in their own special ones. We have elsewhere touched upon the difficulty of denying to certain other communities, such as the Sikhs in the Punjab, a concession which is granted to Muhammadans. The authors of the scheme have also agreed upon and set forth the proportions of the seats to be reserved for the special Muslim electorates in the various provinces. We are not aware on what basis, other than that of negotiation, the figures were arrived at. Separate electorates are proposed in all provinces even where Muhammadans are in a majority; and wherever they are numerically weak the proportion suggested is in excess of their numerical strength or their present representation. At the same time nearly all the Muslim associations which addressed us urged upon us that it should be still further increased. Now a privileged position of this kind is open to the objection, that if any other community hereafter makes good a claim to separate representation, it can be satisfied only by deduction from the non-Muslim seats, or else by a rateable deduction from both Muslim and non-Muslim; and Hindu and Muslim opinions are not likely to agree which process should be adopted. While, therefore, for reasons that we explain subsequently we assent to the maintenance of separate representation for Muhammadans, we are bound to reserve our approval of the particular proposals set before us until we have ascertained what the effect upon other interests will be, and have made fair provision for them. We agree with the authors of the scheme that Muhammadans should not have votes both in their own special and in the general electorates, and we welcome the Muslim League's assent to the revision in this respect of existing arrangements.

### **Further Safeguard for Muslim Interests.**

The concession of special electorates and fixed ratios of representation for the Muslims is, however, reinforced by a further safeguard of a far more dubious nature. The proposal is that "no Bill, nor any clause thereof, nor a resolution introduced by a non-official affecting one or the other community, (which question is to be determined by the members of that community in the legislative council concerned) shall be proceeded with if three-fourths of the members of that community in the particular council, Imperial or provincial, oppose the Bill or any clause thereof or the resolution." Such a provision measures the difficulty with which agreement between the communities was reached. The clause is so widely worded, and would in practice be so widely interpreted by those to whom its interpretation is specifically committed, that it would be unworkable. In a country like India it is impossible to say what proposals would not be capable of being represented as affecting communal interests; and even if such debatable measures were carried peaceably through the councils they would be still hopelessly open to persistent and probably successful attacks in the courts. Every law of general application affects Hindus and Muhammadans, and a literal interpretation of this provision would require that all Bills of a general nature should be passed by the specified majority of each community. We have no doubt, however, that what was intended was to protect the peculiar religious rights and customs of Hinduism and Islam. Even this is a far-reaching reservation, susceptible of very wide interpretation in a country like India where religion

enters deeply into the daily affairs of life; but so far as the law can afford such general protection, it has already done so in section 79 of the Government of India Act, 1915, which enacts that all laws affecting the religion or religious rites and usages of any community shall require the sanction of the Governor-General before introduction; and we much prefer to rely upon this or some similar safeguard.

### Financial Powers

These changes in the constitution of the councils which we have examined are important, but are not the vital elements in the scheme. So far as the legislatures are concerned, the really crucial proposals are those regarding the increased powers of the councils. In the sphere of finance it is proposed that provincial and Indian sources of revenue should be completely separated by abolishing the present division of certain heads of revenue and that the deficient resources of the Government of India should, in consequence, be supplemented by means of fixed contributions from the provinces. The provincial council should then have complete control over all provincial finance. All items of expenditure and all proposals concerning ways and means for the raising of revenue should be embodied in money Bills and submitted to the council for adoption. The council should also have power to raise loans and to impose and alter taxation. We have made it clear elsewhere that we consider the proposal to segregate provincial finance entirely sound. We fully accept the principle that the provinces should, in future, have wholly separate resources, and we are ourselves making certain suggestions with that end in view. The measure of the powers of borrowing and taxation that can safely be conceded to the provinces is a more difficult matter, but we believe that in both respects substantial advance upon the present system is possible. Where we next find ourselves at variance with the draughtsmen of the scheme is in their claim to control completely the provincial finances. It may be that constitutional practice elsewhere has not been fully appreciated. In England it is a well-established rule that the Government only can propose fresh expenditure: no amendment can be moved to increase a grant or to alter its destination. Initiative lies with the Government. The House makes very little use of its undoubted power to reject or reduce the amounts asked for; it supervises rather than directs finance; and the utility of the debates on the Estimates lies in securing publicity and criticism rather than in actually controlling expenditure. But we need hardly lay stress on matters of form when there is an objection of principle. Finance is the vehicle of government; and unless the executive can raise money for its needs and lay it out as it pleases it cannot continue responsible for the administration. The power to refuse a vote, or to refuse to grant the resources required for it, paralyses the Government's hands. In the hands of a legislature, which practically chooses its own executive, such power is natural and appropriate. It affords a convenient and very effective means of making the Government conform to the wishes of the assembly. Supplies are not refused unless the assembly wishes to change the executive. But so long as the executive remains nominated and irremovable, it must be in a position to secure the money necessary for its essential purposes. The

Congress-League proposal is compatible with parliamentary government, but fundamentally incompatible with an executive which retains any responsibility towards the Secretary of State and Parliament. In this respect therefore it is inconsistent with itself. We shall carefully examine later on within what limits it is possible to give the legislatures a voice in the disposal of provincial finance.

### Legislative Powers.

In the next place it is proposed that the councils with their substantial majority of elected members should have power to legislate on all provincial matters subject to the Governor's veto. The idea is that an irremovable executive should continue responsible for the Government of the country, even though it is no longer in a position to secure the legislation which it wants. In that this arrangement may at any moment deprive the Government of any power of effecting its will, it transfers the power from the Government to the elected body. The plan has attractions for many people. It is defended by those who think that legislation matters little compared with administration; or that a provincial Government will still retain great influence and be able to persuade the assembly, either by sheer reason or by means less creditable, to give it the laws which it wants; or that failing to get such laws from its assembly it will be able to get them from the Government of India; or that it can carry on without the laws it wants; and that it will be able to block objectionable legislation by using the veto. But it is also defended by those who point out that the combination of an irremovable executive and an elective assembly, alien as it is to English political ideas, is already found in successful operation elsewhere. Non-parliamentary executives flourish in the United States and Germany. But in America both the executive and legislature are ultimately responsible to the people, and in Germany the system appears to us only to be possible because military obedience rather than political instinct is the guiding principle of German political life.

### Relations between Executive and Legislature

We find then in these proposals no connecting rod between the executive and the legislative wheels of the machine which will ensure that they will work in unison. There are powerful factors working the other way in the differences of race and of political ideas. We must anticipate divergence and the only question is whether that divergence will be fatal to good government. Upon this point we defer to the experience of history and we draw from it the plain conclusion that if the Government is to be carried on legislature and executive must in essentials be in harmony. Legislation is a necessary attribute of Government because it is the means by which Government secures fresh powers when it feels the need of them for attaining its ends. But in the hands of the assembly it may become a weapon to paralyse the Government. Whenever the legislature distrusts the executive it can always restrain or control its activities by specific provisions inserted in an Act. There is no clear line between administrative and executive functions, and it would be perfectly open to an assembly which distrusted its executive practically to assume charge of the administration and as Lord



Bryce says,\* to reduce its Government to the position of a bank staff *vis a vis* the directors. That is a position into which no parliamentary government ever allows itself to be forced; and it would be an impossible position for a nominated Government in India. An executive which is independent of its legislature as the Indian executives have hitherto been, can carry on the government in virtue of authority derived from without: a party executive can govern because it interprets the will of the people as represented by the assembly; but wherever as in Canada or Malta attempts have been made to set up an irremovable executive and a popular assembly, acute conflict has ensued and has resulted in either an advance to popular government or a return to autocracy. "Parliamentary government avoids dead-locks by making the executive responsible to the legislature. Presidential government limits dead-locks, because all the organs of the State must ultimately submit to a superior tribunal, the electorate of the nation. But a legislature elected by the people, coupled with a Governor appointed by a distant power, is a contrivance for fomenting dissensions and making them perpetual." We believe that in India, where the two sides are divided by race and also by differences of standpoint, the discord would be much more serious than it has ever been in the Empire's history. We can see no prospect whatever ahead along the road which we are invited by the Congress-League to take but embittered and dangerous dead-lock; to be resolved when it arose, only by a plunge forward into parliamentary government at once, or by reversion to autocratic methods.

#### Effect of Resolutions.

The proposal that the executive Government should be bound to carry out the recommendations of legislative councils passed in the form of resolutions is another means by which Indian politicians naturally seek to direct the policy of Government, in the absence of parliamentary means of controlling it by the exercise of the right to change its personnel. This proposal is also embodied in the Congress-League scheme, together with the corollary that resolutions on all matters within the purview of the provincial Government should be allowed for discussion in accordance with rules made by the council itself. But it is easier to understand the motive than to approve the means. In the first place, the method of attempting to control the executive by direct orders on points of detail appears to us to be wrong in principle. This way of conducting the public business was no doubt well known to the legislative assemblies in the old city-states. But it is inapplicable where a country is too large for the people to come together; and it has come to be generally regarded as inapplicable also in deliberative assemblies in modern countries where the business of government has grown complicated. The reasons are apparent. A deliberative body cannot suitably deal with details, because its constitution unfits it for such work. "Individually the members may express the most involved opinions, the most complex and divergent sentiments, but when it comes to voting, the body can only vote yes or no." It has to adopt or reject whatever propositions, original or amended, are laid before it. It can only proceed by formal rules, and it cannot arrive at its decision by quick interchange

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\* The American Commonwealth Chapter XXI.

of views in conversation as a small executive body can. If proposals, once carried in the assembly, are to be effective, then their wise and accurate formulation becomes a matter of supreme importance; and no one but the authorities responsible for the administration have the knowledge to undertake this. Resolutions by the assembly should therefore be concerned with questions of policy or principle and not with details. It is proper for instance that they should deal with the administration of the Arms Act, but not with its application to an individual; because for this latter purpose the machinery is clumsy, the knowledge is lacking, and the consumption of time and labour is disproportionate.

### **Proposals without a Precedent.**

These doubtless are the reasons why it is not in accordance with modern English constitutional practice that resolutions of the assembly, as distinct from laws, should bind the executive. It is well known how ineffective private members' motions in the House of Commons often are. "There is nothing to prevent the House of Commons from adopting an address or resolution calling upon the Government for specific administrative action; and it has been occasionally, though not often, done." In theory such a resolution is an authoritative indication of the assembly's views to which the Government is bound to pay due heed; but for its enforcement there is no sanction other than the general powers of control enjoyed by the House; and in practice the Government decides whether the House intends the resolution to be taken seriously and is prepared to enforce it by any of the other means open to it of making its will felt. A resolution of the House of commons of peculiar interest to India was the one approving of simultaneous examinations. It was transmitted to India as a matter still open to discussion; and when the Government was satisfied after inquiry that the resolution should not be carried out Parliament was content to acquiesce in their opinion. It needs no argument to show that in the Commons, real control of the Government is exercised in other ways,—by the debate on the address; by questions; by motions to adjourn; by the budget debates; and by motions of no confidence. Sheer press of business, if no other reason, would forbid constant attempts to direct the administration in close detail. At the same time there is another, much stronger reason against any such attempt, in the settled feeling that those who know should be left to initiate, to frame their policy, to submit that policy to searching criticism and to adopt such suggestions as they deem best; and that the House when all is said and done must either accept the Government's acts, or must change the Government. When the House of Commons chooses to make its resolutions effective it can always do so by withdrawing its confidence from the Government. With an irremovable executive there is no such sanction possible. Sanction would have to be provided in a court of law, which would in effect give a resolution the same value as a Statute. We should in any case therefore hesitate to approve a proposal which has not to our knowledge been applied elsewhere, which it is difficult to find a method of enforcing, and which involves abrupt interference with the details of administration by a body that acts without due knowledge, is not charged with the duty of carrying out what it dictates, and cannot be held responsible for a wrong decision.

But there is a stronger objection still. If we compel the executive to carry out instructions from the legislature we bring the Government to an end by destroying its right of action. No Government can consent to remain in office and to put into effect orders of which it disapproves. It could not do so wholeheartedly, and it could not accept responsibility to the public for actions forced upon it. If it is to be held responsible for government, it must govern: and if it is not to govern it must give way to those who can. We have said that the whole history of constitutional development points to the need for harmony between the Government and the assembly. That remark had reference to the milder proposal, to give legislative control to the assembly while leaving the executive irremovable. But all that can be urged against creating a deadlock over legislation (which after all is only an intermittent function of government) applies with twofold force to the suggestion that the assembly should have power to take any detail of the administration at any moment out of the hands of those who are yet required to carry on the government.

### **The Veto an Illusory Safeguard**

But we shall be told that the veto will save the situation; and we must examine this suggestion. The veto is not an instrument of government, and is tolerable only when it is rarely used and does not become obtrusive. But the suggestion before us is that the veto should be limited in effect to one year. We find it difficult to believe that a legislative body, having passed a resolution one year to which it attached importance, is likely to refuse to pass it again in the next year; and therefore those who invite us to make normal use of an instrument that is intended to be exceptional, suggest at the same time limitations which will destroy its efficacy. But, to waive the question of limitations, it seems to us that while the veto of the Governor is appropriate in the case of legislation, to which, according to constitutional theory, the Crown is a party, it is quite out of place in respect of resolutions. To apply it to them is to treat recommendations as something more than recommendations; to lay down the anomalous proposition that a body which is normally bound by the wishes of another body should yet have the right to reject them. We fully appreciate the desire of Indian politicians that resolutions should be regarded as being an authoritative intimation of the wishes of the legislative council, and that Government should, so far as it thinks possible in the due discharge of its responsibility, give effect to them. This result can be attained by other and better means than by attempting to give legal validity to resolutions. It is really a matter of constitutional convention. The growth of such a convention has already begun; and it will be fostered by the changes which we have to propose in the composition of both executive and legislature, and by the habits of co-operation which we hope will thereby be induced:

### **Proposals affecting the Government of India**

These are the main proposals which affect the provincial Governments. The suggestions with regard to the Indian Government follow much the same lines nor need we examine them at length. As we shall show, we believe that we can advance further in the provincial sphere, but that for the present official

authority must be effectually maintained in the Government of India. For this reason, while we are prepared to grant an elected majority in the Indian Legislative Council, we consider it necessary that that concession should be accompanied by the establishment of a second chamber, which will have the effect of securing to the Government in essential matters the final power of legislation. Similarly while we cannot agree to the proposal that half the members of the Governor General's Council should be Indians, we are quite prepared to recommend that the Indian element in the present council should be enlarged. As regards the principles of election of members of the executive council, the suggested exclusion of members of any particular service by name and the relations of the Indian Legislative Council to the executive, which are the same as in the case of the provincial legislative councils, our position is that which we have explained already. Our objections to the proposals in relation to the provincial Governments apply with greater force in regard to the Government of India.

### Criticism of the Scheme as a whole

We have not touched upon details of the scheme which might be subject to adjustment if the main principles were accepted, because it is immaterial to discuss them if we cannot accept the vital features. Nor need we here deal with the proposals which concern the Secretary of State in Council or matters not directly bearing on constitutional changes. The former subject is dealt with elsewhere in our report. The latter is outside our immediate purview. We are, therefore, now in a position to sum up our views on the proposals as a whole. As we have shown the essence of the project is an executive theoretically responsible to the Secretary of State but practically divided, a legislature responsible to the electorate, and a distribution of power which enables the legislature to paralyse the executive without having power to remove it. Our first observation is that in our view such a plan postulates the existence of a competent electorate, and an assembly which will be truly representative of the people. We deal with the subject of electorates in another chapter and therefore need not stop here to examine the justification of this presupposition. We need only say that while we believe that both a sound electoral system and truly representative assemblies will be evolved in time, we cannot assent to proposals which could only be justified on the assumption that such institutions are immediately forthcoming.

Our second criticism, which is decisive with us, is that the Congress-League scheme starts with a wrong conception. It is unsound that the legislature and the executive should derive their power from, and be responsible to, different authorities. As one observer has put it—"The executive has a mandate for good Government from the Secretary of State and the British Parliament; the legislature has *ex hypothesi* a mandate from the electorate; the two mandates may not agree, and which is to yield?" There would certainly be questions on which the mandates did not agree. If the executive attempted to overcome the legislature there would be conflict and agitation: if it gave way, then it would become merely the agent of the legislature and might as well be chosen from and by the legislature at once. But for

a deadlock the Congress-League scheme provides no solution, such as there would be in England, by means of a change of Government. If responsible Government cannot be conceded at once, as indeed the scheme implies, and if some measure of responsibility is yet to be given, then means must be found of dividing the sphere of administration into two portions, and for each of these there must be a part of the executive which can in the last resort secure its way from a legislative organ which is in harmony with it: and there must also be means of securing that both halves of the machine work together.

It has been put to us that, though the system is not an ideal one, it may serve as well as any other for the transitional stage before the introduction of a complete system of responsible Government. We cannot subscribe to this view. Because the system is one of negative power without responsibility, it affords the worst possible education for responsible Government. That it would not train political leaders in the practical experience of administration is a sufficiently grave defect. But what is far more serious is that the scheme makes no provision for an even greater need, the training of the people in the exercise of electoral responsibility. So long as the council has no direct responsibility for executing the policy which it advises, the faculty of judging and choosing between different leaders cannot be called into play. The only result must be such increasing bitterness between a powerless and yet irremovable executive, and the assembly, that when the change did come—and it would come with a crash—it would be made in the most unfavourable circumstances.

### **Unworkability in Practice**

Apart from all questions of theory or historical examples, we feel persuaded that the project would soon prove unworkable in practice. It proposes to concede to the popular assembly complete power of legislation and complete control of the budget. What will follow? We may judge from the tendencies displayed by the Morely-Minto councils. This is how the prospect strikes a liberal-minded and experienced administrator, who had made it his constant aim to work in harmony with his legislative council:—

“On an issue for or against the Government there will be a solid and permanent hostile majority. Now when such an issue arises, what will be the result? Suppose the council wishes to promote technical schools, for which the executive is advised that it cannot afford a proper staff or procure a suitable equipment. The executive argues and opposes, but is overruled. It then asks for funds and suggests new taxation. The council refuses, and provides money by cutting down the police estimates. The executive again argues and opposes, pleading the deeds of law and order: and is again overruled. The police suffer accordingly, and money is spent on schools which the executive believes to be merely eye-wash. Suppose this sort of thing occurs not once, but again and again, until at last the executive is convinced that law and order has become impossible to maintain on the standard which the British Parliament would desire. It can only represent the situation to the Secretary of State and ask to be relieved of its responsibility for good government, or that the legislature be suspended or its power scurtailed. On the other hand, suppose the executive, on each such occasion when it considers the legislature

to be seriously wrong, enforces its will by the veto, or by ordinance in place of Acts, what must ensue? Clearly the legislature will find its position impossible; it will protest, cut off supplies, and finally refuse to carry on its share of the government. — In either case there is a hopeless impasse; and while it has been developing, the country has been ablaze with agitation, which will make relations more bitter and public business more difficult, when work begins again.”

### **The Negation of Responsible Government**

Such forebodings may be regarded as pessimistic. It may be said that, if only the reforms are carried out in the right spirit, they can be made to work. If the Government is sympathetic and broad-minded, if Indian leaders are sincere and public-spirited, why should the scheme break down? Now these are exactly the conditions that we postulate for our own proposals, and we entirely agree that they are essential to the success of any transitional and intermediate constitution. Let us then try to make it clear why we believe that the Congress-League scheme is bound to fail. First, as we have said, we believe that the inherent defects of the machine would make it impossible to work at all. But granted that the Government does its utmost, granted that the Indian politicians have a sincere desire to make the engine work, we still cannot see how they could do so, because success itself would be the negation of their ultimate aim, and ours, which is responsible government. They could not remain content with an alien executive, and therefore their policy naturally, and from their standpoint justifiably, must be to weaken and discredit it. There is evidence indeed that some of the advocates of the scheme are impressed by the force of these arguments, and look forward to producing a deadlock as a means of bringing the executive under the control of the legislature. We have no desire to produce deadlocks. We have no wish to advance only by first making government impossible. On the contrary, we believe that the path of progress lies in another direction. We believe in the possibility of ‘smooth and harmonious progress’ pursued in a spirit of mutual good-will and devotion to common interests. Our own proposals will show how we hope to start India on the road leading to responsible government with the prospect of winning her way to the ultimate goal, her progress hindered, it may be, at times by hills and rough places, but finding the road nowhere swept away by flood or landslides.

# THE PROPOSALS

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## Reasons for a New Policy

The following is the full text of Part II-A of the Report:—

We began our report with a reference to the announcement of August 20, but, inasmuch as that announcement was made on behalf of His Majesty's Ministers at our own request, we propose before setting out our own proposals to gather together very briefly the reasons why we hold that the decision was a wise and necessary one. If our account of the past development and working of the present constitution is an accurate one, it will be apparent that we have now gone as far as is possible upon the old lines. No further development is possible unless we are going to give the people of India some responsibility for their own government. But no one can imagine that no further development is necessary. It is evident that the present machinery of government no longer meets the needs of the time; it works slowly and it produces irritation; there is a widespread demand on the part of educated Indian opinion for its alteration; and the need for advance is recognised by official question also. One hundred and twenty years ago, Sir Thomas Munro wrote:—

“What is to be the final result of our arrangements on the character of the people? Is it to be raised or is it to be lowered? Are we to be satisfied with merely securing our power and protecting the inhabitants or are we to endeavour to raise their character, to render them worthy of filling higher stations in the management of their country and devising plans for its improvement?..... We should look on India not as a temporary possession, but as one which is to be maintained permanently, until the natives shall in some future age have abandoned most of their superstitions and prejudices, and become sufficiently enlightened to frame a regular government for themselves, and to conduct and preserve it.” 178

## The Logical Outcome of the Past

Thus the vision of a persistent endeavour to train the people of India for the task of governing themselves was present to the minds of some advanced Englishmen four generations ago; and we since have pursued it more constantly than our critics always admit, more constantly perhaps than we have always perceived ourselves. The inevitable result of education in the history and thought of

Europe is the desire for self-determination; and the demand that now meets us from the educated classes of India is no more than the right and natural outcome of the work of a hundred years. There can be no question of going back or of withholding the education and enlightenment in which we ourselves believe, and yet the more we pursue our present course without at the same time providing the opportunities for the satisfaction of the desires which it creates, the more unpopular and difficult must our present government become and the worse must be the effect upon the mind of India. On the other hand, if we make it plain that, when we start on the new lines, education, capacity and good-will will have their reward in power, then we shall set the seal upon the work of past years. Unless we are right in going forward now, the whole of our past policy in India has been a mistake. We believe, however, that no other policy was either right or possible, and therefore we must now face its logical consequences. Indians must be enabled in so far as they attain responsibility to determine for themselves what they want done. The process will begin in local affairs which we have long since intended and promised to make ever to them; the time has come for advance also in some subjects of provincial concern; and it will proceed to the complete control of provincial matters and thence, in the course of time and subject to the proper discharge of Imperial responsibilities, to the control of matters concerning all India. We make it plain that such limitations on power as we are now proposing are due only to the obvious fact that time is necessary in order to train both representatives and electorates for the work which we desire them to undertake; and that we offer Indians opportunities at short intervals to prove the progress they are making and to make good their claim, not by the method of agitation, but by positive demonstration, to the further stages in Self-Government which we have just indicated.

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### Hopes for the Future

Further we have every reason to hope that, as the result of this process, India's connection with the Empire will be confirmed by the wishes of her people. The experience of a century of experiments within the Empire goes all in one direction. As power is given to the people of a province or of a Dominion to manage their own local affairs, their attachment become the stronger to the Empire which comprehends them all in a common bond of union. The existence of national feeling, or the love of, and pride in a national culture need not conflict with, and may indeed strengthen, the sense of membership in a wider Commonwealth. The obstacles to a growth in India of this sense of partnership in the Empire are obvious enough. Differences of race, religion, past history and civilisation have to be overcome. But



the Empire, which includes the French of Canada and the Dutch of South Africa—to go no further—cannot in any case be based on ties of race alone. It must depend on a common realisation of the ends for which the Empire exists, the maintenance of peace and order over wide spaces of territory, the maintenance of freedom and the development of the culture of each national unity of which the empire is composed. These are aims which appeal to the imagination of India, and in proportion as Self-Government develops patriotism in India, we may hope to see the growth of a conscious feeling of organic unity with the Empire as a whole. 180

### **The Education Problem**

There is, however, one aspect of the general problem of political advance which is so important as to require notice in some detail. We have observed already that one of the greatest abstacles to India's political development lies not only in the lack of education among its peoples taken as a whole, but also in the uneven distribution of educational advance. The educational policy of Government has incurred much criticism from different points of view. Government is charged with neglect, because, after sixty years of educational effort, only 6 per cent of the population is literate, while under 4 per cent of the total population is undergoing instruction. It is charged, on the other hand, with having fostered education on wrong lines, and having given to those classes which welcomed instruction, a system which is divorced from their needs in being too purely literary, in admitting methods of unintelligent memorising and of cramming, and in producing far in excess of the actual demands of Indian conditions, a body of educated young men whose training has prepared them only for Government service or the practice of the law. The system of university education on Western lines is represented as cutting off the students from the normal life of the country, and the want of connection between primary education in the vernaculars and higher education in the vernaculars and higher education in English is regarded as another radical defect. 181

### **Retrospect of Education**

It is sometimes forgotten that the system of English education was not forced upon India by the Government, but established in response to a real and insistent demand, though a demand that proceeded from a limited class. The higher castes of Hindus—Brahmanas, Kayasthas and a few others—have for generations supplied the administrative body of India, whatever the nationality of the rulers; and the introduction and development of British rule inspired these classes to qualify themselves for a continuance, under the new conditions, of their hereditary careers. It was somewhat easily assumed in the time of Macaulay that Western education once imported to the higher

classes of India would gradually but steadily permeate the whole population. In the event, it has been distributed unevenly among the higher classes themselves, the Muhammadan community as a whole having until very recently been backward in taking advantage of educational facilities. Indeed some of the most difficult factors of the present situation would have been avoided if in good time steps had been taken to prevent the wide divorce which has occurred between the educated minority and the illiterate majority. From the economic point of view, India has been handicapped by the want of professional and technical instruction: her colleges turn out numbers of young men qualified for Government clerkships, while the real interests of the country require, for example, doctors and engineers in excess of the existing supply. The charge that Government has produced a large "intelligentsia" which cannot find employment has much substance in it: it is one of the facts that lie at the root of recent political difficulties. But it is only of late years and as part of the remarkable awakening of national self-consciousness, that the complaint has been heard that the system has failed to train Indians for practical work in manufactures, commerce, and the application of science to industrial life. The changing economic conditions of the country have brought this lesson home, and in its acceptance lies much of our hope for the future. But it must be remembered that many of the particular classes which eagerly sought higher education demanded also that it should be of a literary character, and were hereditarily averse from, if not disdainful of, anything that savoured of manual toil: and also that when the universities of India were founded, the idea of scientific and technological instruction had not dawned upon universities in England.

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### Defects of the System

The failure of the Indian educational system to train the character has often been criticised, and with justice. In our desire, while imparting actual instruction, not to force the mind of India into an alien mould or to interfere with religious convictions, we have undoubtedly made education too purely a matter of the intellect, and, at any rate in the beginning, we failed to foresee how substantially the mental training that our schools and colleges afforded must come in time to modify the pupils' conceptions of life. Attempts towards direct moral training were always impeded by the desirability of avoiding the difficult and delicate domain of religious belief. But one of the most pressing needs of India is to foster more widely in the schools and colleges those ideas of duty and discipline, of common responsibilities and civic obligation, on which a healthy political life depends. Much effort is already being made in this direction, and there are notable and welcome signs of the growth among educated

Indians of the conviction that the possession of education does not merely offer the individual opportunities of advancement but should confer on him also the ability and the obligation to serve his country.

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### Social Factor

As regards the limited diffusion of education, we also take into account the conservative prejudices of the country. It is not very long since the advocates of the higher education of women in Europe were regarded as unpractical and subversive theorists; and in India social customs have greatly multiplied the difficulties in the way of female education. Upon this question opinion is slowly but surely changing, and educated young men of the middle-classes are beginning to look for literate wives. But so long as education is practically confined to one sex, the social complexion of the country must react upon and retard political progress; and for this reason we regard the great gulf between men and women in respect of education as one of the most serious problems which has to be faced in India.

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### Attitude of the Ryot

The spread of education among the lower classes is also attended by peculiar difficulties. India is a predominantly agricultural country, and an agricultural population is always and every where suspicious of the effect of education upon rural children. Here again is the need—a need realised equally in Europe and America—of making rural education more practical, and ensuring that the school shall make the average boy who does not aspire to university education a more practical farmer instead of transforming him into an indifferent clerk. In India, primary education has been entrusted mainly to the district boards and municipalities, and it has, we are glad to say, made fairly steady, if slow, progress under their administration. The first effect of English education upon the classes which adopted it was to widen the gulf between them and the conservative masses. But one of the most marked features of recent political development is the concern shown by the spokesmen of the educated classes for the diffusion of primary education among the people as a whole. The history of other countries shows that the growth of a desire for education among the peasantry and working classes is generally slow while political and economic conditions remain static, and that the quickening influences come mainly from the better educated sections of the community which are more sensitive to political and economic changes. Political thought in India is coming to recognise that advance must be influenced by the general educational level of the country, and that political leaders, if they are to escape the charge of representing only the interest of the classes to which they themselves

belong, must be able to appeal to and be understood by the masses of their fellow countrymen. This conviction involves steady effort to raise the status of the depressed classes.

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### Chief Needs at Present

Primary education, as we have seen is already practically in the hands of local bodies, but secondary education was deliberately left at the outset almost entirely to private agencies. The universities, despite their connection with Government, are largely non-official bodies with extensive powers. The main defect of the system is probably the want of co-ordination between primary and higher education, which in turn reacts upon the efficiency of secondary institutions and to a great extent confines university colleges to the unsatisfactory function of mere finishing schools. The universities have suffered from having been allowed to drift into the position of institutions that are expected not so much to educate in the true sense as to provide the student with the means of entering an official or a professional career. Thus a high percentage of failures seems to a large body of Indian opinion not so much a proof of the faultiness of the methods of teaching as an example of an almost capricious refusal of the means of obtaining a living wage to boys who have worked for years often at the cost of real hardship to secure an independent livelihood. The educational wastage is everywhere excessive and analysis shows that it is largely due to under-payment and want of proper training in the case of teachers. The actual recruits for normal schools are too often ill-prepared, and the teaching career, which in India used formerly to command respect, does not now offer adequate inducements to men of ability and force of character. The first need therefore is the improvement of teaching. Until that is attained, it is vain to expect that the continuation of studies from the primary stage can be made attractive. But while the improvement of primary and middle schools is the first step to be taken, very much remains to be done in reorganising the secondary teachers and ensuring for the schoolmaster a career that will satisfy an intelligent man. The improvement of ordinary secondary education is obviously a necessary condition for the development of technical instruction and the reform of the university system. It is clear that there is much scope for an efficient and highly trained inspectorate in stimulating the work of the secondary schools and in helping the inspectorate of the primary schools maintained by the local bodies. We believe that the best mind in India, while they feel that the educational service has not in the past been widely enough opened to Indians trained at British universities, value the maintenance of a close connection with educationists from the United Kingdom.

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### Political Importance of Education

This survey of educational problems will show how much room there is for advance and improvement, and also how real the difficulties are. The defects of the present system have often been discussed in the legislative councils but as was inevitable, so long as the councils had no responsibility, without due appreciation of financial difficulties, or serious consideration of the question how far fresh taxation for educational improvement would be acceptable. As we shall show, it is part of the political advance that we contemplate that the direction of Indian education should be increasingly transferred to Indian hands. Only so, we believe, can the stimulus be forthcoming which will enable the necessary money to be found. The weak points are recognised. A real desire for improvement exists. Educational extension and reform must inevitably play an important part in the political progress of the country. We have already made clear our conviction that political capacity can come only through the exercise of political responsibility; and that mere education without opportunities must result in serious mischiefs. But there is another important element. Progress must depend on the growth of electorates and the intelligent exercise of their powers; and men will be immensely helped to become competent electors by acquiring such education as will enable them to judge of candidates for their votes, and of the business done in the councils. No one would propose to prescribe an educational qualification for the vote; but no one can deny the practical difficulties which make a very general extension of the franchise impossible, until literacy is far more widely spread than is the case at present. The Government of India has for some time past been maturing plans for a great extension of primary education. Progress was temporarily interrupted by uncertainty as to the distribution of financial resources which would result from the constitutional changes; but the imminence of these has given a new importance to the question and its consideration has been resumed. We trust that impetus will thus be given to a widespread movement which will be taken up and carried forward boldly by the reformed councils.

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### Extent of the Advance Proposed in Local Bodies

Let us now consider the principles on which our proposals are based. We have surveyed the existing position; we have discussed the conditions of the problem; and the goal to which we wish to move is clear. What course are we to set across the intervening space? It follows from our premises, and it is also recognised in the announcement of August 20, that the steps are to be gradual and the advance tested at each stage. Consistently with these requirements, a substantial step is to be taken at once. If our reasoning is

sound, this can be done only by giving from the outset some measure of responsibility to representatives chosen by an electorate. There are obviously three levels at which it is possible to give it—in the sphere of local bodies, in the provinces, and in the Government of India. Of certain other level which have been suggested intermediate between the first and second of these, we shall speak in due course. Also, since no man can serve two masters, in proportion as control by an electorate is admitted at each level, control by superior authority must be simultaneously relaxed. If our plans are to be soundly laid, they must take account of actual conditions. It follows that the process cannot go on at one and the same space on all levels. The Secretary of State's relaxation of control over the Government of India will be retarded, if for no other reason, by the paramount need for securing Imperial interests; the Government of India have the fundamental duty to discharge of maintaining India's defence; the basic obligation of provincial Governments is to secure law and order. As we go upwards, the importance of the retarding factors increases; and it follows that popular growth must be more rapid and extensive in the lower levels than in the higher. Let us state the proposition in another way. The functions of government can be arranged in an ascending scale of urgency, ranging from those which concern the comfort and well-being of the individual to those which secure the existence of the State. The individual understands best the matters which concern him and of which he has experience and he is likely to handle best the things which he best understands. Our predecessors perceived this before us, and placed such matters to some extent under popular control. Our aim should be to bring them entirely under such control. This brings us to our first formula;—

“There should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control” (1).

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### In Provincial Governments

When we come to the provincial Governments, the position is different. Our objective is the realisation of responsible government. We understand this to mean first, that the members of the executive government should be responsible to, because capable of being changed by, their constituents; and secondly that these constituents should exercise their power through the agency of their representatives in the assembly. These two conditions imply in their completeness that there exist constituencies based on a franchise broad enough to represent the interests of the general population; and capable of exercising an intelligent choice in the selection of their representatives; and secondarily that it is recognised as the constitutional

practice that the executive Government retains office only so long as it commands the support of a majority in the assembly. But in India these conditions are as yet wanting. The provincial areas and interests involved are immense, indeed are on what would elsewhere be regarded as a national scale. The amount of administrative experience available is small; electoral experience is almost entirely lacking. There must be a period of political education, which can only be achieved through the gradual but expanding exercise of responsibility. The considerations of which we took account in chapter VI forbid us immediately to hand over complete responsibility. We must proceed, therefore, by transferring responsibility for certain functions of government while reserving control over others. From this starting point, we look for a steady approach to the transfer of complete responsibility. We may put our second formula thus:—

“The provinces are the domain in which the earlier steps towards the progressive realisation of responsible government should be taken. Some measure of responsibility should be given at once, and our aim is to give complete responsibility as soon as conditions permit. This involves at once giving the provinces the largest measure of independence, legislative, administrative and financial, of the Government of India which is compatible with the due discharge by the latter of its own responsibilities.” (2) 189

### In the Government of India

But, as we shall see, any attempt to establish equilibrium between the official and popular forces in government inevitably introduces additional complexity into the administration. For such hybrid arrangements precedents are wanting; their working must be experimental and will depend on factors that are yet largely unknown. We are not prepared, without experience of their results, to effect like changes in the Government of India. Nevertheless, it is desirable to make the Indian Legislative Council more truly representative of Indian opinion, and to give that opinion great opportunities of acting on the Government. While, therefore, we cannot commend to Parliament a similar and simultaneous advance both in the provinces and in the Government of India, we are led to the following proposition:—

“The Government of India must remain wholly responsible to Parliament and saving such responsibility, its authority in essential matters must remain indisputable, pending experience of the changes now to be introduced in the provinces. In the meantime, the Indian Legislative Council should be enlarged and made more representative and its opportunities of influencing Government increased.” (3) 190

## In England

Further the partial control of the executive in the provinces by the legislature and the increasing influence of the legislature upon the executive in the Government of India will make it necessary that the superior control over all Governments in India which is now exercised by the authorities at home must be in corresponding measure abated: for otherwise the executive Government in India will be subjected to pressure from different sources which will wholly paralyse their liberty of action, and also the different pressures may be exercised in opposite directions. We may put this proposition briefly as follows:—

“In proportion as the foregoing changes take effect, the control of Parliament and the Secretary of State over the Government of India and provincial Governments must be relaxed.” (4) 191

### Local Self-Government

We have been told that, inasmuch as local self-government has not yet been made a reality in most parts of India, we should content ourselves with such reforms as will give it reality, and should await their result before attempting anything more ambitious, on the principle that children learn to walk by learning first to crawl. We regard this solution as outside the range of practical politics; for it is in the councils that the Morley-Minto reforms have already brought matters to an issue; and Indian hopes and aspirations have been aroused to such a pitch, that it is idle to imagine that they will now be appeased by merely making over to them the management of urban and rural boards. Moreover, the development of the country has reached a stage at which the conditions justify an advance in the wider sphere of government; and at which indeed government without the co-operation of the people will become increasingly difficult. On the other hand, few of the political associations that addressed us seemed adequately to appreciate the importance of local affairs, or the magnitude of the advance which our recommendation involves. But the point has been made time and time again by their own most prominent leaders: It is by taking part in the management of local affairs that aptitude for handling the problems of government will most readily be acquired. This applies to those who administer but even more to those who judge of the administration. Among the clever men who come to the front in provincial politics, there will be some who will address themselves without more difficulty, and indeed with more interest and zeal, to the problems of government than to those of municipal or district board administration. But the unskilled elector who has hitherto concerned himself neither with one nor the other, can learn to judge of things afar only by accustoming himself to judge first of



things near at hand. This is why it is of the utmost importance to the constitutional progress of the country that every effort should be made in local bodies to extend the franchise, to arouse interest in elections and to develop local committees, so that education in citizenship may, as far as possible, be extended, and every where begin in a practical manner. If our proposals for changes on the higher levels are to be a success, there must be no hesitation or faltering about changes in local bodies. Responsible institutions will not be stably rooted until they become broad-based; and far-sighted Indian politicians will find no field into which their energies can be more profitably thrown than in developing the boroughs and communes of their country.

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### **The Government of India's Proposals**

These reasons led Lord Chelmsford's Government in May 1916 to consider what further progress along the road of local Self-Government was immediately possible. Their conclusions would have been published some time ago if it had been possible to separate the consideration of this subject from that of constitutional reforms in general. We have the proposals before us, and will summarise the general purport of them.

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### **Constitution of Local Boards**

At present rather more than half the members of municipal and rather less than half of those rural boards, including in this term sub-district boards, are elected. The intention is that substantial elected majorities should be conceded in boards of both kinds and that the system of nomination should be retained only in order to secure the necessary representation of minorities, and the presence of a few officials as expert advisers without a vote. Generally, the suggestion is that the proportion of nominated members should not exceed one fourth. The enlargement of the elected element must necessarily be accompanied by the adoption of a sufficiently low franchise to obtain constituencies which will be really representative of the general body of rate-payers. It should also be followed by an extension of the system of elected chairmen. The Decentralization Commission thought that municipal chairmen should ordinarily be elected non-officials, and that if a nominated chairman was required, an official should be selected. It is hoped, however, that the election of chairmen will be the general rule in future. If there are special reasons against the election of a non-official chairman, an official might be elected provided he is elected by a majority of the non-official votes. In some provinces, this is already the ordinary practice for municipalities. For the administration of large cities, it is proposed to approve of the system in which the everyday executive work is carried out by a

special nominated commissioner; but not to require that he should be an official, provided that he is protected by a provision that he should only be removable with the sanction of Government or by the vote of a substantial majority of the board. In the case of rural boards, local Governments will be urged to appoint non-official and preferably elected chairmen wherever possible, but where there is a non-official chairman, there may be need also for a special executive officer whose appointment and removal would require the Government's sanction, to do the ordinary official work. If any board desired to elect an official chairman, his election should be by a majority of non-official votes and should be approved by the Commissioner or some higher authority.

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### **Powers of Local Boards**

The Decentralization Commission recommended that municipalities should have full liberty to impose and alter taxation within the limits laid down by law, but that where the law prescribes no maximum rate, the sanction of an outside authority should be required to any increase. It is hoped that nearly all boards will contain substantial elected majorities, and in their case it is proposed to accept the Commission's recommendation, though indebted boards should still obtain the sanction of higher authority before altering a tax. It is clearly important that municipal boards should have such power to vary taxation, and the intention is to give it to rural boards as well by allowing them to levy rates and fees within the limits of the existing Acts. It is thought that, wherever a board pays for a service, it should control such service; and that where it is expedient that control should be largely centred in the hands of the Government, the service should be a provincial one. If, for example a board provides for civil works or medical relief, it ought, subject to such general principles as the Government may prescribe, to have real control over the funds which it provides and not be subject to the constant dictation, in matters of detail, of Government departments. Similarly as regards the control over the budgets of local bodies. It is hoped that provincial Governments will make every effort to give boards a free hand with their budgets, subject to the maintenance of a minimum standing balance, with the necessary reservations in the case of indebtedness or against gross default. The Government of India would discard the system of requiring local bodies to devote fixed portions of their revenues to particular objects of expenditure and would rely on retaining powers of intervention from outside in cases of grave neglect or disregard. Municipalities have already been given enlarged powers in respect of new works; and a similar advance is hoped for in the case of rural boards. As regards the control by Government over

the establishment of local bodies, the Commission proposed that the appointment of certain special officers should require the sanction of higher authority, while other appointments would be regulated by general rules laid down by the provincial Government. It is hoped that provincial Governments will now take steps to carry these recommendations into practice, but it is suggested that Government should in the case of the special officers also retain a right to require their dismissal in cases of proved incompetency. Such material relaxation of Government control in respect of taxation, budgets, public works and local establishments might suggest that the exceptional powers of Government officer in respect of external intervention should, if altered at all, be altered in the direction of greater stringency. But the accepted policy must be to allow the boards to profit by their own mistakes and to interfere only in cases of grave mismanagement; and therefore with certain possible exceptions, which we need not here specify, it is not proposed to extend the power of intervention. 195

### **Panchayats**

Finally the Government of India propose to direct attention to the development of the panchayat system in villages. This question was examined by the Decentralization Commission and has since been the subject of further enquiry in the United Provinces and Assam. It is recognised that the prospect of successfully developing "panchayats" must depend very largely on local conditions, and that the functions and powers to be allotted to them must vary accordingly; but where the system proves a success, it is contemplated that they might be endowed with civil and criminal jurisdiction in petty cases, some administrative powers as regards sanitation and education, and permissive powers of imposing a local rate. It is hoped that wherever possible an effective beginning will be made. 196

### **Comments on this Programme**

The programme which we have thus summarised is still under consideration and obviously it would not be suitable for us to comment upon it. It is clear that it cannot be regarded as constituting a complete scheme of local Self-Government and for two reasons. It is impossible to ignore the past and at once to create a perfect scheme out of the present uneven materials; and secondly if we are sincere in our advocacy of a policy of provincial autonomy, we must leave the work mainly to local Governments. It would be highly inconsistent to insist on provincial autonomy, and simultaneously to leave no latitude of action to provincial Governments in a field which is so peculiarly a matter for local development. But the proposals will constitute a basis on which those entrusted with the responsibility for such matters in

future can build ; and we expected the reformed legislative councils to carry forward the work thus begun. We may add that the reformed and representative district boards of the future could and should be utilised by the district officer for purposes of advice and consultation. 197

### Scope of following Proposals

Because we believe that our main advance must be on the provincial stage, we shall leave the subject of local Self-Government at this point, and turn to the provinces. But here we must pause for a moment to define the scope of all the proposals that follow in chapter VIII. It is a truism that no general proposals can be equally applicable to all portions of India at one and the same time. If, however, we had not contented ourselves with the sufficiently weighty task of working out in broad outlines the plan of one of the greatest political experiments ever undertaken in the world's history, but had set ourselves also to adjust its details to the varying requirements of the different provinces, our labours would have been immensely prolonged and there would have been a danger that the details of our report might obscure its main intentions. Because we have written in general terms, we would not have it supposed that we have been unmindful of inequalities in the development of the provinces. For these we have, as we shall show, provided a mechanism of adjustment. But over and above that we must offer one word of explanation at the out set. Our recommendations as to the provinces are confined to eight out of the nine provinces of British India which are furnished with legislative councils. These are Madras, Bombay, Bengal, United Provinces, Bihar and Orissa, the Punjab, the Central Provinces and Assam. We have not included Burma in our survey except in so far as, while that province remains part of the Indian polity, as for military reasons it must, it is necessary to provide for its representation in the central Government. Our reasons are that Burma is not India. Its people belong to another stage of political development, and its problems are altogether different. For instance, the application to Burma of the general principles of throwing open the public service more widely to Indians would only mean the replacement of one alien bureaucracy by another. The desire for elective institutions has not developed in Burma ; the provincial legislative council, as constituted under the Morley-Minto schemes, has no Burman elected element ; and the way is open for a different line of development. There was also a practical reason for not proceeding to investigate the particular conditions of Burma in the fact that one Lieutenant-Governor had very recently laid down, and a new Lieutenant-Governor assumed office. When our proposals, are published, there will be an opportunity for the Government

and people of Burma to say how far they regard them as applicable to their case. We, therefore, set aside the problem of Burma's political evolution for separate and future consideration. There remain the frontier areas of the North-West Frontier Province and Baluchistan, and the smaller tracts of British India like Delhi, Coorge, and Ajmer-Merwara. For reasons of strategy, the two frontier provinces must remain entirely in the hands of the Government of India. But inasmuch as our guiding principle, where we principle of responsibility cannot yet be applied, is that of government by consultation with the representatives of the people, we think that in some if not all of these areas it would be well to associate with the personal administration of the Chief Commissioner some form of advisory council, adjusted composition and function to local conditions in each case. This question we would leave to the further consideration of the Government of India.

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### **Treatment of Backward Tracts**

But even in the eight provinces we have named are included certain backward areas, where the people are primitive and there is as yet no material on which found political institution. We do not think there will be any difficulty in demarcating them. They are generally the tracts mentioned in the schedules and appendices to the Scheduled District Act, 1874; with certain exceptions and possibly certain additions which the Government of India must be invited to specify. Both the definition of these areas and the arrangements to be made for them will be matters for further consideration; but the typically backward tracts should be excluded from the jurisdiction of the reformed provincial Governments and administered by the Head of the province.

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## **THE PROVINCES**

### **DEVOLUTION TO PROVINCIAL GOVERNMENTS**

#### **Financial Devolution**

We saw in Chapter V that there was not a little spade-work to be done before the way lay open for reconstruction to begin. Above all we saw that the existing financial relations between the central and Provincial Government must be changed if the popular principle in Government is to have fair play in the provinces. The present settlements by which the Indian and Provincial Governments share the proceeds of certain heads of revenues are based primarily on the estimated needs of the provinces, and the Government of India disposes of the surplus. This system necessarily involves control and interference by the Indian Government in provincial matters. An

arrangement which has on the whole worked successfully between two official Governments, would be quite impossible between a popular and an official Government. Our first aim has therefore been to find some means of entirely separating the resources of the central and Provincial Government.

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### A New Basis

We start with a charge of stand-point. If provincial autonomy is to mean anything real, clearly the provinces must not be dependent on the Indian Government for the means of provincial development. Existing settlements do indeed provide for ordinary growth of expenditure, but for any large and costly innovations provincial Governments depend on doles out of the Indian surplus. Our idea is that an estimate should first be made of the scale of expenditure required for the upkeep and development of the services which clearly appertain to the Indian sphere; that resources with which to meet this expenditure should be secured to the Indian Government; and that all other revenues should then be handed over to the provincial Governments, which will thenceforth be held wholly responsible for the development of all provincial services. This, however, merely means that the existing resources will be distributed on a different basis, and does not get over the difficulty of giving to the central and provincial Governments entirely separate resources. Let us see how this is to be done.

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### Complete Separation of Revenues

Almost every one is agreed that a complete separation is in theory desirable. Such differences of opinion as we have met with have mostly been confined to the possibility of effecting it in practice. It has been, argued, for instance, that it would be unwise to narrow the basis on which both the central and provincial fiscal systems are based. Some of the revenues in India, and in particular land revenue and excise have an element of precariousness; and the system of divided heads, with all its drawbacks, has the undeniable advantage that it spreads the risks. This objection will, however, be met if, as we claim, our proposed distribution gives both the Indian and provincial Governments sufficient measure of security. Again we have been told that the complete segregation of the Government of India in financial matters will lower its authority. This argument applies to the whole subject of decentralization and provincial autonomy. It is not necessary for us to meet it further. Our whole scheme must be even and well-balanced, and it would be ridiculous to introduce wide measures of administrative and legislative devolution and at the same time to retain a centralised system of finance.

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### Abolition of Divided Heads

There are two main difficulties about complete separation. How are we to dispose of the two most important heads which are at present divided—land revenue and income-tax—and how are we to supplement the yield of the Indian heads of revenue, in order to make good the needs of the central Government? At present the heads which are divided in all or some of the provinces are—land revenue, stamps, excise, income-tax and irrigation. About stamps and excise there is no trouble. We intend that the revenue from stamp duty should be discriminated under the already well-marked subheads "General" and "Judicial;" and that the former should be made an Indian and the latter a provincial receipt. This arrangement will preserve uniformity in the case of commercial stamps where it is obviously desirable to avoid discrepancies of rates; and it will also give the provinces a free hand in dealing with court-fee stamps, and thus provide them with an additional means of augmenting their resources. Excise is at present entirely a provincial head in Bombay, Bengal and Assam, and we see no valid reason why it should not now be made provincial throughout India. At this stage the difficulties begin. Land revenue, which is far the biggest head of all, is at present equally shared between the Indian and all the Provincial Governments, except that Burma gets rather more than one-half and the United Provinces get rather less. Now land revenue assessment and collection is so intimately concerned with the whole administration in rural areas that the advantages of making it a provincial receipt are obvious. But other considerations have to be taken into account. One substantial difficulty is that if land revenue is made entirely provincial, the Government of India will be faced with a deficit and its resources must be supplemented by the provinces in some form or other. Moreover, famine expenditure and expenditure on major irrigation works are, for obvious reasons, closely connected with land revenue, and if the receipts from that head are made provincial, it logically follows that the provinces should take over very heavy liability for famine relief and protective works. An argument of quite another character was also put forward. We were told that in the days of dawning popular Government in the provinces it would be well that the Provincial Government should be able to fall back on the support of the Government of India (as if the head were still divided, it would be able to do) when its land revenue policy was attacked. But it is just because divided heads are not regarded as merely a financial expedient but are, and so long as they survive will be, viewed as a means of going behind the Provincial Government to the Government of India, that we feel sure that they should be abolished. We propose therefore to make land revenue together with irrigation wholly provincial receipts. It follows that the provinces

will become entirely liable for expenditure on famine relief and protective irrigation works. We shall explain shortly what arrangements we propose for financing famine expenditure. The one remaining head is income-tax. We see two very strong reasons for making this an Indian receipt. First, there is the necessity of maintaining a uniform rate throughout the country. The inconveniences, particularly to the commercial world, of having different rates in different provinces are manifest. Secondly, in the case of ramifying enterprises with their business centre in some big city, the province in which the tax is paid is not necessarily the province in which the income was earned. We have indeed been told that income tax is merely the industrial or professional complement of the land revenue; and that to provincialise the later while Indianising the former means giving those provinces whose wealth is more predominantly agricultural, such as the United Provinces and Madras, an initial advantage over a province like Bombay, which has very large commercial and industrial interests. Another very practical argument is that the tax is collected by provincial agency, and that if Provincial Governments are given no inducement such as a share of the receipts or a commission on the collections which is only such a share in disguise, there will be a tendency to slackness in collection and a consequent falling off in receipts. We admit that these arguments have force; but we are not prepared to let them stand in the way of a complete separation of resources. Equality of treatment as between one province and another must be reached so far as it is possible in the settlements as a whole, and it is not possible to extend the principle of equality to individual head of revenue. If it should be found that receipts fall off, it may be necessary to create an all-Indian agency for the collection of the tax, but this we should clearly prefer to retaining it as a divided head. To sum up: we propose to retain the Indian and provincial heads as at present, but to add to the former income-tax and general stamps, and to the latter land revenue, irrigation, excise and Judicial stamps. No heads will then remain divided.

### **Famine Expenditure**

For the purposes of famine relief we propose that the provincial settlements should make allowances based on each province's average liability to this calamity in the past; and it will be the duty of Provincial Governments liable to famine not to dissipate this special provision, but to hold a sufficient portion of their resources in reserve against the lean years. In years when there is no scarcity, a province should not spend its famine assignment on ordinary purposes, but should either add it to its balances or spend it on some defensive purpose directed to diminishing the cost of famine when it comes.



We recognise that difficulties may arise, because Provincial Governments may fail to make sufficient provision, or because a severe famine may come upon them before they have had time to accumulate a sufficient provision with which to meet it. In such cases, the Indian Government could never renounce responsibility. But we are glad to believe that the liabilities arising out of famine relief will tend to be smaller in the future than in the past, owing to the improvement of protective measures and also to the increasing recuperative power of the people to which all experience of recent famines points. Provincial Governments have at present large balances on which they could draw in the first instance, if heavy famine expenditure became necessary. If it were still necessary for the Government of India to intervene, its assistance should, we think, take the form of a loan, which the provincial Government would be liable to repay; or if the amount so advanced were so large that it could not be repaid within a reasonable time without grave embarrassment, the whole or a portion of it should be regarded as a permanent loan on which the Provincial Government would pay interest. 204

#### **Need for Meeting the Resultant Deficit in the Indian Budget**

When all sources of revenue have been completely distributed as we propose, there will be a large deficit in the Government of India's budget. One way of meeting it would be to maintain the basis of the present settlements, but to allot to the Government of India a certain proportion of growing revenue instead of its share of the divided heads. But this device would stereotype all the existing inequalities between the provinces which, by reason of the permanent settlement in some of them, are considerable; while it would also introduce an element of great uncertainty into the Indian Government's finance. A second suggestion was that we should take an all-round contribution on a "per capita" basis. But this expedient also would not obviate very undesirable variations between provinces in the rate of levy owing to the inequality of provincial resources and of provincial needs. A third plan was to take an all-round percentage contribution based on gross provincial revenue. This is open, "inter alia," to the objection that it would leave several of the provinces with large deficits. Fourthly, we considered but rejected the proposal that provinces which had a surplus should temporarily help others as being cumbrous and impracticable. 205

#### **The Means of so Doing**

From our examination of these proposals we came to certain broad conclusions. We agreed that in fixing contributions it was undesirable and unnecessary to pay regard to the growing revenues of the provinces. We agreed also that the contributions should be of

fixed amounts. We saw that equality of contribution was impracticable, because we have not a clean slate. In spite of the variations in income which result from the permanent settlement in some areas, stereotyped scales of expenditure have grown up which makes it useless to attempt any theoretic calculation on which a uniform contribution from the provinces could be based, such as an equal percentage of revenues or a contribution fixed on a population basis. This led us to look for some plan which would fit more clearly into the existing facts.

Starting with an estimate (based on the budget figures for 1917-18 subject to some adjustments) of the gross revenue of all provinces when all divided heads have been abolished, and deducting therefrom an estimate of the normal expenditure of all provinces, including provision for expenditure on famine relief and protective irrigation, we arrived at Rs. 1,564 lakhs as the gross provincial surplus. The deficit in the Government of India's budget was Rs. 1,363 lakhs. This left Rs. 201 lakhs or about 13 per cent of the total surplus as the nett surplus available to the provinces. We would propose to assess the contribution from each province to the Government of India as a percentage of the difference between the gross provincial revenue and the gross provincial expenditure. On the basis of the figures which we have taken this percentage would be 87. The contributions to the Government of India would form the first charge upon the provincial revenues. The way in which our plan would work out in practice can be gathered from the following figures:—

[IN LAKHS OF RUPEES.]

Province.	Gross provincial revenue.	Gross provincial expenditure.	Gross provincial surplus.	Contribution (87 per cent. of col. 4.)	Nett provincial surplus.
1	2	3	4	5	6
Madras ...	13,31	8,40	4,91	4,28	63
Bombay ...	10,01	9,00	1,01	88	13
Bengal ...	754	6,75	70	69	10
United Provinces ...	11,22	7,47	3,75	3,27	48
Punjab ...	8,64	6,14	2,50	2,18	32
Burma ...	7,69	6,08	1,61	1,40	21
Bihar and Orsisa ...	4,04	3,59	45	39	6
Central Provinces ..	4,12	3,71	41	36	5
Assam ...	1,71	1,50	21	18	3
Total ...	86,28	52,64	33,64	13,63	2,01

N.B.—The Punjab figures in column 5 should be reduced and those in column 6 raised by  $3\frac{1}{2}$  lakhs in each case to allow for the

continued compensation which the province is entitled to receive for the cession of a crore of its balances to the Government of India in 1914.

We recognise, of course, that the objection will be taken that some provinces even under this plan will bear a very much heavier proportion of the cost of the Indian Government than others. Madras and the United Provinces will be paying 47·4 per cent and 43·1 per cent of their remaining revenues to the Government of India, while Bengal and Bombay are paying only 10·1 per cent and 9·6 per cent respectively. Our answer is that the objection is one that applies to existing inequalities which we admit that our scheme fails for the present to remove. It merely continues the disparity which is at present masked by the system of divided heads. But the immediate settlement proposed improves the position of the provinces as a whole by upwards of one million sterling. It is not intended to be of a final nature; and when revenues develop and a revision takes place under normal condition, an opportunity will arise for smoothing out inequalities. We have already mentioned at the beginning of this part of our report that our proposals generally do not relate to the minor administrations. Their financial transactions are classified as All-Indian; and with them separate arrangements must continue.

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### The Possible Need for Revision

The Government of India have already put matters in train by consulting provincial Governments on these proposals. It may be added that, when details come to be worked out, we may find it convenient to take some later figures as the basis of the settlement, and that the replies of local Governments will also necessitate some revision; but we hope that the general scheme which we have outlined may be accepted. Our intention is that the new arrangements should take effect from whatever date is fixed in the statute for the installation of the new constitutional machinery. One caveat we are bound to make. Emergencies may arise which cannot be provided for by immediately rising Government of India taxation; and in that case it must be open to the central Government to make a special supplementary levy upon the provinces. We must add that inasmuch as our proposals are, based on war figures they should be open to revision hereafter, but not subject to change for a period of say six years; and to avoid intermediate discussions the scheme should in the meantime be regarded as part of the constitutional arrangement with the provinces. It should also be one of the duties of the periodic commission which we propose should be appointed to examine the development of constitutional changes after ten years' experience of their working or of some similar body at that time, to re-investigate the question of the provincial contributions to the Government of India. We have, for the present, accepted

the inequality of burden which history imposes on the provinces, because we cannot break violently with traditional standards of expenditure, or subject the permanently-settled provinces to financial pressure which would have the practical result of forcing them to reconsider the permanent settlement. But it is reasonable to expect that will the growth of provincial autonomy any inequality of burdens will be resented more strongly by the provinces to whom it falls; and it will be for the first periodic commission and for its successors after review of the situation then existing to determine whether some period should not be set by which the more lightly burdened provinces should be expected to find means of bringing up their financial resources to the common level of strength. We attach great weight to the proposition that, if the provinces are to be really self-governing, they ought to adjust their expenditure—including therein their obligations to the common interests of India—according to their resources and not to draw indefinitely on more enterprising neighbours. 207

### **Provincial Budgets and Balances**

It follows from our proposed separation of revenues that there will in future be also a complete separation of the central and provincial budgets; and that the former will henceforward include only the direct transactions of the Government of India, and not as at present those of the provinces also. It likewise follows that there will be no more ear-marking of any portion of provincial balances; and that portions previously ear-marked will be available for general purposes. 208

### **Code Restrictions**

Generally speaking, provincial Governments enjoy the same detailed financial powers in divided heads as in those which are wholly provincial. The mere provincialisation of heads of revenue and expenditure will therefore not of itself suffice to free the provisions from the restrictions on their spending powers which the provisions of the Codes and other standing orders impose upon them. Nor can the Government of India, except to a relatively minor extent, enlarge their powers since they themselves have to conform to the restrictions on expenditure imposed by the Secretary of State in Council. If provinces are to have relatively freer hand in expenditure in future, it will be necessary to relax the India Office control. Proposals for its relaxation are already under the consideration of the Government of India and will be further considered at the India Office. 209

### **Provincial Taxation**

We saw also in Chapter V that some means of enlarging the taxing powers of local Governments must, if possible, be found. We

think that the best means of freeing Governments in this respect will be to schedule certain subjects of taxation as reserved for the provinces, and to retain the residuary powers in the hands of the Government of India, with whom rests ultimate responsibility for the security of the country. We have not attempt to frame a schedule, as this can only be done in consultation with the provincial Governments. We think that where a tax falls within the schedule, the Government of India's previous sanction to the legislation required for its imposition should not be necessary; but the Bill should be forwarded to the Government of India in sufficient time to enable that Government to satisfy itself that the proposal is not open to objection as trenching on its own field of taxation. The Governor-General's power of veto will ensure that the wishes of the Government of India are not disregarded. In cases not covered by the schedule, the Government of India's sanction should be sought before the necessary legislation is introduced; but this sanction would be withheld only if the proposal trespassed on Indian heads of revenue to an undue extent; or if the tax was a new one and the central Government itself contemplated imposing it as an All-India tax; or if the proposals were, in the opinion of the Government of India, likely to lead to undesirable consequences which would affect its own responsibilities. Where sanction is required, it should be conveyed by executive orders; it is clearly undesirable to undertake double legislation. The right now enjoyed by private members of introducing taxation Bills will be continued, provided that the sanction of the Head of the Province is obtained to the introduction of the Bills, and that such Bills are, in relation to the Government of India, dealt with exactly as Government finance Bills.

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### Provincial Borrowing

We come now to the question of the borrowing powers of provincial Governments. In this respect, provincial Governments are almost unanimous in desiring greater freedom. They recognise the difficulties which we have already discussed and the impossibility of allowing them to compete with the Government of India in the open market. But they suggest that the central Government should regard an application for a loan solely from the standpoint of finance and not from that of administration and that, if it has the money and is satisfied with the arrangements for financing the loan, it should not withhold sanction. It has also been represented to us that there exist local sources which could be tapped by provincial Governments but are not touched by Indian loans. A new argument for further liberty of action is afforded by our proposal to provincialise irrigation works on which a large capital expenditure is necessary. We think that in order to avoid harmful competition provincial Governments must

continue to do their borrowing through the Government of India. Also it may often happen that the Government of India will not be able to raise sufficient money to meet all provincial requirements. In that case, it may find it necessary to limit its total borrowing on behalf of provincial Governments in particular years; and when that happens, it will be difficult for it entirely to avoid a reference to the relative merits of the schemes for which the loans are wanted. We think, however, in such cases there ought to be no insuperable difficulty in making a reasonably fair and equitable distribution between the provinces. It may be found expedient in some cases to appoint a committee on which the central and the provincial Governments are represented to settle the distribution;—and it should be open to a province to renounce its claims in one year in return for the first claim on the money available in the next year. But we are prepared to go further. If the Government of India finds itself unable to raise the money in any one year which a province requires, or if there is good reason to believe that a provincial project may attract money which would not be elicited by a Government of India loan, we would allow the provincial Governments to have recourse to the Indian market. But in that case, we think that they should secure the approval of the Government of India to the method of borrowing, including the rate of interest, so as not to affect investments in the post office, and the time of borrowing so as not to conflict with Indian loans. So far as the limited market permits, we should like to see the municipal practice of borrowing for unproductive public purposes with a sinking fund extended to provincial Governments.

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### Legislative Devolution

These measures will give provincial Governments the liberty of financial action which is indispensable; but the provinces must also be secured against any unnecessary interference by the Government of India in the spheres of legislative and administrative business. It is our intention to reserve to the Government of India a general overriding power of legislation for the discharge of all function which it will have to perform. It should be enabled under this power to intervene in any province for the protection and enforcement of the interests for which it is responsible; to legislate on any provincial matter in respect of which uniformity of legislation is desirable either for the whole of India or for any two or more provinces; and to pass legislation which may be adopted either to “simpliciter” or with modifications by any province which may wish to make use of it. We think that the Government of India must be the sole judge of propriety of any legislation which it may undertake under any one of these categories, and that its competence so to legislate should not be open to challenge in the courts. Subject to these reservations, we intend that within the field

which may be marked off for provincial legislative control the sole legislative power shall rest with the provincial legislatures. The precise method by which this should be effected is a matter to be considered when the necessary Statute is drafted, and we reserve our final opinion upon it. There are advantages in a statutory demarcation of powers such as is found in some federal constitutions, but we feel that if this is to leave the validity of acts to be challenged in the courts on the ground of their being in excess of the powers of the particular legislature by which they are passed, we should be subjecting every Government in the country to an almost intolerable harassment. Moreover, in India where the central Government must retain large responsibilities, as for defence and law and order, a statutory limitation upon its legislative functions may be inexpedient. We have already referred to the fact that there has been growing up in India for some time a convention which by now has acquired no little strength to the effect that the central Government shall not without strong reason legislate in the internal affairs of provinces. We think therefore that it may be better, instead of attempting to bar the legislative power of the Government of India in certain spheres of provincial business, to leave it to be settled as a matter of constitutional practice that the central Government will not interfere in provincial matters unless the interests for which it is itself responsible are directly affected. 212

### Administrative Devolution

The question of restraining the central Government from administrative interference in the provinces is more difficult. We recognise that, in so far as the provincial Governments of the future will still remain partly bureaucratic in character, there can be no logical reason for relaxing the control of superior official authority over them nor indeed would any general relaxation be approved by Indian opinion; and that in this respect the utmost that can be justified is such modification of present methods of control as aims at getting rid of interference in minor matters, which might very well be left to the decision of the authority which is most closely acquainted with the facts. It is, however, in relation to provincial Governments in their popular aspect that serious difficulties present themselves. So long as the Government of India itself is predominantly official in character and, therefore, remains amenable to the Secretary of State, its interference in any matters normally falling within the range of popular bodies in the provinces involves a clash of principle which cannot fail to engender some heat; and the scope of which it is on all grounds desirable to keep within very closely defined bounds. At the same time, we perceive that there are many matters which, taken in bulk, may reasonably be regarded as fitted for administration by popular bodies, but which have aspects that cannot fail to be of intimate

concern to the Government which is responsible for the security or good administration of the whole country. We shall have occasion to return to this point when we have stated our proposals for the demarcation of responsibility for the administration

## **Provincial Executives**

### **COUNCIL GOVERNMENT**

Let us now explain how we contemplate in future that the executive Governments of the provinces shall be constituted. As we have seen, three provinces are now governed by a Governor and an Executive Council of three members of whom one is in practice an Indian and two are usually appointed from the Indian Civil Service, although the law says only that they must be qualified by twelve years' service under the Crown in India. One province, Bihar and Orissa, is administered by a Lieutenant-Governor with a Council of three constituted in the same way. The remaining five provinces, that is to say, the three Lieutenant-Governorships of the United provinces, the Punjab and Burma and the two Chief Commissionerships of the Central Provinces and Assam are under the administration of a single Official Head. We find throughout India a very general desire for the extension of council Government. There is a belief that when the administration centres in a single man, the pressure of work inevitably results in some matters of importance being disposed of, in his name but without personal reference to him, by secretaries to Government. There is also a feeling that collective decisions, which are the result of bringing together different points of view, are more likely to be judicious and well-weighed than those of a single mind. But above all Council Government is valued by Indians, because of the opportunity it affords for taking an Indian element into the administration itself. To our minds, however, there is an overriding reason of greater importance than any of these. The retention of the administration of a province in the hands of a single man precludes the possibility of giving it a responsible character. Our first proposition, therefore, is that in all these provinces single-headed administration must cease and be replaced by collective administration.

### **The Structure of the Executive**

In determining the structure of the executive, we have to bear in mind the duties with which it will be charged. We start with the two postulates that complete responsibility for the Government cannot be given immediately without inviting a breakdown, and that some responsibility must be given at once if our scheme is to have any value. We have defined responsibility as consisting primarily in amenability to constituents, and in the second place in amenability to an



assembly. We do not believe that there is any way of satisfying these governing conditions other than by making a division of the functions of the provincial Government, between those which may be made over to popular control and those which for the present must remain in official hands. The principles and methods of such division and also the difficulties which it presents we shall discuss hereafter. For the moment let us assume that such division has been made, and that certain head of business are retained under official and certain others made over to popular control. We may call these the 'reserved' and 'transferred' subjects respectively. It then follows that for the management of each of these two categories there must be some form of executive body, with a legislative organ in harmony with it, and if friction and disunion are to be avoided, it is also highly desirable that the two parts of the executive should be harmonised. We have considered the various means open to us of satisfying these exacting requirements.

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### Dualism Set Aside

In the first place, we set aside the idea of establishing two different executives each working in conjunction with a separate legislature of its own. That plan seemed to us only to enhance the division between the two elements in the Government which it should be our object by every possible means to minimise. Such complete dualism in executive and legislature must lead to hopeless friction. One Government would be regarded as official, and one as Indian: and no great provision is needed to see how difference must ensure over the division of financial resources and other matters. Assuming therefore that the machine of Government must as far as possible be single and not dual both in its legislative and executive aspects, we examined the alternative ways in which it appeared open to us to construct the executive.

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### An Alternative Plan

One plan which we considered was that in all provinces there should be set up councils consisting of four members, of whom two would be qualified as now by service under the Crown in India, while for two no such qualification would be required. In practice, the composition of the councils would be two European officials and two Indians. Our further intention was after subjecting an official executive so composed for a period of years to the influence of a legislative council constituted with an elected majority and associated with the administration by means of elected standing committees attached to the departments, to replace the two Indian members of the executive council by ministers appointed from and accountable to the legislative councils. During this period, which would be essentially one of training, some members of the legislative councils would have

acquired some practical acquaintance with the art of administration through the standing committees, but there would be no formal distribution of business so far as administration was concerned, into transferred and reserved subjects, though in dealing with the transferred subjects the Government would as far as possible endeavour to give effect to the wishes of the legislative councils. The executive in such a scheme, finding itself face to face with an elected majority which might withhold essential legislation or supplies, would have had to be armed with power to make good in the last resort its purposes in respect of reserved subjects. We do not think that such a scheme would have been unfavourably received in India. But further consideration showed that it was open to grave defects. So long as the Indian members of the executive were not appointed from the elected members of the Legislative Council, they would have had no responsibility to the legislature. But if this defect were cured by appointing them from the Legislative Council, we should have formed a Government, all the members of which were equally responsible for all subjects but were, though to a lesser extent than in the Congress-League Scheme, accountable to different authorities. If, on the other hand, we delayed this step until the training period was over, we should have encouraged the elected members of Council in the habits of irresponsible criticism which have been the bane of the Morley-Minto Councils, and from which it is our aim to escape. Then when ministers responsible to the Legislative Council were brought into being, it would have been necessary, in pursuance of our principles, to place them in charge of the transferred subjects. But either the ministers would still have continued to share with the executive Council responsibility for even the reserved subject; or else they would have relinquished such joint responsibility and confined themselves exclusively to the transferred subjects. The former alternative is objectionable because it would make the ministers, who are responsible to the electorates, accountable to them not only for transferred subjects, for which responsibility is intended, but also for reserved subjects, over which popular control is not at present intended to operate. In the second place, it is objectionable because the responsibility for the reserved subjects would be shared by members of the executive council responsible to the Secretary of State with ministers responsible to electorates. The latter alternative is open to the criticism that it deprives the Indian element in the Government of such voice in the reserved subjects as they had previously enjoyed.

### Our Own Proposals

We propose therefore that in each province the executive Government should consist of two parts. One part would comprise the head

of the province and an executive council of two members. In all provinces, the head of the Government would be known as Governor, though this common designation would not imply any equality of emoluments or status, both of which would continue to be regulated by the existing distinctions, which seem to us generally suitable. One of the two executive councillors would in practice be a European qualified by long official experience, and the other would be an Indian. It has been urged that the latter should be an elected member of the provincial legislative council. It is unreasonable that choice should be so limited. It should be open to the Governor to recommend whom he wishes. In making his nominations, the Governor should be free to take into consideration the names of persons who had won distinction whether in the legislative council or any other field. The Governor in Council would have charge of the reserved subjects. The other part of the Government would consist of one member or more than one member, according to the number and importance of the transferred subjects, chosen by the Governor from the elected members of the legislative council. They would be known as ministers. They would be members of the executive Government but not members of the executive council; and they would be appointed for the life-time of the legislative council and if re-elected to that body would be re-eligible for appointment as members of the executive. As we have said, they would not hold office at the will of the legislature but at that of their constituents. We make no recommendation in regard to pay. This is a matter which may be disposed of subsequently. 218

### **Relation of the Governor to Ministers**

The portfolios dealing with the transferred subjects would be committed to the ministers, and on these subjects the ministers together with the Governor would form the administration. On such subjects their decisions would be final, subject only to the Governor's advice and control. We do not contemplate that from the outset the Governor should occupy the position of a purely constitutional Governor who is bound to accept the decision of his ministers. Our hope and intention is that the ministers will gladly avail themselves of the Governor's trained advice upon administrative questions, while on his part he will be willing to meet their wishes to the furthest possible extent, in cases where he realises that they have the support of popular opinion. We reserve to him a power of control, because we regard him as generally responsible for his administration, but we should except him to refuse assent to the proposals of his ministers only when the consequences of acquiescence would clearly be serious. Also we do not think that he should accept without hesitation and discussion proposals which are clearly seen to be the result of inexperience. But we do not intend that he should be in a position to refuse assent

at discretion to all his ministers' proposals. We recommend that for the guidance of Governors in relation to their ministers, and indeed on other matters also, an Instrument of Instructions be issued to them on appointment by the Secretary of State in Council.

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### **Additional Members without Portfolio**

There is another provision which we wish to make. The Governor may be himself unfamiliar with Indian condition; and his Government, constituted as we have proposed, will contain only one European member. He will thus normally have only one member with official experience. In some provinces where the Governor is himself an official and thoroughly familiar with the requirements of the province, the advice and assistance of one official colleague may suffice. But in other cases this will not be so. We propose therefore that the Governor should appoint, if he chooses, one or two additional members of his Government as members without portfolio for purposes of consultation and advice. It is true that it is always open to the Governor to seek the advice of any of his officials; but that is not the same thing as appointing them to be members of the Government with the status and authority attaching to such office. The additional members would still discharge the functions of, and draw the pay attached to, their substantive appointments.

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### **Working of the Executive**

It is our intention that the Government thus composed and with this distribution of functions shall discharge them as one Government. It is highly desirable that the executive should cultivate the habit of associated deliberation and essential that it should present a united front to the outside. We would therefore suggest that, as a general rule, it should deliberate as a whole, but there must certainly be occasions upon which the Governor will prefer to discuss a particular question with that part of his Government directly responsible. It would therefore rest with him to decide, whether to call a meeting of his whole Government or of either part of it, though he would doubtless pay special attention to the advice of the particular member or minister in charge of the subjects under discussion. The actual decision on a transferred subject would be taken, after general discussion, by the Governor and his ministers; the action to be taken on a reserved subject would be taken, after similar discussion, by the Governor and the other members of his executive council, who would arrive at their decision the manner provided in the existing statute. The additional members if present would take their share in the discussion, but would in no case take a part in the decision. At a meeting of the whole Government, there would never be, in fact, any question of voting, for the decision would be left, as we have

stated, to that part of the Government responsible for the particular subject involved. But there are questions upon which the functions of the two portions of the Government will touch or overlap, such for instance as decisions on the budget or on many matters of administration. On these questions, in case of a difference of opinion between the ministers and the executive council, it will be the Governor who decides.

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### **Advantages and Disadvantages of this plan**

Let us now see the advantages of this transitional arrangement and anticipate criticisms. It has been urged with great force that, at the outset, it would be unfair to entrust the responsibility for the administration of any subject to men holding office at the will of the legislative council. The legislative council has had no experience of the power of dismissing ministers, or the results attending the exercise of such power. Nobody in India is yet familiar with the obligations imposed by tenure of office at the will of a representative assembly. It is only by actual experience that these lessons can be learned. But our scheme provides security of tenure for ministers for the life-time of the council during the preliminary period, and therefore gives some time, which we think should be short, to prepare for the full exercise of responsibility. By the device however of appointing the minister from the elected members of the legislative council and making their tenure of office conditional on the retention of their seats, we have established at once some measure of responsibility, in the form of responsibility to their constituents, and have thus put an end to the condition of affairs in which those entrusted with the administration are wholly irresponsible to the constituents who elect the legislative council. By dividing the Government into what will in effect be two committees with different responsibilities, we have ensured that members of the Government accountable to different authorities do not exercise the same responsibility for all subjects. By entrusting the transferred portfolios to the minister, we have limited responsibility to the Indian electorate to those subjects in which we desire to give responsibility first. We have done this without now or at any time depriving the Indian element in the Government of responsibility for the reserved subjects. The fact that we are entrusting some functions of Government to ministers makes it impossible for us to contemplate to the retention in any province of an executive council of more than two members; but the reduction of the European element in the council may be regarded as equivalent to an increase in the Indian element. At the same time, by the appointment of the additional members of this Government, we have secured that the Governor shall have at his disposal ample official advice. The arrangement admits of adjustment to the different provinces, because we

contemplate that the number of transferred subjects, and therefore the number of ministers, may vary in each province. It is quite true that our plan involves some weakening of the unity of the executive and some departure from constitutional orthodoxy; but whenever and wherever we approach this problem of realising responsibility at different times in different functions, we find it impossible to adhere tightly to theoretical principles. It would be impossible to attain our object by a composite Government so composed that all its members should be equally responsible for all subjects. At the same time, it is necessary to secure that the whole executive should be capable of acting together. What we can do is to aim at minimising causes of friction; and we have proposed arrangements that can be worked by mutual forbearance and a strong common purpose. It is our intention that the decisions of the Government should be loyally defended by the entire Government, but that the ministers should feel responsibility for conforming to the wishes of their constituents. It is true that these two forces may pull different ways: but though the analogy is clearly not complete, there are occasions when members of a Government, and indeed members of Parliament at home, have to choose between the loyalty to the Government and to their own constituents. All the members of the composite executive will be chosen by the Governor, and his position in the administration will enable him to act as a strong unifying force. The habit of deliberating as a whole will also tend to preserve the unity of the Government, while the special responsibility of either part for the subjects committed to it will be recognised by the legislative council and the electorate. It seems to us, therefore, that, both from the point of view of capacity for development and from that of ensuring co-operation while developing responsibility, our arrangement is the best that can be devised for the transitional period.

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### **Its Justification**

Our proposals may strike some critics as complicated. But few constitutions, except those of purely despotic character, can be described without some appearance of complication; and the course which we have deliberately chosen, and which is in its nature experimental and transitional is relatively elaborate because it involves the temporary co-ordination of two different principles of Government. If we had proposed to delay the concession of any responsibility at all until such time as we could give complete responsibility, our scheme certainly would have had the minor merit of simplicity. But apart from our obligation to comply with the announcement of August 20, we feel that such a course would have subjected the mechanism of Government, when the change from irresponsibility to complete responsibility came, to so violent a shock that it might well have broken down. We were driven

therefore first to devising some dualism in the executive; and secondly to providing for such a balance of power between the two portions as would permit the one portion to grow without at the same time disabling the other from discharging its very necessary functions of preserving continuity and safeguarding essentials. Given such difficult conditions, we do not think that a less elaborate solution can readily be devised.

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### A Further Proposal

The suggestion has been made to us that in some provinces it might be convenient, where the press of work is heavy, to appoint some members of the legislative council, not necessarily elected, to positions analogous to that of a parliamentary Under Secretary in Great Britain, for the purpose of assisting the members of the executive in their departmental duties and of representing them in the legislative council. We feel no doubt that the elaboration of the machinery which is inevitable in future will impose greater burdens on the members of the Government. We suggest therefore that it may be advisable and convenient to take power to make such appointments.

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### Provincial Legislatures

#### COMPOSITION OF THE COUNCIL

We will now explain how we intend that the provincial legislature of the future shall be constituted. We propose there shall be in each province, an enlarged legislative council, differing in size and composition from province to province, with a substantial elected majority, elected by direct election on a broad franchise, with such communal and special representation as may be necessary. This brief epitome of our proposals needs some amplification if it is to be intelligible. We have been invited by many advisers to indicate at once the composition of the councils which we contemplate. We have refrained from that task for good and sufficient reasons. It would be easy to make proposals, but in the present state of our information it would be very difficult to invest those proposals with authority. If a sound beginning is to be made, the foundations for the building must be laid deeper. The first step must be not a hard and fast adjustment of the composition of the councils to the various interests of each province as estimated from headquarters but a careful survey of all the material available in the province for an electorate. We must in fact measure the number of persons who can in the different parts of the country be reasonably entrusted with the duties of citizenship. We must ascertain what sort of franchise will be suited to local conditions, and how interests that may be unable to find adequate representation in such constituencies are to be represented. Such an electoral survey of the entire country is obviously

beyond our powers at the present time. We propose that the work should be undertaken by a special committee, which should be appointed to deal with it as soon as possible ; for whatever modifications of our own proposals may be decided upon in further discussion, it seems to us certain that work of this particular nature must in any case be done. We suggest that the committee should consist of a chairman chosen from outside India, two experienced officials and two Indians of high standing and repute. In each province, the material for its deliberations would, of course, be prepared for it by the local Government : indeed some spade work has already been done. As the committee visited each province in turn, one civilian officer and one Indian appointed by the provincial Government should join it and share in its labours. The committee's investigations into the subjects of the franchise, the constituencies and the nominated element, to which we refer below, will enable it to advise as to the composition of the councils, which, we propose, should then be determined by the Secretary of State in Council on the recommendation of the Government of India, in the form of regulations to be laid before Parliament. We think this is certainly a better method than to formulate such matters in the Statute itself. All this electoral architecture must inevitably be experimental and will need modification and development from time to time.

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### The System of Election and the Franchise

While, however, we refrain from any discussion of details for which the materials is not immediately available, there are certain broad questions upon which we certainly ought to indicate our conclusions, both because the issues are themselves important and because the committee will need general instructions on points of principle. We consider, in the first place, that the system of indirect elections should be swept away. It is one main cause of the unreality that characterises the existing councils, because it effectively prevents the representative from feeling that he stands in any genuine relation to the original voter. Secondly, we consider that the limitations of the franchise, which it is obviously desirable to make as broad as possible, should be determined rather with reference to practical difficulties than to any "a priori" considerations as to the degree of education or amount of income which may be held to constitute a qualification. It is possible that, owing to unequal distribution of population and wealth, it may be necessary to differentiate the qualifications for a vote not merely between provinces but between different parts of the same province. It is essential to take due account of the problems involved in the maintenance of an electoral roll, the attendance of voters at a polling centre, the danger of impersonation and the subsequent adjudication of electoral petitions. On these considerations the



strength of the official and non-official agency which could be made available for electoral purposes throughout the country has important bearing, and warns us against any such inordinate and sudden extension of the franchise as might lead to a breakdown of the machinery through sheer weight of numbers. 226

### Communal Electorates

At this point we are brought face to face with the most difficult question which arises in connection with elected assemblies—whether communal electorates are to be maintained. We may be told that this is a closed question, because the Muhammadans will never agree to any revision of the arrangement promised them by Lord Minto in 1906, and secured to them by the reforms of 1909. But we have felt bound to re-examine the question fully in the light of our new policy; and also because we have been pressed to extend the system of communal electorates in a variety of directions. This is no new problem: It has been discussed periodically from the time when the first steps were taken to liberalise the councils. There has hitherto been a weighty consensus of opinion that in a country like India no principle of representation other than by interests is practically possible. Lord Dufferin held this view in 1888, and in 1892 Lord Lansdowne's Government wrote that "the representation of such a community upon such a scale as the Act permits can only be secured by providing that each important class shall have the opportunity of making its views known in council by the mouth of some member specially acquainted with them." We note that in 1892 the small size of the councils was reckoned as a factor in the decision and that the contrary view was not without its exponents; but we feel no doubt that Lord Minto's Government followed the predominant opinion when in 1908 they pressed for an important extension of the communal principle. Thus we have had to reckon not only with the settled existence of the system, but with a large volume of weighty opinion that no other method is feasible. 227

### They are opposed to the Teaching of History

• The crucial test to which, as we conceive, all proposals should be brought is whether they will or will not help to carry India towards responsible government. Some persons hold that for a people such as they deem those of India to be, so divided by race, religion and caste as to be unable to consider the interests of any but their own section, a system of communal and class representation is not merely inevitable, but is actually best. They maintain that it evokes and applies the principle of democracy over the widest range over which it is actually alive at all by appealing to the instincts which are strongest; and that we must hope to develop the finer, which are also at present the

weaker, instincts by using the forces that really count. According to this theory, communal representation is an inevitable and even a healthy stage in the development of a non-political people. We find indeed that those who take this view are prepared to apply their principles on a scale previously unknown and to devise elaborate systems of class or religious electorates into which all possible interests will be deftly fitted. But when we consider what responsible Government implies, and how it was developed in the world we cannot take this view. We find in its earliest beginnings resting on a effective sense of the common interests, a bond compounded of community of race, religion and language. In the earlier form which it assumed in Europe, it appeared only when the territorial principle had vanquished the tribal principle, and blood and religion had ceased to assert a rival claim with the State to a citizen's allegiance; and throughout its development in western countries, even in cases where special reasons to the contrary were present, it has rested constantly on the same root principle. The solitary examples that we can discover of opposing principle are those of Austria, a few of the smaller German states, and Cyprus. It is hardly necessary to explain why we dismiss these as irrelevant or unconvincing. We conclude unhesitatingly that the history of self government among the nations who developed it, and spread it through the world is decisively against the admission by the State of any divided allegiance; against the State's arranging its members in any way which encourages them to think of themselves primarily as citizens of any smaller unit than itself. 228

### The Perpetuate Class Division

Indian lovers of their country would be the first to admit that India generally has not yet acquired the citizen spirit, and if we are really to lead her to self-government, we must do all that we possibly can to call it forth in her people. Division by creeds and classes means the creation of political camps organised against each other, and teaches men to think as partisans and not as citizens; and it is difficult to see how the change from this system to national representation is ever to occur. The British Government is often accused of dividing men in order to govern them. But if it unnecessarily divides them at the very moment when it professes to start them on the road to governing themselves, it will find it difficult to meet the charge of being hypocritical or short sighted. 229

### They Stereotype existing Relations

There is another important point. A minority which is given special representation owing to its weak and backward state, is positively encouraged to settle down into a feeling of satisfied security; it is under no inducement to educate and qualify itself to make good the ground

which it has lost compared with the stronger majority. On the other hand, the latter will be tempted to feel that they have done all they need do for their weaker fellow countrymen and that they are free to use their powers for their own purposes. The give-and-take which is the essence of political life is lacking. There is no inducement to the one side to forbear, or to the other to exert itself. The communal system stereotypes existing relations. 230

### **The Case of the Muhammadans**

We regard any system of communal electorates, therefore, as a very serious hindrance to the development of the self-governing principle. The evils of any extension of the system are plain. Already communal representation has been actually proposed for the benefit of a majority community in Madras. At the same time, we must face the hard facts. The Muhammadans were given special representation with separate electorate in 1909. The Hindus' acquiescence is embodied in the present agreement between the political leaders of the two communities. The Muhammadans regard these as settled facts, and any attempt to go back on them would rouse a storm of bitter protest and put a severe strain on the loyalty of a community which has behaved with conspicuous loyalty during a period of very great difficulty, and which we know to be feeling no small anxiety for its own welfare under a system of popular government. The Muhammadans regard separate representation and communal electorates as their only adequate safe-guards. But apart from a pledge which we must honour until we are released from it, we are bound to see that the community secures proper representation in the new councils. How can we say to them that we regard the decision of 1909 as mistaken, that its retention is incompatible with progress towards responsible government, that its reversal will eventually be to their benefit; and that for these reasons we have decided to go back on it? Much as we regret the necessity, we are convinced that, so far as the Muhammadans at all events are concerned, the present system must be maintained until conditions alter, even at the price of slower progress towards the realisation of a common citizenship. But we can see no reason to set up communal representation for Muhammadans in any province where they form a majority of the voters. 231

### **Other Minority Representation**

We have been pressed to extend the concession to other communities. Some have based their claim on their backward, others on their advanced condition. Thus the Sikhs in the Punjab, the non-Brahmanas in Madras (although in that presidency these actually constitute a majority) the Indian Christians, the Anglo-Indians, the European, and the Lingayat Community in Bombay have all asked

for communal representation. The large land-owning classes also generally desire representation in an electorate of their own. Now our decision to maintain separate electorates for Muhammadans makes it difficult for us to resist these other claims; but, as we have said, in the case of the Muhammadans we have felt ourselves bound by promises given and renewed by Secretaries of State and Viceroys, and in their respect to all events our recommendation involves no new departurê. Any general extension of the communal system, however, would only encourage still further demands, and would, in our deliberate opinion, be fatal to that development of representation upon a national basis in which alone a system of responsible government can possibly be rooted. At the same time, we feel that there is one community from whom it is inexpedient to withhold the concession. The Sikhs in the Panjab are a distinct and important people: they supply a gallant and valuable element to the Indian Army; but they are every where in a minority, and experience has shown that they go virtually unrepresented. To the Sikhs, therefore and to them alone, we propose to extend the system already adopted in the case of the Muhammadans.

For the representation of other minorities, we should prefer nomination. Even in the case of the general European community, whose material interests in the country are out of all proportion to their numerical strength and on whose behalf it may be argued that no departure from principle is involved, inasmuch as, unlike all other communities named, they are not an integral part of population of India, we prefer to rely upon nomination. Special electorates will no doubt be required for the representation of the planting and mining interests, for the chambers of commerce, and possibly also for the universities; but we desire that the number of such electorates should be as restricted as possible, and that minority interests should, where necessary, be represented not by class or interest electorates but by nomination. Where the great landowners from a distinct class in any province, we think that there will be a case for giving them an electorate of their own. The anomaly involved in the presence of nominated members in a council to which we are giving some responsible powers must, we think, be accepted as one of the necessary illogicalities attendant on a transitional period. Such nominations are made for a representative purpose and can be made in such a way as to secure representation. Nomination has in our eyes the great advantage over the alternative of extending the class or communal system that it can be more easily abolished when the necessity for it ceases. We look to the desire of the communities represented by nominated member to see their representatives in council placed upon the same footing as those of other communities to help us in securing the extension of the territorial principle of representation wherever

possible. But it should be a clear instruction to the committee that the nominated element in the legislative councils is to be no larger than the exigencies of fair and adequate representation entail.

There may be cases in which nomination proves an unsuitable method of securing the representation of minorities. In such cases the committee should consider whether the needs of the case would be met by reserving to a particular community a certain number of seats in plural constituencies but with a general electoral roll. We are inclined to look on such an arrangement as preferable to communal electorates.

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### Official Members

There seem to us good and sufficient reasons for not dispensing entirely with the official element in the legislative councils. Once the official *bloc* is swept away, the main objection to the presence of officials no longer exists; their presence has the advantage of tending to steady discussion and of keeping it to practical issues; and their official experience will be invaluable. The exact number of official representatives will be a matter for the committee to consider. We advise, however, that the official element appointed by the Governor should be no larger than is considered necessary for the transaction of business. The members of the executive council should be *ex-officio* members of the legislative council, and there should be so many other official members as will provide the Government with first-hand knowledge of the matters likely to be discussed both in the council and in committee. We wish to see the convention established, though we propose to lay down no rule on the point, that on the subjects transferred to the control of ministers, the official members of the legislative council would abstain from voting and leave the decision of the question to the non-official members of council. On other matters, except on occasions when the Government thinks it necessary to require their support, the nominated official members of the legislative councils should have freedom of speech and vote.

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### Designation of Members

The great increase which will result from our proposals in the number of members of the provincial legislative councils makes it desirable that they should no longer enjoy the designation "Honourable" which we desire to reserve for the members of the new bodies whose institution we propose in the next chapter. But conformably with practice in other parts of the Empire, we suggest that provincial legislators should be entitled to affix the letters M.L.C. to their names. On the other hand, while the language of S. 74 of the Government of India Act with its reference to "additional members" marks the survival of the idea that the legislative councils are merely expansions

of the executive Government for the purpose of law-making, our proposals will have made it clear that we intend the Indian legislatures of the future to be substantive legislative organs. We consider therefore that the term "additional members" should no longer be employed in the case of any Indian legislature.

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### Standing Committees

Our next proposal is intended to familiarise other elected members of the Legislative Council, besides ministers, with the processes of administration; and also to make the relations between the executive and legislative more intimate. We propose that to each department or group of departments, whether it is placed under a member of the executive council or under a minister, there should be attached a standing committee elected by the legislative council from among their own members. Their functions would be advisory. They would not have any administrative control of departments. It would be open to the Government to refuse information when it would be inconsistent with the public interest to furnish it. We do not intend that all questions raised in the course of day-to-day administration should be referred to them; but that they should see, discuss and record for the consideration of Government their opinions upon all questions of policy, all new schemes involving expenditure above a fixed limit, and all annual reports upon the working of the department. If the recommendations of the standing committee were not accepted by Government, it would, subject of course to the obligation of respecting confidence, be open to any of its members to move a resolution in the legislative council in the ordinary way. The members of the executive council or minister concerned with the subject-matter should preside over the committee, and as an exception to the rule that it should be wholly non-official, the heads of the departments concerned, whether sitting in the legislative council or not, should also be full members of it with the right to vote.

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### Control of Business

Bearing in mind the facts that the legislative councils will in future be larger bodies and will contain a certain number of members unversed in discussion, we feel the importance of maintaining such standards of business as will prevent any lowering of the council's repute. The conduct of business in a large deliberative body, is a task that calls for experience which cannot be looked for at the outset in an elected member. We consider therefore that the Governor should remain the President of the legislative council, but in as much as it is not desirable that he should always preside, he should retain the power to appoint a Vice-President. He should not be formally limited in his selection, but we suggested that for some time to come

it will be expedient that the Vice-President should be chosen from the official members. 236

Power to make its own rules of business is a normal attribute of a legislative body. But a simple and satisfactory procedure is of the essence of successfully working; and it is advisable to avoid the risk that in experience may lead to needless complication or other defect in the rules. We think therefore that the existing rules of procedure should, for the time being, continue in force, but that they should be liable to modification by the legislative council, with the sanction of the Governor.

One or two points in connection with the rules require notice. Any member of the legislative council and not merely the asker of the original question should, we think, have power to put supplementary questions. Power should be retained in the Governor's hands to disallow questions, the mere putting of which would be detrimental to the public interests. If a question is not objectionable in itself but cannot be answered without harm to the public interests, the Governor should not disallow the question but his Government should refuse to answer it on that ground. We have not considered in what respect existing restrictions upon the moving of resolutions should be modified; but here also it seems inevitable that some discretionary power of disallowance should remain in the Governor's hands. 236

### **Effect of Resolutions**

We do not propose that resolutions, whether on reserved or transferred subjects should be binding. The Congress-League proposal to give them such authority is open to the objections which we have already pointed out. If a member of the legislative council wishes the Government to be constrained to take action in a particular direction, it will often be open to him to bring in a Bill to effect his purpose; and when ministers become, as we intend that they should, accountable to the legislative council, the council will have full means of controlling their administration by refusing them supplies or by means of votes of censure, the carrying of which may, in accordance with established constitutional practice, involve their quitting office. 237

### **Division of the Functions of Government**

It is time to show how we propose that the sphere of business to be made over to the control of the popular element in the Government should be demarcated. We assumed in paragraphs 212 and 213 above that the entire field of provincial administration will be marked off from that of the Government of India. We assumed further that in each province certain definite subjects should be transferred for the purpose of administration by the ministers. All subjects not so transferred will be reserved to the hands of the Governor-in-Council,

The list of transferred subjects will of course vary in each province; indeed it is by variation that our scheme will be adjusted to varying local conditions. It will also be susceptible of modification at subsequent stages. The determination of the list for each province will be a matter for careful investigation, for which reason we have not attempted to undertake it now. We could only have done so if after settling the general principles on which the lists should be framed we had made a prolonged tour in India and had discussed with the Government and people of each province the special conditions of its own case. This work should, we suggest, be entrusted to another special committee similar in composition to, but, possibly smaller in size than, the one which we have already proposed to constitute for the purpose of dealing with franchises and constituencies. It may be said that such a task can be appropriately undertaken only when our main proposals are approved. We find it difficult, however, to believe that any transitional scheme can be devised which will dispense with the necessity for some such demarcation; and for this reason we should like to see the committee constituted as soon as possible. It should meet and confer with the other committee which is to deal with franchises, because the extent to which responsibility can be transferred is related to the nature and extent of the electorate which will be available in any particular province. The committee's first business will be to consider what are the services to be appropriated to the provinces, all others remaining with the Government of India. We suggest that it will find that some matters are of wholly provincial concern, and that others are primarily provincial but that in respect of them some statutory restrictions upon the discretion of provincial Governments may be necessary. Other matters again may be provincial in character so far as administration goes, while there may be good reasons for keeping the right of legislation in respect of them in the hands of the Government of India. The list so compiled will definite the corpus of material to which our scheme is to be applied. In the second place, the committee will consider which of the provincial subjects should be transferred; and what limitations must be placed upon the ministers' complete control of them. Their guiding principle should be to include in the transferred list those departments which afford most opportunity for local knowledge and social service, those in which Indians have shown themselves to be keenly interested, those in which mistakes which may occur though serious would not be irremediable, and those which stand most in need of development. In pursuance of this principle, we should not expect to find that departments primarily concerned with the maintenance of law and order were transferred. Nor should we expect the transfer of matters which vitally affect the well-being of the masses who may not be adequately represented in the new councils such for example as questions of land revenue or tennta rights. As an



illustration of the kind of matters which we think might be treated as provincial and those which might be regarded as transferred, we have presented two specimen lists in an appendix to this report. We know that our lists cannot be exhaustive; they will not be suitable to all provinces; they may not be exactly suitable to any province; but they will serve at all events to illustrate our intentions if not also as a starting point for the deliberations of the committee. Our lists are in the main mere categories of subjects. But we have mentioned by way of illustration some of the limitations which it will be necessary to impose or maintain. In dealing with each subject, the powers of the provincial legislatures to alter Government of India Acts on that subject will have to be carefully considered. We have indicated in paragraph 240 below certain other reservation which seem to us necessary. On the publication of this report, we should like to see the lists discussed in the provincial councils and considered by the provincial Governments, so that the committee may have ready at hand considered criticism upon the applicability of our suggestions to the circumstances of each particular province. 238

### Settlement of Disputes

We realise that no demarcation of subjects can be decisive in the sense of leaving open no matter for controversy. Cases may arise in which it is open to doubt into which category a particular administrative question falls. There will be other cases in which two or more aspects of one and the same transaction belong to different categories. There must therefore be an authority to decide in such cases which portion of the Government has jurisdiction. Such a matter should be considered by the entire Government, but its decision must in the last resort lie definitely and finally with the Governor. We do not intend that the course of administration should be held up while his decision is challenged either in the law courts or by an appeal to the Government of India. 239

### Powers of Intervention

Further, inasmuch as administration is a living business and its corpus cannot be dissected with the precision of an autopsy, we must even in the case of matters ordinarily made over to non-official control, secure the right of re-entry either to the official executive Government of the province, or to the Government of India in cases where their interests are essentially affected. For instance, the central Government must have the power for reasons which will be readily apparent in every case of intervening effectively, whether by legislation or administrative action, in matters such as those affecting defence or foreign or political relations, or foreign trade, or the tariff, or which give rise to questions affecting the interests of more than one province;

or which concern the interests of all-India services even if serving under provincial Governments. Similarly, the Governor in executive council must have power to intervene with full effect in matters which concern law and order or which raise religious or racial issues, or to protect the interests of existing services. We do not claim that this list of reservations is exhaustive or definitive; we look to the committee to assist in making it so. Our aim must be to secure to the official executive the power of protecting effectually whatever functions are still reserved to it and to the Government of India, of intervening in all cases in which the action of the non-official executive or council affects them to their serious prejudice. For otherwise the official Government which is still responsible to Parliament may be unable to discharge its responsibility properly. 240

### **The Justification of this Division**

No doubt we shall be told,—indeed we have often been told already,—that the business of government is one and indivisible, and that the attempt to divide it into two spheres controlled by different authorities, who are inspired by different principles and amenable to different sanctions, even with the unifying provisions which we have described is doomed to encounter such confusion and friction as will make the arrangement unworkable. We feel the force of these objections. We have considered them very anxiously and have sought out every possible means of meeting them. But to those critics who press them to the point of condemning our scheme would reply that we have examined many alternative plans, and found that they led either to deadlock or to more frequent or greater potentialities of friction. Such destructive arguments so far as we can discover are directed not so much against our particular plan, but against any plan that attempts to define the stages between the existing position and complete responsible Government. The announcement of August 20 postulated that such stages could be found; indeed unless we can find them, it is evident that there is no other course open than at some date or other to take a precipitate plunge forward from total irresponsibility to complete responsibility. 241

### **Alternative Methods of Division**

We have, however, encountered other critics whose arguments are worthy of fuller examination. They agree with us that some division of functions is the right, indeed the inevitable method of progress but they tell us that by attempting the division of powers upon the provincial plane we are needlessly enhancing the confusion and friction which will arise and which could be and ought to be mitigated by a different disposition of the machinery. They urge in brief that the line of division should be horizontal and not vertical and

that popular control and popular responsibility ought to be developed not in the provincial legislative councils, but in new constitutional bodies to be created for this purpose and invested with jurisdiction over smaller areas. They claim that friction will be avoided or at all events diminished if the delegated functions of the new bodies are more closely circumscribed by the terms of the legislation calling them into existence than is possible in the case of the provincial council; and if they are protected from the temptation to place themselves in constant opposition to the official element which would be offered by the presence of both elements in one and the same Government and in one and the same council. They reckon it to the credit of their schemes that by confining the operations of the new constitutional bodies to areas smaller than provinces, they hope to draw into the arena of public affairs men who could hardly be expected to come forward for the provincial council. They urge that by presenting themselves to the official services not so much as rival governments but as organs of local self-Government on the largest and most generous scale, they may feel confident of official help and co-operation.

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#### **Plan of Division Councils**

In their less pretentious form of expression, these ideas are embodied in a scheme which has been placed before us for the establishment of divisional councils. These bodies would have jurisdiction over a revenue division, and would deal with all questions of local self-government and certain other matters delegated to them, such as excise, agricultural farms, provincial roads and some branches of education. They would have definite revenues of their own and also power to increase their income by local taxation. They would administer the business delegated to them by means of an executive committee, of whom the president would be elected by the council and would himself choose his own colleagues. The provincial legislative council would be composed of delegations from the divisional councils, and would contain no official members other than the members of the executive council who would attend only to reply to questions and to explain the Government's attitude. As regards the matters made over to the divisional councils, the provincial council would retain certain powers of legislation, taxation and of sanctioning rules; but as regards all other subjects, its powers would be only those of deliberation and criticism unless the Government referred a particular question to it for decision.

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#### **Reasons for rejecting it**

Though we desire to acknowledge the thoughtful manner in which the proposals were worked out, we need not amplify them in detail because we found at the outset weighty reasons for rejecting

them. The scheme in our opinion fails to provide for continuing and ordered progress in the future. The divisions are in very many instances artificial units, which are not suitable areas on which to base permanent institutions; and in any case they are certainly too small to serve permanently as Self-Governing units. Although it was contemplated that further spheres of business could be from time to time made over to them, no great progress would be possible because the range of matters which could be administered on a divisional basis must for practical reasons be limited. Progress would therefore soon be checked unless, as indeed the authors of the scheme contemplated, the divisional councils coalesced so as to form larger bodies. It seems to us better to start from the outset on a plane on which a permanent edifice can be built. However this be, we feel that the scheme is unacceptable for reasons similar to those which led us to decide that it was impossible to confine advance to the limited sphere of purely local self-government. Whatever may be said of it on theoretical grounds, it would not satisfy political needs. If the scheme for divisional councils, and the cognate scheme described below, succeeded in drawing into public life men who could hardly be expected to come forward to the provincial councils, it would also have the effect of very largely depriving those who had had some experience of political matters and whose life is spent in the provincial capitals of many opportunities of effective political work. On the legislative council they would find their functions narrowly restricted; and on the divisional councils also they would deal with a smaller range of subjects than that with which they had hitherto been concerned. 244

### **Plan of Provincial States**

We have also considered a more ambitious development of the same leading idea which was presented to us by the signatories to a joint address of European and Indian gentlemen in Calcutta. They propose that existing Provinces should be sub-divided into a limited number of smaller areas on a linguistic or racial basis, and that for such provincial states there should be constituted state councils and state government dealing only with such matters at those which in our scheme would be included in the transferred list. The official Government of the province would continue to administer the reserved subjects for the whole provincial area; but inasmuch as responsibility would have been given and would be intended to be developed solely in the state councils, the legislative council of the province would, when the daughter bodies came into being, lose its legislative functions and lapse into the position of a purely advisory body, except that if the provincial executive disregarded its wishes it would have the right of appeal to the Government of India and the Secretary of State. As the state councils developed, more and more functions would be

made over to them, as the result of periodical inquiry by a recurrent commission—an idea for which we acknowledge our indebtedness to the authors of the scheme—until finally the provincial Governments disappeared and the future polity of British India was represented by a series of states enjoying responsible government.

### Reason for Rejecting it Generally

We have considered this scheme with the care which its skilful preparation and authoritative endorsement deserve. But the disadvantages of the scheme, as it seems to us, far outweigh its advantage. The proposals to withdraw from the provincial councils, even as a transitional arrangement, their present opportunities of affecting the action of Government would certainly meet with great opposition and be regarded as retrograde. Moreover, while the state Governments would indeed be real Governments and not merely larger organs of local self-government, it would, we believe, be necessary to circumscribe their powers to an extent on which it will be difficult to insist in practice. Though differences in area might mitigate the effects of dualism, there would actually be, in one and the same territory, two Governments and two legislatures, each equipped with a separate service of officers. There would be no means of securing cohesion between the two Governments; and we apprehend that grave divergences of view might occur which there would be no easy means of composing. If it is true that the presence of two elements in one and the same Government presents opportunities for collision, it presents also opportunities for understanding and co-operation. It appears to us that wisdom lies not in equipping each of the different elements with a complete and separate paraphernalia of its own, and trusting to their orbits lying sufficiently apart for collisions to be avoided; but in taking every opportunity of bringing the two elements into contact so as to induce the habits of joint action. However this be, there remains one practical reason of paramount force against our proceeding with the scheme. In spite of the evidence, which has reached us of the existence in parts of India, of distinct areas or communities—which are anxious to secede from the larger administrative units of which they now form part, we feel sure that any general scheme of geographical partition would evoke such strong opposition as would be fatal to the whole plan. Generally speaking, we may describe provincial patriotism as sensitively jealous of its territorial integrity. Divisions of territory which are not made in response to a popular demand are apt to provoke wide and deep-seated dissatisfaction. We are convinced, after taking note of a recent debate in the Indian Legislative Council upon this subject, that we should be very unwise to attempt to unite the sufficiently difficult task of revising the constitution of India with the highly controversial

labour of simultaneously revising the political geography of the entire country. None theless, while we discard as impracticable the idea of calling into existence new provincial states as part of our own constructive scheme, we are impressed with the artificial and often inconvenient character of existing administrative units. We have seen how historical reasons brought them about. We cannot doubt that the business of government would be simplified if administrative units were both smaller and more homogeneous : and when we bear in mind the prospect of the immense burdens of government in India being transferred to comparatively inexperienced hands, such considerations acquire additional weight. It is also a strong argument in favour of linguistic or racial units of government that, by making it possible to conduct the business, of legislation in the vernacular, they would contribute to draw into the arena of public affairs men who were not acquainted with English. We believe emphatically that re-distributions of provincial areas cannot be imposed upon the people by official action and that such a process ought in any case to follow and neither to precede nor accompany constitutional reform. But we are bound to indicate our own clear opinion that wherever such re-distributions are necessary and can be effected by process of consent the attempt to do so should be made ; and therefore we desire that it should be recognised as one of the earliest duties incumbent upon all the reformed provincial Governments to test provincial opinion upon schemes directed to this end. In Orissa and Behar, at all events, it seems to us that the possibility of instituting sub-provinces need not be excluded from consideration at a very early date.

#### **Means of Securing the Affirmative Power of Legislation**

We now turn to a consideration of the work of legislative councils. Assuming that they have been reconstituted with elective majorities, and that the reserved and transferred subjects have been demarcated in the way suggested, let us consider how the executive Government is to be enabled to secure the passing of such legislation or such supplies as it considers absolutely necessary in respect of the reserved services. For we must make some such provision if we are going to hold it responsible for the Government of the province.

Now in respect of legislation there are several possibilities. We might leave it to the Government of India to pass the law which a provincial Government has failed to carry in the Indian legislature where, as we shall show, we intend to leave it in a position to pass the laws which it deems essential ; or we might leave it to the Governor-General, or preferably perhaps to the Governor-General in Council to make and promulgate ordinances, having effect either for a specified period, or else until such time as the life of the provincial legislative council which refused the desired legislative was cut short or expired,

and a new council was elected in its place : or we might arm the provincial Government with a similar power of ordinance-making. We shall explain why we reject all these alternatives. 247

### **By Government of India Legislation**

To invite the Government of India to intervene whenever the provincial Government encountered effective opposition to its legislative proposals would strike at one of our root propositions. The provincial Governments must ordinarily be autonomous in their own legislative field; and for them to call in the Government of India for this purpose would be a negation of this principle. Moreover, we feel the gravest doubt whether the Government of India would in fact be found willing to undertake any such responsibility. The Government of India would be accused of ignorance of local conditions and disregard of provincial wishes; of giving with one hand and taking away with another. Nor would its legislature be suitably constituted for such a purpose. We question whether it would be at all disposed to assume the ungrateful task of carrying in its own legislature such unpopular and controversial legislation as provincial circumstances might demand. 248

### **By Ordinances**

For even stronger reasons we reject the suggestion that the Governor-General or the Governor-General-in-Council should be invited to deal with the refusal of a provincial council to pass a law by the device of promulgating an ordinance. As we saw, this power was a revival of the old system by which the original executives made the law; it was in its revived form never intended for more than emergency use, to which purpose it has since been strictly confined. Apart from war legislation, the Governor-General's ordinance making power has been employed only six times in 51 years. To resort to it as an ordinary means of carrying Bills that had been refused by a provincial council would excite the strongest opposition; and to pass ordinances without first enabling the council to discuss them would be to abandon all the advantages of publicity and criticism. The idea that the provincial Governor in Council should be equipped with a power to make ordinances was also one to which we gave some consideration. Inasmuch as there will be a strong Indian element in the provincial executive of the future, the opposition to such legislation by the executive would no doubt be diminished; but we felt that it was impossible to ask Parliament to confer on the Governments of provinces a power which they had never enjoyed since 1833 and which is opposed to the whole spirit of our reforms. A further practical objection was the likelihood that the executive would be often divided upon the merits of a particular project and that the Governor who proposed to put it into

force by the medium of an ordinance might find himself faced with the resignation of some of his Indian colleagues or minister. 249

### Other Proposals

We considered further whether these objections could not be mitigated by laying the proposed ordinances before an advisory committee; or by carrying them by the machinery of a separate council dealing only with reserved subjects. In this latter case, the Governor-in-Council would obtain his essential legislation and supplies from a legislative council so constituted as to enable Government to give effect to its wishes, while the ministers would lay their Bills and financial proposals before another legislative council wholly or predominantly elected. We abandoned this idea, first, because it appeared to us to emphasise most unwisely the severance between the two elements in the administration which it should be our consistent aim to bring together as closely and continuously as possible: and, secondly, because it deprived the popular legislature of the power which it now enjoys of affecting the action of Government in the reserved subjects. 250

### Advisory Ordinance Committees

The alternative plan of constituting an advisory committee before which draft ordinances should be placed before their promulgation did not satisfy us. We felt that though the deliberations of such a body might palliate the nakedness of what is really an official edict, the fact that the committee's assent to the measure would not be necessary would deprive the palliative of any political value. 251

### Our Proposals

#### GRAND COMMITTEES

Because, as we shall show in paragraph 258, we have decided not to recommend the institution of second chambers in the provinces we cannot apply to the provinces the scheme which we propose hereafter for the Government of India; and we must turn to some form of unicameral arrangements. The solution which we propose is as follows. For the purpose of enabling the provincial Government to get through its legislation on reserved subjects, we propose that the head of the Government should have power to certify that a Bill dealing with a reserved subject is a measure "essential to the discharge of his responsibility for the peace or tranquility of the province or of any part thereof, or for the discharge of his responsibility for the reserved subjects." In employing these words, we are not assuming the function of a parliamentary draughtsman: we merely mean to indicate that words will be needed to show that this exceptional



procedure will be used only when the Government feels that its legislation is necessary if peace and tranquility are to be secured, or more generally if it is properly to discharge its responsibility for the reserved subjects even if no question of maintaining order arises. It will be seen hereafter that we propose similar procedure for controlling non-official bills; amendments and clauses and for controlling budget allotments on reserved subjects. In these cases also, we shall speak of certification as indicating that the Governor was using the exceptional procedure in the circumstances described above. Such a certificate as we have described would not be given without strong reason; and we suggest that the reasons justifying recourse to it might be included in the instructions to Governors which the India Office should issue; for instance, we think that the Governor should not certify a Bill if he thought its enactment could safely be left to the Legislative Council. The effect of the Governor's certificate when published with the Bill will be to initiate the procedure which we now describe. The Bill will be read and its general principles discussed in the full legislative council. It will at this stage be open to the council by a majority vote to request the Governor to refer to the Government of India, whose decision on the point shall be final, the question whether the certified bill deals with a reserved subject. If no such reference is made, or if the Government of India decide that the certificate has been properly given, the Bill will then be automatically referred to a Grand Committee of the council. Its composition should reproduce as nearly as possible the proportion of the various elements in the large body. Our first intention was that the Grand Committee in each province should be a microcosm of the existing council. But we find that the existence of communal and special electorates makes it difficult to all of these their due representation on a smaller body without at the same time sacrificing the representation of the interests represented by the general electorates, to which it is our special intention to give a greater voice in the councils than heretofore. Accordingly, we propose that Grand Committee in every council should be constituted so as to comprise from 40 to 50 per cent. of its strength. It should be chosen for each Bill, partly by election by ballot, and partly by nomination. The Governor should have power to nominate a bare majority exclusive of himself. Of the members so nominated, not more than two-thirds should be officials, and the elected element should be elected "ad hoc" by the elected members of the Council on the system of the transferable vote. It is clear that the composition of the Grand Committee ought to vary with the subject matter of the particular Bill; and we believe that the Council and the Governor between them can be trusted to ensure that whether by election or nomination all the interests affected by the Bill are properly represented. It may

be objected that such a Grand Committee so composed offers the official executive no absolute guarantee that its measure will get through. We agree that this is the case; but there is no such guarantee at present. In a Grand Committee of 40 members, there could be 14 officials, and we consider that no great harm will ensue if Government defers legislative projects which are opposed by the whole elected element and for which it cannot secure the support of six out of the seven members, whom the Governor has it in his power to select from the whole body of the non-official members in the Council.

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### **Procedure after Reference to Grand Committee**

On reference to the Grand Committee, the Bill will be debated by that body in the ordinary course and if necessary referred to a select committee, to which body we think that the Grand Committee should have power to appoint any member of the Legislative Council whether a member of the Grand Committee or not. The select committee will, as at present, have power to take evidence. Then, after being debated in the Grand Committee and modified as may be determined, the Bill will be reported to the whole council. The council will have the right to discuss the Bill again generally but will not be able to reject it, or to amend it except on the motion of a member of the executive council. The Governor will then appoint a time limit within which the Bill may be debated in the council, and on its expiry it will pass automatically. But during such discussion, the council will have the right to pass resolution recording any objection which refers to the principle or details of the measure (but not of course to the certificate of its character), and any such resolution will accompany the Act when, after being signed by the Governor, it is submitted to the Governor-General and the Secretary of State.

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### **Treatment of Mixed Legislation**

Legislation on transferred subjects and non-certificated legislation on reserved subjects will continue to be passed by the full council. This makes it necessary to provide for the contingency that a Bill on a transferred subject may trench upon the reserved field of legislation. We suggest that it should be open to any member of the executive council (though to prevent irresponsible obstruction, we would not give this power to members of the legislative councils generally) to challenge the whole Bill or any clause of it on its first introduction, or any amendment, as soon as such amendment is moved, on the ground that the Bill, clause, or amendment impinges on the reserved sphere. The question will then be referred to the Governor, who may allow the Bill to proceed in legislative council. But if he rules that the Bill, clause or amendment trenches upon the reserved subjects, he may, if

he sees reason to do so (after hearing any representations that the legislative council may desire to make), certify it accordingly. The Governor's certificate to this effect should be final; subject only to the right of the council to require a reference to the Government of India (as provided in paragraph 252, above). If the Governor certifies on Bill, clause or amendment, it will be open to him either to decline to allow it to be discussed, in which case it would drop; or to suggest to the council an amended Bill; or at the request of the council to refer the Bill to a Grand Committee. With this proviso, there will be no need to impose restrictions other than those already imposed by section 80 of the Government of India Act, 1915, on the right of private members to introduce Bills. We may be told that the procedure suggested is cumbrous and dilatory, and offers a premium to obstructive tactics. But we confess that we have not been able to find any simpler method of reconciling two competing aims—the competence of Government to secure its necessary legislation, and on the other hand the power of the elected element in council to ensure that such discretion shall not be used arbitrarily or without due necessity by the executive. It must, we think, be left to the good sense of the Council itself, which will realise that its own record will be closely scrutinised and adjudicated upon by the periodic commission, which we propose below, to exert itself to check abuses. We consider also that the Governor of a province should have power to dissolve his Legislative Council and that this will give him a valuable means of control. It will be understood that the assent of the Governor, the Governor-General, and the Crown (signified through the Secretary of State) will remain necessary for all provincial legislation, whether certified or not. We think, moreover, that the Governor's discretionary power of assenting to a Bill should include a power to return the measure for reconsideration of particular provisions in it; and that the Governor-General should have the same power of reserving provincial laws for the Royal assent as he has in the case of all Indian legislation.

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### Budget Procedure

• We now come to the crucial question of budget procedure. It is more difficult than that of legislation, because while legislation on a reserved subject may clearly not impinge on transferred subjects, money devoted to reserved objects of expenditure can with some sort of reason be always represented as being diverted from the transferred objects. There must therefore be means of securing that the Executive Council shall be able to find the money to keep the administration of the reserved subjects deficient and there must also be means of securing that to the expanding cost of the transferred services, a fair proportion of the total revenue is devoted. For it must be remembered

that the transferred services are generally those which stand in greater need of development. 255

### Its Difficulties and their Solution

To this end we have examined various expedients. We were attracted by the possibility of appointing a joint committee representing both official and non-official views to make a financial settlement dealing with both reserved and transferred subjects, which should hold good for a period of, say, six years, always supposing that it can be varied meantime by agreement, confirmed by the assent of the legislative council. We were anxious to find some solution for the difficulties which might otherwise annually occur between the two elements in the Government which are responsible for the reserved and transferred services. The device of reference to the Government of India we dismiss as being a negation of our leading principle of provincial autonomy. It seems to us even more idle to suggest a settlement by process of laying papers before Parliament. It has also been proposed that disputes might be composed by an internal tribunal within the province, comprising a High Court judge, a Government official and an elected member; but we dismiss such an expedient from consideration, because so long as the Governor in Council is responsible for reserved subjects, we hold that he must have power to decide what revenues he requires. On full consideration we have decided to set aside all suggestion for a settlement. We doubt whether any committee's recommendations would commend themselves to Indian opinion much better than the Governor's decision, to which in the event of irreconcilable difference of opinion between the two halves of the Government the matter must ultimately come. A settlement would also result in a rigid allocation which would be yearly attacked in debates and which it might be difficult to vary by agreement; and at best it only defers the difficulty for a six years' period, at the end of which it would present itself again with the accumulated force of six years' discontents. It is impossible to foresee the contingencies which may occur in six years, and to budget in advance for so long a period. The difficulty is fundamental and we cannot overcome it by any simple device. Nor are we without belief in the educative efficacy of the annual budget discussion. We propose therefore the provincial budget should be framed by the executive Government as a whole. The first charge on provincial revenues will be the contribution to the Government of India; and after that, the supply for the reserved subjects will have priority. The allocation of supply for the transferred subjects will be decided by the ministers. If the revenue is insufficient for their needs, the question of new taxation will be decided by the Governor and the ministers. We are bound to recognise that in time new taxation will be necessary, for no conceivable economies can

finance the new developments which are to be anticipated. The budget will then be laid before the council which will discuss it and vote by resolution upon the allotments. If the legislative council rejects or modifies the proposed allotment for reserved subjects, the Governor should have power to insist on the whole or any part of the allotment originally provided, if for reasons to be stated he certifies its necessity in the terms which we have already suggested. We are emphatically of opinion that the Governor-in-Council must be empowered to obtain the supply which he declares to be necessary for the discharge of his responsibilities. Except in so far as the Governor exercises this power, the budget would be altered in accordance with the resolutions carried in council. 256

### Safeguards Against Difficulties

We anticipate that anxiety may be felt as to the supply for the transferred subjects. We believe that this anxiety is largely based on an exaggerated view of the possibilities of economy in the reserved subjects. We do not feel, however, that there need be any apprehension. No Governor-in-Council is likely, without real reason, to disregard the wishes of the legislative council, and we hold that, if he has real reason, he ought to disregard them in the discharge of his responsibilities. But we may point out the series of safeguards which our plan provides. The budget will be considered by the whole Government acting together. Those in charge of the transferred subjects will have every opportunity of acquainting themselves with the considerations upon which the allotment to the reserved subjects is based. In these joint discussions, the provincial revenues will be estimated; the contribution to the Government of India will be set apart; the proposed allotments for the reserved subjects will then be carefully scrutinised and examined with a view to facing criticism in the legislative council, and the remainder of the revenue will be at the disposal of the ministers. If such residue is not sufficient, it is open to the ministers to suggest extra taxation, either within schedule of permissible provincial taxation, or by obtaining the sanction of the Government of India to some tax not included in the schedule. Such taxation proposals would be presented to the legislative council only with the approval of the ministers. Moreover, there is a standing committee representative of the legislative councils not only on finance, but attached to all the reserved portfolios; and these standing committees will have the opportunity of scrutinising all proposals for substantial expenditure, and of familiarising themselves with departmental needs. But if the ministers and the legislative councils are compelled to accept allotments for the reserved subjects with which they do not agree, our proposal that a periodic commission shall review the proceedings affords another safeguard. Both the Government and the legislative

council will decide on their course of action with full knowledge that their conduct in the matter will, in due course, come under review by the commission." There will be opportunity of arguing before the commission on the one hand that reserved subjects have been extravagantly administered or that the Governor in Council has unnecessarily disregarded the wishes of the legislative council, or, on the other hand, that the attitude of the legislative council with regard to the expenditure on reserved subjects has been so unreasonable as to make it unsafe to transfer further powers. Although we believe, therefore, that no insuperable difficulty will arise if reasonable men conduct themselves in a reasonable manner, this periodic sanction will tend to produce a spirit of compromise and co-operation.

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### Upper Houses

At this point we may explain that we have considered the feasibility of establishing bicameral system in the provinces. Its advocates urge that in creating upper houses we should follow the system which generally prevails in countries where popular Government has firmly established itself. We might also expect that the representation of minority interests would become more effective in an upper house than in a single composite chamber, because minority representatives sitting in a chamber of their own might feel themselves freer to defend the interests which they represented than if they sat together with other elements in a lower house. We might secure men for the upper houses who would not seek election or even accept nomination to a composite assembly where the majority of members were of a different status from themselves; and so the second chamber might develop a conservative character which would be a valuable check on the possibly too radical proclivities of a lower house. But we see very serious practical objections to the idea. In many provinces, it would be impossible to secure a sufficient number of suitable members for two houses. We apprehend also that a second chamber representing mainly landed and moneyed interests might prove too effective a barrier against legislation which effected such interests. Again the presence of large landed proprietors in the second chamber might have the unfortunate result of discouraging other members of the same class from seeking the votes of the electorate. We think that the delay involved in passing legislation through two houses would make the system far too cumbrous to contemplate for the business of provincial legislation. We have decided for the present, therefore against bicameral institutions for the provinces. At the same time, we bear in mind that as provincial councils approach more closely to parliamentary forms the need for revising chambers may be the more felt; and we think that the question should be further considered by the periodic commission which we proposed hereafter.

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## Relations of the Services to the Government

We should now make it clear what the relations of the executive offices in the provinces will be to the new Government. Let us say at once that we have no intention of introducing any duality into the services. It would be unfair to expect ministers new to responsibility to assume the burden of office unless they could command the assistance of the present highly trained services. To require them to inaugurate new services for their own departments would, we think, be to saddle them with difficulties that would doom the experiment to failure. This consideration among others was prominent in our minds when we concluded that ministers should form part of the executive Government of the province rather than a separate Government. That there are difficulties in either case we do not deny, but they would certainly be greater if one and the same officer received his orders from two Governments instead of one. The objection may be taken that the same authority may not be felt to attach to orders coming from ministers as to orders coming from the executive council. We do not admit that they will come from either. All orders will come from the Government, and they will all be Government orders. At the present time it is not the business of an executive officer to differentiate between an order conveyed to him by the Secretary to Government in one Department and an order conveyed to him by the Secretary in another Department, and the procedure will not differ in the future.

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## Future Development

### MODIFICATION BY THE GOVERNMENT OF INDIA

Having now described the new constitution which we propose at the outset let us show how we intend to provide for its assured and regular development in future. Our idea is that as the popular element of the Government acquires experience and learns to discharge its duties efficiently further powers should be entrusted to it. The process in fact will be one of adding to the transferred subjects and of taking from the reserved ones, until such time as with the entire disappearance of the reserved subject the need for an official element in the Government or for procedure by grand committee vanishes, and thus the goal of complete responsibility is attained in the provinces. What we have to do is at once to encourage and to regulate the process. After five years time from the first meeting of the reformed councils we suggest that the Government of India should hear applications from either the provincial Government or the provincial Council for the modification of the reserved and transferred lists of the province; and that after considering the evidence laid before them they should recommend for the approval of the Secretary of State the transfer of such further subjects to the transferred list as they think desirable.

On the other hand, if it should be made plain to them that certain functions have been seriously maladministered, it will be open to them with the sanction of the Secretary of State to re-transfer subjects from the transferred to the reserved list, or to place restrictions for the future on the minister's powers in respect of certain transferred subjects. This examination of the question by the Government of India after the lapse of five years will be of value in enabling the allotment of portfolios to be redetermined, if need be, in the light of the experience gained during that time. But it is also desirable to complete the responsibility of the ministers for the transferred subjects. This should come in one of two ways, either at the initiative of the council if it desires and is prepared to exercise greater control over the ministers or at the discretion of the Government of India, which may wish to make this change as a condition of the grant of new, or of the maintenance of existing, powers. We propose therefore that the Government of India may, when hearing such applications, direct that the ministers' salaries, instead of any longer being treated as a reserved subject and therefore protected in the last resort by the Governor's order from interference, should be specifically voted each year by the legislative council; or failing such direction by the Government of India, it should be open to the councils at that time or subsequently to demand by resolution that such ministers salaries should be so voted, and the Government of India should thereupon give effect to such request. The ministers would in fact become ministers in the parliamentary sense. The councils would have power to refuse to pass their salaries, and they would have to accept the consequences which constitutional convention attaches to such a vote. 260

### Periodic Commission

The arrangements sketched in the last paragraph, however, are intended to provide merely for ad interim changes; and we regard it as essential if the terms of the announcement of August 20 are to be made good, that there should from time to time come into being some outside authority charged with the duty of resurveying the political situation in India and of readjusting the machinery to the new requirements. We would provide, therefore, that ten years after the first meeting of the new councils established under the Statute a commission should be appointed to review the position. Criticism has been expressed in the past of the composition of Royal Commissions, and it is our intention that the commission which we suggest should be regarded as authoritative and should derive its authority from Parliament itself. The names of the commissioners therefore should be submitted by the Secretary of State to both Houses of Parliament for approval by resolution. The commissioners mandate should be to consider whether by the end of the term of the legislature then in



existence it would be possible to establish complete responsible government in any province or provinces, or how far it would be possible to approximate to it in others; to advise on the continued reservation of any departments for the transfer of which to popular control it has been proved to their satisfaction that the time had not yet come; to recommend the transfer of other matters to the control of the Governor in Council if serious mal-administration were established; and to make any recommendations for the working of responsible Government or the improvement of the constitutional machinery which experience of the systems in operation may show to be desirable. We intend these propositions to be read rather as an indication of our general intentions than as an attempt to draft the actual terms of the reference to the commission. 261

### **Other Matters for Consideration by the Commission**

There are several other important matters, germane in greater or less degree to our main purpose, which the commission should review. They should investigate the progress made in admitting Indians into the higher ranks of the public service. They should examine the apportionment of the financial burden of India with a view to adjusting it more fairly between the provinces. The commission should also examine the development of education among the people and the progress and working of local self-governing bodies. Lastly the commission should consider the working of the franchise and the constitution of electorates including the important matter of the retention of communal representation. Indeed we regard the development of a board franchise as the arch on which the edifice of self-government must be raised; for we have no intention that our reforms should result merely in the transfer of powers from a bureaucracy to an oligarchy. We shall be told that we are laying a heavy charge upon the commission. We agree that this is so, and it will probably be necessary to appoint more than one commission; but we think it important that the review of all these questions should be undertaken at one and the same time. It is our desire to revive the process by which the affairs of India were periodically subjected to searching review by investigating bodies appointed with the approval of Parliament itself; and we propose therefore that the further course of constitution development in the country, together with the other matters just enumerated, shall from time to time be similarly investigated at intervals of twelve years, a period which represents the like of four councils under the existing regulations. 262

### **The Importance of an Electorate**

In proposing the appointment of a commission ten years after the new Act takes effect we wish to guard against possible misunderstanding. We would not be taken as implying that there can be

established by that time complete responsible government in the provinces. In many of the provinces no such consummation can follow in the time named. The pace will be every where unequal, though progress in one province will always stimulate progress elsewhere; but undue expectations might be aroused, if we indicated any opinions as to the degree of approximation to complete self-government that might be reached even in one or two of the most advanced provinces. The reasons that make complete responsibility at present impossible are likely to continue operative in some degree even after a decade. Within that time many persons will have been brought in touch with problems of administration and a considerable number will have some experience of the actual exercise of responsibility; but we recognise that time is necessary for the development of responsibility in the electorates and the growth of proper relations between representatives and constituence. At present electerates of a general character hardly exist. Almost are all designed to represent special classes or interests and consist of very few persons. Those which represent Muhammadans were intended to be fairly inclusive but even those are limited to a few hundred electors. The much larger electorates that will now be set up, though still a mere fraction of the population will be devoid of political experience. The habit of considering political issues as issues to be decided by a man's own judgement of realising the value of the proper use of a vote and of judging candidates with regard to their fitness to represent the elector's views have all to be acquired. The physical circumstances of electorates thinly scattered over wide areas with indifferent communications will render the task of educating them particularly difficult, especially for men who will have to undertake a work of which they themselves have so little experience. These difficulties will be increased by the general lack of education. Where the great mass of the population is illiterate, as is unfortunately the case all over India, political ideas may be expected only to spread slowly and the progress of political education to be impeded. But we have already recognised the rapid rate of progress which has taken place in India during recent years in the development of political opinion; and we cannot foresee how much the pace will be accelerated under the new conditions. It is therefore clearly desirable that periodic inquiries should take place at intervals that may prove too short rather than that encouragement should be given to agitation by undue delay.

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### Matter for Special Consideration

But inasmuch as complete responsible government essentially depends upon the existence of an electorate sufficiently active and cognisant of affairs to hold their representative effectively to account we think that one of the most important duties of the commission will

be to examine the growth of capacity and responsibility in the electorates. The approximation to complete responsibility must depend among other things on the growth of the electorate and on the measure in which they gave evidence of an active and intelligent use of the franchise. We wish to attain complete responsibility where we can and as early as we can, and we intend that its attainment should depend upon the efforts of the Indian people themselves. It would not be fair to give it to them till they fulfil the necessary conditions. 264

## GOVERNMENT OF INDIA AND THE INDIA OFFICE

### I.—The Government of India

#### THE NEED FOR CHANGE

We shall have discharged our task indifferently if it is not already plain from our report that all the changes which we suggest are no more than the necessary adjustment of the constitution to a rapidly changing environment. So long as the peoples of India were content to leave their government in official hands, the system was well devised to the needs of the country, and was directed with astonishing zeal and success to beneficent ends. We have tried to give some account of the burden of the work. We may well pause to pay a tribute to the part played by the Government of India itself in guiding and inspiring the entire system. Rarely has a heavier burden of responsibility continuously rested on a smaller body of men; rarely has it been discharged with greater ability or a higher sense of public duty. We have changes to propose, corresponding to changing conditions; but we should keenly regret it if anything we said were taken as failing in the tribute due to great work finely done. But more is now being demanded of the system than it can give. It is no longer sufficient to administer India; it is necessary also to satisfy her political aspirations; and because we were all too slow in taking cognizance of the changes that were occurring, the task is all the heavier because there is leeway to make up. We must therefore introduce a new element of strength into the Government. 265

#### The Burden of Work.

We have already made our opinion clear that pending the development of responsible Government in the provinces the Government of India must remain responsible only to Parliament. In other words, in all matters which it judges to be essential to the discharge of its responsibilities for peace, order, and good Government it must, saving only for its accountability to Parliament, retain indisputable power. With the precise manner in which the control by Parliament must in future be modified we shall deal hereafter. For the present

we will concern ourselves with changes in functions, structure, and methods of the Government of India itself. We think we have reason for saying that in some respects the machinery is no longer equal to the needs of the time. The normal work of the departments is heavy. The collective responsibility of the Government is weighty, especially in time of war. There is little time or energy left for those activities of a political nature which the new situation in the country demands. A legislative session of the Government of India imposes a serious strain upon the departments, and especially on the members in charge of them. They have not merely to carry on their heavy task of administration and to share in the discussion and decision of grave matters of policy, but they have to prepare themselves to meet a growing volume of criticism at meetings of the legislative council; and when, as has now happened, they are called upon in addition to deal with urgent and complex questions of constitutional reform, the burden becomes one that it is unreasonable to impose on so small and highly worked a body of men. We desire to take this opportunity of acknowledging how ungrudgingly their services have been given to our present task. But apart from the inevitable complexities of the moment, the growing burden of business, which results from the changing political conditions of the country, is leading to an accumulation of questions which cannot be disposed of as quickly as they present themselves. We find the necessity for reforms admitted, principles agreed upon and decisions taken, and then long delays in giving effect to them. Difficulties are realised, enquires are started, commissions report, and then there is a pause. There is belief abroad that assurance given in public pronouncements of policy are sometimes not fulfilled. On this occasion therefore we have taken steps to guard against such imputations, and to provide means for ensuring the ordered development of our own plans.

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### Present Causes of Delay

The main fault for the clogging of the machine does not, we think, lie altogether with its highly trained engineers. What is chiefly wanted is some change of system in the directions of simplicity and speed. How does it happen that announcements are made that arouse expectations only to defeat them? We know that it is not from any intention of deluding the public. We suggest that it is because the wheels move too slowly for the times; the need for change is realised, but because an examination of the details would take too long, promises are made in general terms, which on examination it becomes necessary so to qualify with reservations as to disappoint anticipations and even to lead to charges of breach of faith. We suspect that a root-cause of some political discontents lies in such delay. Now so far as the provinces are

concerned, we believe that our proposals for freeing them to a great extent from the control of the Governments of India and the Secretary of State will improve matters. But the Government of India are in the worst case. In all important matters they have to consult local Governments and then to secure the approval of the Secretary of State. Consultation with local Government there must always be; but with developing autonomy in the provinces and less frequent interference by the Secretary of State, we see no reason why quicker and more informal methods should not be pursued. We hope that the new departure inaugurated in January last at the conference between the Government of India and all the Heads of Governments in Delhi may be repeated annually, and may lead to a closer understanding of the varying conditions of the provinces and some diminution of official correspondence.

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### References to the India Office

References to the India Office are a second fruitful cause of delay. The India Office, having statutory responsibilities to discharge, exercises its authority with good care and with all the expert knowledge at its command. Proposals that have been examined in India are re-examined in England, and fresh suggestions may be forthcoming from Whitehall upon which Delhi may find it necessary to take the further opinion of Calcutta, Bombay and the rest. Now we recognise that so long as the Indian Government is not responsible to an electorate, the guardianship of the welfare of India as a whole must remain in the hands of Parliament. Indeed, as we shall show, we go on hereafter to make suggestions for sustaining the interest taken by Parliament in India better and for improving the means of information at its disposal. But on the other hand we must also consider practical needs. We have seen how rarely Parliament asserts its power, how little interest and time it devotes to Indian affairs and how much it leaves to the Secretary of State in Council. Granting, therefore, that Parliament's understanding of the larger Indian questions and its responsibility for policy ought to be increased, there is no real inconsistency in saying that we should ask it simultaneously to agree to relax the Secretary of State's control in details. We consider that the Secretary of State's previous sanctions to decision taken in India should be required in fewer cases than in the past; and that in some matters it will suffice in future if he asserts his control by means of a veto if necessary.

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### Insufficiency of Staff

A further cause contributing to delay is that the departments at head quarters are now over-worked. It is often overlooked how small is the staff, which carries on the work of the great departments. Normally it consists of a Member in charge, a Secretary, a Deputy

Secretary, and an Under-Secretary. The remainder of the staff is purely clerical. If this is compared with the staffing of one of the great departments in Whitehall, and every allowance is made for the difference of conditions, it will be clear how unmerically weak the staff of the Government of India is; and how great is the strain upon its members, especially in such times as the present. One reason why the departments can move quickly in England is because their day-to-day administration runs itself. New enquiries can be set on foot and policies thought out by the head of the department, with the help of a large and experienced permanent staff. In India the higher staff of the Secretariats is not permanent, because rightly or wrongly it has always been held desirable to maintain touch between the headquarter offices and the districts. Men are selected from the administrative staff, serve for a time in the offices, and return to administration. One result of this discontinuity is that questions, which a permanent civil service can safely dispose of by word of mouth become the subject of continuous minuting. Changes of personal necessitate a record of the questions and the aspects of questions considered. We express no opinion on the system but it requires detailed examination. Indeed the Viceroy has already signified to his colleagues his intention of causing it to be examined after the war. Till that time comes the inquiry could not be pursued with advantage; but once the stress of war is over and Departments can estimate their permanent needs, the inquiry should be taken up probably with the assistance of experts from England. Our proposal is made without prejudice to the process of taking further Indians into the services. From whatever source the additional help is to be sought, there can be no question of its acute necessity. 269

### **Inherent Tendencies of an Official Government**

But a constitutional element of delay may be found in the character of the Government itself. Because it is bureaucratic it is naturally less anxious to move than a responsible Government. In the matters where Parliament does not affect it, its duty is to its own conscience — or perhaps we should say to its successors in office — and not to any constituents. We should do well to associate, with it a really representative assembly, so as to ensure that in the comparative seclusion of it, its domicile in Delhi and Simla, the wishes of the country are accurately and regularly presented to it and that its action is adequately criticised. In this way not merely shall we get a succession of stimuli from outside which would benefit the Government in India but the Secretary of State in England will have the means of judging what view is taken in India of the actions of the Government, and so the modified measure of home control which we propose will come to be exercised not merely in accordance with British views, but with

regard also to the expressed views of those who represent constituencies in India. These are the considerations underlying the proposals which we put forward for changes in the structure of the Government of India both in its executive and legislative aspects. 270

### **The Governor-General's Executive Council**

We have explained already how the executive council of the Governor-General is constituted and how portfolios are allotted in it. Its changed relations with provincial Governments will in themselves materially affect the volume of work coming before the departments, and for this reason alone some redistribution will be necessary. We would therefore abolish such statutory restrictions as now exist in respect of the appointment of Members of the Governor-General's Council, so as to give greater elasticity both in respect of the size of the Government and the distribution of work. If it is desired to retain Parliamentary control over these matters, they might be embodied in statutory orders to be laid before Parliament. 271

### **Increase in Indian Element**

Further we propose to increase the Indian element in the executive council. We do not think it necessary to argue the expediency of enabling the wishes of India to be further represented in the Cabinet of the country. The decision of Lord Morley and Lord Minto to appoint one Indian member to the council marked an important stage in India's political development; and has proved of value in enabling the Government to have first-hand acquaintance with Indian opinion. In recommending a second appointment we are only pursuing the policy already determined upon in respect of the public services. There exists of course at present no racial prescription in the Statute nor do we propose that any should be introduced. There is even no formal guarantee that any appointment shall be made on the grounds of race. The appointment of Indian members will be made in the future as in the past as a matter of practice by the Crown on the recommendation of the Secretary of State; and we suggest the appointment of another Indian member as soon as may be. 272

### **The Indian Legislative Assembly**

We now come to the changes required in the Indian Legislative Council. Its existing composition we have already explained. No argument is needed to show that under present conditions 27 elected members, many of them returned by small class electorates, cannot adequately represent the interests of the entire country in the supreme assembly. Indeed no council the composition of which is conditioned by the necessity of maintaining an official majority could possibly serve that purpose. We recommend therefore that the strength of the

legislative council, to be known in future as the Legislative Assembly of India, should be raised to a total strength of about 100 members, so as to be for more truly representative of British India. We propose that two-thirds of this total should be returned by election; and that one-third should be nominated by the Governor-General of which third not less than a third again should be non-officials selected with the object of representing minority or special interests. We have decided not to present to His Majesty's Government a complete scheme for the election of the elected representatives; our discussions have shown us that we have not the data on which to arrive at any sound conclusions. Some special representation, we think, there must be, as for European and Indian commerce and also for the large landlords. There should be also communal representation for Muhammadans in most provinces and also for Sikhs in the Punjab. There is no difficulty about direct election in the case of special constituencies. It is in respect of the general or residuary electorate, including therein the communal electorates for Muhammadans and Sikhs, that complexities present themselves. Our decided preference is for a system of direct electorates, but the immensity of the country makes it difficult, it may be impossible, to form constituencies of reasonable size in which candidates will be able to get into direct touch with the electorates. Moreover there is the further difficulty (which, however, presents itself in any system of constituencies) of the inequalities of wealth existing between the different communities. If constituencies are to be approximately even in size, it may be necessary to concede a special franchise to the Muhammadans, who taken as a whole are poorer than the Hindus; and this means giving a vote to some Muhammadans who would not be entitled to vote if they were Hindus. That is an undesirable anomaly, to which we should prefer the anomaly of unequal constituencies; but on our present information we find it impossible to say how great the practical difficulties of variation in size might be. Similar problems will present themselves in respect of constituencies for the elections to provincial councils. It is obviously desirable to deal on uniform lines with the electoral arrangements both in the provincial and Indian councils. As regards the former we have already recommended the appointment of a special committee to investigate questions of franchises and electorates; and to that body we would therefore also commit the task of determining the electorates and constituencies for the Indian Legislative Assembly. They may find it wholly impracticable to arrange for direct election. In that case they will consider the various possible systems of indirect election. We are fully aware of the objections attaching to all forms of indirect election; but if the difficulties of direct election compel us to have recourse to indirect, we incline to think that election by non-official members of the provincial councils is likely to prove far more



acceptable to Indian opinion, and, in spite of the smallness of the electoral bodies, certainly not open in practice to greater objection than any of the other alternative methods which have been from time to time proposed.

For reasons similar to those which we have given in the case of the provincial legislative councils we recommend that members of the Indian Legislative Assembly should not be designated "Honourable" but should be entitled to affix the letters. M. L. A. to their names. 273

### **Representation of the Provinces**

The suggestion we have made for the number of elected members was based on the calculation that the three presidencies would be represented by 11 members each—the United Provinces by 10, the Punjab and Bihar and Orissa by 7 each, the Central Provinces by 5, Burma by 3 and Assam by 2. We also think that in view of the importance of the Delhi province as the Imperial enclave and the seat of the Central Government, it should be represented by a member. 274

### **Nominated Members**

In respect of the non-official members to be nominated by the Governor-General, we advise that no hard-and-fast rule should be laid down. These seats should be regarded as a reserve in his hands for the purpose of adjusting inequalities and supplementing defects in representation. Nominations should not be made until the results of all the elections are known: and then they should be made after informal consultation with the Heads of provinces. The maximum number of nominated officials will be two ninths of the whole, and it will rest with the Governor General to determine whether he requires to appoint up to this maximum. The officials will, however, include the executive members of council, sitting not by appointment but ex-officio; and also some representation from the provinces. It may therefore not be possible for secretaries to the Government of India to continue to sit in the council; this may in itself be of advantage as decreasing the dislocation of administrative business during the session. It may, however, be necessary to allow the secretary to speak and vote on behalf of the member when occasion demands. But for this purpose we think that a preferable alternative may be to appoint members of the Assembly, not necessarily elected nor even non-official to positions analogous to those of parliamentary Under Secretaries in England; and we advise that power be taken to make such appointments. We attach importance to the further proposal that official members of the Assembly, other than members of the executive government should be allowed a free right of speech and vote, except when the Government decides that their support is necessary. We think that this change of procedure will affect the

tone of discussions very beneficially. We think that, for the reasons which we have given already in support of a similar recommendation in respect of the provincial council, the President of the Legislative Assembly should be nominated by the Governor-General. We do not propose that his choice should be formally limited, but it seems necessary that, at any rate for the present, the President should be designated from among the official members. 275

### **Means of Securing the Affirmative Power of Legislation**

We began with the fundamental proposition that the capacity of the Government of India to obtain its will in all essential matters must be unimpaired. The institution of an assembly with a large elected majority confronts us with the problem, as in the case of the provinces, of enabling the executive Government to secure its essential legislation and its supplies. Here also we have examined several possible expedients. In this instance there can be no question of relying on legislation by superior authority. The only superior authority is Parliament, and Parliament is too far off and notoriously too preoccupied and not suitably constituted to pass laws for the domestic needs of India. It is true that the Governor-General has the power of making temporary ordinances for certain emergent purposes. We propose that this power should be retained; its utility has been strikingly demonstrated during the present war. It merely provides however a means of issuing decrees after private discussion in the executive council, and without opportunities for public debate or criticism: and normally it should be used only in rare emergencies. It would be unsuitable for one purpose. What we seek is some means, for use on special occasions, of placing on the Statute book, after full publicity and discussion, permanent measures to which the majority of members in the Legislative Assembly may be unwilling to assent. We seek deliberately, when the purpose justifies us, to depart from popular methods of legislation; and it is obvious that no device which conforms to those methods can possibly serve our purpose. For this purpose we have come to the conclusion that we should employ the method now familiar to Indian institutions of maintaining such a number of votes, upon which the Government can in all circumstances rely, as to ensure the passage of the legislation that it requires. It is here alone, and only (as will be seen hereafter) for use in cases where it is obviously necessary, that we propose to perpetuate the official *bloc*. We are seeking to provide for a period of transition; for which purpose no novel expedient, such as multiplying the value of official votes or calling in officials who have not taken part in the argument to record their votes of passing measures automatically after discussion, would be as easily understood or as acceptable as the continuance in modified form of the present system. 276

## The Council of State

One suggestion which we considered was that we should follow the plan adopted in the provinces, and institute grand committees to which the Government's essential Bills should be referred. But the conditions of Indian legislation are different from those of provincial. Matters are more important, the Government's responsibility to Parliament is closer, and the affirmative power must be more decisively used. We feel also that there are advantages, both direct and incidental, in setting up a separate constitutional body, in which Government will be able to command a majority. We do not propose to institute a complete bi-cameral system, but to create a second chamber, known as the Council of State, which shall take its part in ordinary legislative business and shall be the final legislative authority in matters which the Government regards as essential. The Council of State will be composed of 50 members, exclusive of the Governor-General who would be President, with power to appoint a Vice-President who would normally take his place: not more than 25 will be officials, including the members of the executive council, and 4 would be non-officials nominated by the Governor-General. Official members would be eligible for nomination to both the legislative Assembly and the Council of State. There would be 21 elected members, of whom 15 will be returned by the non-official members of provincial legislative councils, each council returning two members, other than those of Burma, the Central Provinces and Assam which will return one member each. Elected members returned to the Council of State would vacate any seats they occupied on the provincial council or the Legislative Assembly. The remaining six elected members are intended to supplement the representation which the Muhammadans and the landed classes will otherwise secure; and also to provide for the representation of chambers of commerce. Each of these three interests should, we suggest, return two members directly to the Council of State. Bearing in mind the fact that among the members of the provincial legislative councils who will elect to the 15 seats there will be a proportion of Muhammadans, and assuming that in each of the bigger provinces each elector will be able as now to give both his votes to one candidate, we estimate that the composition of the Council of State should comprise at least six Muhammadans whether sitting by direct or indirect election or by the Governor-General's nomination. Moreover it is desirable that the four seats to be filled by direct election should be used so as to ensure that the Muhammadan and landed members should as far as possible be representative of the whole of India. Deficiencies may occur in this respect in any one council but they should be corrected in elections to the subsequent council. For this reason the regulations for elections to the four seats should be

framed by the Governor-General in Council in such way as to enable him to decide, after consideration of the results of the indirect elections from what part of India or possibly in what manner from India generally the seats should be filled.

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### Qualifications for Membership

Inasmuch as the Council of State will be the supreme legislative authority for India on all crucial questions and also the revising authority upon all Indian legislation, we desire to attract to it the services of the best men available in the country. We desire that the Council of State should develop something of the experience and dignity of a body of Elder Statesmen; and we suggest therefore that the Governor-General in Council should make regulations as to the qualification of candidates for election to that body which will ensure that their status and position and record of services will give to the Council a senatorial character, and the qualities usually regarded as appropriate to a revising chamber. We consider that the designation "Honourable" should be enjoyed by the members of the Council of State during their tenure of office. In accordance with the proposals which we make hereafter for associating the Ruling Princes with the Government for the purpose of deliberation on matters of common concern it would be, as will be seen, the Council of State with which the Princes would be associated. It is desirable that as is the case with second chambers elsewhere the lifetime of the Council of State should be longer than that of the Assembly; and assuming that the life of the latter will be three years, we propose five years as the normal duration of each Council of State.

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### Legislative Procedure Government Bills

Let us now explain how this legislative machinery will work. It will make for clearness to deal separately with Government Bills and Bills introduced by non-official members. A Government Bill will ordinarily be introduced and carried through all the usual stages in the Legislative Assembly. It will then go in the ordinary course to the Council of State, and if there amended in any way which the Assembly is not willing to accept, it will be submitted to a joint session of both Houses, by whose decision its ultimate fate will be decided. This will be the ordinary course of legislation. But it might well happen that amendments made by the Council of State were such as to be essential in the view of the Government if the purpose with which the Bill was originally introduced was to be achieved, and in this case the Governor-General in Council would certify that the amendments were essential to the interests of peace, order, or good government. The assembly would then not have power to reject or modify these amendments nor would they be open to revision in a joint session.

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We have to provide for two other possibilities. Cases may occur in which the Legislative Assembly refuses leave to the introduction of a Bill or throws out a Bill which the Government regarded as necessary. For such a contingency we would provide that if leave to introduce a Government Bill is refused, or if the Bill is thrown out at any stage, the Government should have the power, on the certificate of the Governor-General in Council that the Bill is essential to the interests of peace, order, or good government, to refer it "de novo" to the Council of State; and if the Bill, after being taken in all its stages through the Council of State, was passed by that body it would become law without further reference to the Assembly. Further, there may be cases when the consideration of a measure by both chambers would take too long if the emergency which called for the measure is to be met. Such a contingency should rarely arise; but we advise that in cases of emergency, so certified by the Governor-General in Council it should be open to the Government to introduce a Bill in the Council of State and upon its being passed there merely to report it to the Assembly.

#### **Private Members Bill**

We come now to non-official members' Bills. They would be introduced in whichever of the two chambers the mover sat and, on being carried there, would be taken to the other chamber and carried through that. In the case of a difference of opinion between the two bodies the Bill would be submitted to a joint session of both, and would either be finally rejected or would be submitted for assent in the form in which it was there passed. It might, however, occur that a non-official member's Bill emerged from the Assembly, whether originally introduced there or not, in a form which the Government thought prejudicial to peace, order, and good Government. In this case also if the Governor General in Council were prepared to give a certificate in the terms already stated, the Bill would go or go back to the Council of State and could only become law in the form there finally given to it. 280

#### **Advantage this Procedure**

Our object has thus been where possible to make assent by both bodies the normal condition of legislation, but to establish the principle that in the case of certificated legislation the will of the Council of State should prevail, and in other legislation the will of the non-official members of both chambers taken together should prevail. In time to come, if and when the procedure by certification become unnecessary, the Council of State will become, as in other countries, a purely revising chamber, and differences between the two chambers will be adjusted by joint sessions. We considered the alternative course of

leaving non-certificated Bills wholly to the Legislative Assembly, and using the Council of State only for certificated Bills. We dismissed this plan, first because we regard it as important to establish what may hereafter become a normal second Chamber; secondly, because we were unwilling to exclude the non-official members of the Council of State, to which we wished to attract the best men available, from all share in the passing of non-certificated business, and all opportunities of introducing Bills. Finally, our own proposal which gives the Government an opportunity of amending a private member's bill, instead of leaving the Government with no alternative but to veto a measure some features of which it may disapprove, affords the means by which beneficial changes in the law may result from non-official initiative. It will, we believe, be found to be not the least advantage of the institutions which we propose that by allowing questions to be freely discussed first in a popular assembly and then reviewed by a revising body in which Government is in a position to exert as little influence as it likes the course of social legislation to which our Indian advisers attach particular importance will be materially promoted. For if Government is assured that projects of social reform have the support of the Indian element in two chambers so differently constituted it will have the less reason for offering any obstacle to their progress. 281

### A Possible Objection

The objection may be raised to our proposal for joint sessions that the non-official members of the Assembly will be swamped by the official members of the Council of State in combination with the official members of the Assembly. We think that this criticism will be disposed of by further consideration of the figures. The Assembly will consist of, let us say, at least 78 non-official and at most 22 official members. The Council of State will consist of 25 non-officials, and at most 25 officials, because the whole number of officials in either chamber need not necessarily be appointed. In a full joint session, however, there might be 103 non-officials, and about 40 officials, because the members of the Governor-General's Executive Council will be members of both bodies. But we have provided that the official members of the Assembly may also be nominated to membership of the Council of State, and we imagine that this will be the rule rather than the exception. It would be difficult, and also inadvisable from the point of view of departmental business, to bring 40 official members to the meetings of the legislative bodies, and we conceive therefore that, including the members of the executive council the official element in a joint session might be taken at 30. Moreover in debates on a non-certificated Bill, official members would be left free to vote and speak as they please, and therefore should not be expected to act as a solid body. In these calculations we have

classed together the nominated non-officials and the elected members of both chambers. But the 15 nominated non-officials will be nominated to represent particular interests, and we see no reason to anticipate that they will act less consistently than they have done in the past with their elected fellow representatives. 282

### **Powers of Dissolution, Assent, Etc.**

The Governor-General should in our opinion have power at any time to dissolve either the Legislative Assembly or the Council of State or both these bodies. It is perhaps unnecessary to add that the Governor-General and the Secretary of State should retain their existing powers of assent, reservation, and disallowance to all Acts of the Indian Legislature. The present powers of the Governor-General in Council under section 71 of the Government of India Act, 1915, to make regulations proposed to him by local Governments for the peace and good Government of backward tracts of territory should also be preserved; with the modification that it will in future rest with the Head of the province concerned to propose such regulation to the Government of India. 283

### **Fiscal Legislation**

#### **EFFECT OF RESOLUTIONS.**

Fiscal legislation will of course be subject to the procedure which we have recommended in respect of Government Bills. The budget will be introduced in the Legislative Assembly, but the Assembly will not vote it. Resolutions upon budget matters and upon all other questions, whether moved in the Assembly or in the Council of State, will continue to be advisory in character. We have already given our reasons for holding that it is not feasible to give resolutions a legal sanction. But since resolutions will no longer be defeated in the Assembly by the vote of an official majority, they will, if carried, stand on record as the considered opinion of a body which is at all events more representative than the Legislative Council which it displaced. That in itself will mean that the significance of resolutions will be enhanced. There will be a heavier responsibility upon those who pass them, because of their added weight; and the Government's responsibility for not taking action upon them will also be heavier. It will be therefore incumbent on Government to oppose resolutions which it regards as prejudicial with all the force and earnestness that it can command in the hope of convincing the Assembly of their undesirability. There must however, remain to the Government power not to give effect to any resolution which it cannot reconcile with its responsibility for the peace, order and good government of the country. 284

## Standing Committees

We wish to apply the procedure of standing committees, described in the last chapter, as far as may be to both portions of the Indian legislature. The committees would be drawn jointly from the Assembly and the Council of State. We do not overlook the difficulties entailed by the nature of many of the subjects with which the central Government is concerned, and also by the comparative infrequency with which, owing to considerations of distance, such committees can assemble. The fact that many matters of ordinary internal administration will in future be left to provincial Governments also limits the scope of utility of standing committees in the central legislature. We would leave it to the Government of India to decide with what departments standing committee can be associated; and to the member in charge to decide what matters can be referred to the committee. Our idea is that the non-official members of the Assembly and Council of State might elect by ballot in proportion to their respective strength two-thirds of the members of each committee while Government nominates the remaining one-third. It is obvious that these committees cannot play such an important part in the work of the Government as the similar committees which we have suggested in the Provinces. It will be difficult to obtain their assistance in practice, except during the session or immediately before and after it, but we think there should be no difficulty ordinarily in obtaining their views on important new projects, whether legislative or administrative. Their functions might be determined by regulations to be made by the Governor General in Council.

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## Questions and Rules of Procedure

A few subsidiary matters of minor importance remain to be dealt with. We think that any member of the Assembly or the Council of State (and not merely the member who asks the original question) should have the right to put supplementary questions. The control of questions in both bodies should be regulated on lines similar to those which we have suggested in the case of provincial councils; and the question of restrictions upon resolutions should also be similarly treated. But apart from matters affecting the powers of the legislature we think that the rules of procedure for both bodies should be made in the first instance by the Governor-General in Council. The Assembly and the Council of State should both have power to modify their rules with the sanction of the Governor-General. The approval of the Secretary of State and Parliament should not be required.

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### **An Indian Privy Council**

We have a further recommendation to make. We would ask that His Majesty may be graciously pleased to approve the institution of a Privy Council for India. From time to time projects of this kind have been mooted and laid aside; but with the changed conditions we believe that such a body would serve a valuable purpose and do useful work. India for all its changing ideas is still ready to look up with pride and affection to any authority clothed with attributes that it can respect and admire. Appointments to the Privy Council should be made by the King-Emperor and for life, which would ensure that they would be valued as a high personal distinction. Officials and non-officials, both from British India and the Native States, would be eligible; but it would necessary to confine appointment to those who had won real distinction, or had held or were holding the highest offices, such as Members of the Governments, Ruling Princes, Members of the Council of State and High Court Judges. Indian Privy Councillors should enjoy the title of "Honourable" for life. The Privy Council's office would be to advise the Governor-General when he saw fit to consult it on questions of policy and administration. It is our hope that for one purpose or another Committees of the Council comparable to those of the Privy Council in England which have done such value work in connection with industrial and scientific research and education, will be appointed. 287

### **Periodic Commission**

At the end of the last chapter we recommended that ten years after the institution of our reforms, and again at intervals of twelve years thereafter, a commission approved by Parliament should investigate the working of the changes introduced into the provinces, and recommend as to their further progress. It should be equally the duty of the commission to examine and report upon the new constitution of the Government of India, with particular reference to the working of the machinery for representation, the procedure by certificate, and the results of joint sessions. The commission will, doubtless, if they see fit, have proposals to make for further changes in the light of the experience gained. There is no need for us at this stage to attempt to anticipate the line which their recommendations may take. 288

### **Summary**

Let us now sum up our proposals. We seek to create an enlarged Legislative Assembly with an elective majority; to reserve to the decision of the Council of State, in which the Government will command a bare majority, only those measures which it must have power to carry in the discharge of its continuing responsibility for

the good government of the land; to restrict the official *bloc* to the smallest dimension and the least frequent activity that is compatible with the same guiding principle; to institute a Privy Council of India as a means of honouring and employing ripe wisdom or meritorious service; to admit a second Indian member into the innermost counsels of the Indian Government. It is true that we do not offer responsibility to elected members of the Legislative Assembly; and that we define the sphere in which the Government will defer to the wishes of the elected members not by specific directions in a schedule, as we have done in the provinces, but by a general prescription which we leave the Government to interpret. But we have carried the advance right up to the line beyond which our principles forbid us to go; and by confining the use of the special machinery of autocracy to essential cases where a public declaration of necessity must be made, we have gone definitely beyond the position implied in the Morley-Minto reforms. If there be among Indian politicians those who are impatient of any delay that they encounter on their way to occupy the citadel, they may remind themselves how often before in Indian history has it been said '*Hanoz Dilli dur ast.*'\* Impatience we cannot and ought not to seek to satisfy. What we have done is to afford Indians a fair share in the Government of the entire country, while providing in the provinces the means for them to attain the stage of responsible government to which the beginning of responsibility for the Government of India itself must be the sequel. 289

## II.—The India Office

### POWERS OF THE SECRETARY OF STATE.

It now remains for us to examine the effect of our proposals upon the position of the Secretary of State for India in Council and the control which Parliament exercises through him over all the Governments in India. We have already explained how the Act of 1858, which brought the East India Company to an end, set up the Secretary of State with the Council of India to assist him, as the Minister of State responsible for Indian affairs. In the language of the existing law the Secretary of State has power to "Superintend, direct and control all acts, operations and concerns which relate to the Government or revenue of India and all grants of salaries, gratuities and allowances and all other payments and charges, out of or on the revenues of India." Again, section 21 of the Government of India Act, 1915, reads as follows:—"The expenditure of the revenues of India, both in British India and elsewhere, shall be subject to the control of the Secretary of State in Council; and no grant or appropriation of any part of those revenues, or any other property coming into the possession of the Secretary of State in Council by virtue of the Government of India

\* Delhi is yet afar off.

Act, 1858, or this Act, shall be made without the concurrence of a majority of votes at a meeting of the Council of India." 290

### Delegation to the Government of India

#### IN TRANSFERRED MATTERS

It has been of course impossible in practice that the affairs of a vast and remote Asiatic dependency should be administered directly from Whitehall: and, as we have seen, large powers and responsibilities have always been left by the Secretary of State to Government of India and again by the Government of India to local Governments. At the same time the Secretary of State's responsibility to Parliament has set very practical limits to the extent of the delegation which he can be expected to sanction. Now that His Majesty's Government have declared their policy of developing responsible institutions in India we are satisfied that Parliament must be asked to assent to set certain bounds to its own responsibility for the internal administration of that country. It must, we think, be laid down broadly that in respect of all matters in which responsibility is entrusted to representative bodies in India, Parliament must be prepared to forgo the exercise of its own power of control, and that this process must continue *pari passu* with the development of responsible Government in the provinces and eventually in the Government of India. The process should we think, begin with the conclusions arrived at on the Report of the Committee which will consider the question of transferred subjects. Having taken their report and the views of the Government of India upon it into consideration the Secretary of State would, we imagine, ask Parliament's assent to his declaring by statutory orders which he would be empowered to make under the Act that such and such subjects in the various provinces have been transferred; and when Parliament had assented to such orders the Secretary of State would cease to control the administration of the subjects which they covered. The discussion of such matters by Parliament in future would be governed by the fact of their transfer. We appreciate the difficulties of the situation; but it must be recognised that it will be impossible for Parliament to retain control of matters which it has deliberately delegated to representative bodies in India. At the same time it will be necessary to ensure that the Secretary of State is in a position to furnish Parliament with any information upon Indian affairs that it desires; and nothing in our proposals should be taken as intended to impair the liability of the Government of India and the provincial Governments to furnish such information to the India Office at any time. 291

#### And in Reserved Matters

So far we have had in mind only the transferred subjects. But even as regards reserved subjects, while there cannot be any abandonment

by Parliament of ultimate powers of control, there should, as we have indicated already, be such delegation of financial and administrative authority as will leave the Government of India free, and enable them to leave the Provincial Governments free, to work with the expedition that is desirable. On the purely financial side this delegation will involve an examination of the various codes and other regulations and orders, which we have already described as limiting too strictly the power of the authorities in India. This matter is already being examined in India and the Government of India will make proposals to the Secretary of State in Council. On the purely administrative side there are as we have seen no general orders, like those embodied in the financial codes, prescribing the matters for which the Secretary of State's sanction is required. But in an earlier chapter we gave an illustrative list of the subjects regarded as falling within that category; and generally speaking it is well understood that all important new departures require his previous approval. The drawing of the line between the important and unimportant can only be left to the common sense of the authorities in India and at home. But we are agreed that a wider discretion ought henceforth to be left to the Governor-General in Council; and that certain matters which are now referred home for sanction might in future be referred more for the information of the Secretary of State in Council. The exact definition of these particular matters must also be pursued at greater leisure, and the Government of India will take this question in hand. It will follow in such cases in future that when the policy of the executive Government in India is challenged, Parliament must be asked to accept the explanation that in accordance with deliberate policy the Government of India have been given discretion in respect of the topic in question and that for this reason the Secretary of State is not prepared to interfere with what has been settled in India. It is not part of our plan to make the official Governments in India less amenable to the control of Parliament than hitherto. It must be for Parliament itself to determine the limits which it will set to the exercise of its own powers. On the other hand intervention by Parliament may involve intervention by the Government of India in matters which otherwise would be recognised as of provincial concern. It will be distracting both to the Government of India and the provincial Governments if the operation of this principle of discretionary delegation is left either to the idiosyncrasies of Secretaries of State, or to the disposition of party forces in Parliament. We hope therefore that Parliament will assent to facilitate the working of our reforms by a provision authorising the Secretary of State, by rules to be laid before Parliament, to divest himself of control of the Government of India in some specified matters even although these continue to be the concern of the official Governments, and to empower the Government of India

to do likewise in relation to provincial Governments. On large matters of policy in reserved subjects there can of course be no question of such delegation. 292

### **Organization of the India Office**

It will be seen that our proposals involve material alternations in the functions of the India Office; and in conformity with these we think that its organization should be reconsidered. This obviously can best be done by a committee sitting in London for the purpose. We propose that such a committee should be appointed forthwith. Without attempting to draft the terms of the reference to it, we may suggest the main principles by which its deliberations should be guided. The India Office should in future be so organized as to discharge its functions as expeditiously as possible. Knowledge is an important element in coming rapidly to a right decision; and hence it is almost as essential now as it was in 1858 that the Secretary of State should be in a position to command expert advice. It is necessary the Parliament should be satisfied, and expedient that the Government of India should be satisfied, that the decisions conveyed in orders from the India Office have been arrived at after consideration of the advice of those whose knowledge of India is greater than that of the Secretary of State. But such advice needs to be informed with recent acquaintance with a changing India; and for this reason it will probably be well to modify the present constitution of the Council of India, and to arrange if not for the recruitment of the India Office staff from the Indian Civil Service, at least for some interchange of personnel between the staff of the India Office and the public services in India. Either method would have the advantage of enabling an Indian element to be employed at the India Office otherwise than on the Council of India. 293

### **Relations of the Secretary of State with Parliament**

But whatever control over Indian affairs the Secretary of State keeps, he keeps in the name of Parliament; and it will not suffice to improve the agent, so long as his relations with his principal are not what they should be. Of all the great departments of the State, the India Office is at present the least concerned with Parliament. Parliamentary control cannot in fact be called a reality. Discussion is often out of date and ill-informed; it tends to be confined to a little knot of members and to stereotyped topics; and it is rarely followed by any decision. We fully realise the other pre-occupation of Parliament, and yet we are sure that means must be found of enabling it to take a real and continuous interest in India. No one would wish matters that ought to be discussed and settled in India to be debated and decided in Parliament; but there remain large questions of policy

with which only Parliament can deal. We are anxious that Parliament should be in a position to take them up with interest and to decide them with knowledge. We have already made one important proposal—that for periodic commissions to deal with the political progress of India—which will be of value for this purpose. We will add two further suggestions. We advise that the Secretary of State's salary, like that of all other Ministers of the Crown, should be defrayed from home revenues and voted annually by Parliament. This will enable any live questions of Indian administration to be discussed by the House of Commons in Committee of Supply. On previous occasions when this proposal has been made it has encountered the objection that it would result in matters of Indian administration being treated as party questions. Without entering into speculations as to the future of parties in Parliament, we do not see why this result would follow from such a debate more than from that on the budget; and in any case the proposal which we make in the next paragraph would do something to prevent it. It might be thought to follow that the whole charges of the India Office establishment should similarly be transferred to the home Exchequer; but this matter is complicated by a series of past transactions, and by the amount of agency work which the India Office does on behalf of the Government of India; and we advise that our proposed committee upon the India Office organisation should examine it and taking these factors into consideration determine which of the various India Office charges should be so transferred, and which can legitimately be retained as a burden on Indian revenues.

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### **A Select Committee on Indian Affairs.**

But the transfer of charges which we propose, although it will give reality to the debates on Indian affairs, will not ensure in Parliament a better informed or a more sustained interest in India. We feel that this result can only be accomplished by appointing a Select Committee of Parliament on Indian affairs. We have considered whether such a committee should be drawn jointly from both Houses. But it is in the House of Commons that effective control over the Indian administration will be exercised by means of the debate on the estimates; and also it is to the House of Commons that the comments in the proceeding paragraph mainly apply. We recommend therefore that the House of Commons should be asked to appoint a Select Committee on Indian affairs at the beginning of each Session. Such a Select Committee would, like other Select Committees, exercise its powers by informing itself from time to time upon Indian questions, and by reporting to the House before the annual debate on the Indian estimates. Like other Select Committees, it would have no administrative functions. The Secretary of State would appear before

it to answer questions about those aspects of Indian administration in which he, and therefore Parliament, continued to exercise the right to interfere. Thus by means of interrogations and requisitions for papers the members of the Committee would keep themselves informed upon Indian questions. To such a Select Committee Indian Bills might be referred after their second reading. There would thus soon grow up a body of men in Parliament who took a continuous and well-informed interest in Indian questions; and by the Committee's reports the House of Commons would be invited to focus their attention in the debate on the budget on matters of importance which had arisen during the year. There is, we may repeat, no inconsistency in distinguishing between the general direction and the execution of policy, nor in the desiring at one and the same time that the directing power shall be more interested and better informed and that the executive agents shall be given a larger measure of discretion within the limits laid down for them.

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## THE NATIVE STATES

### Introductory

As we have said already it is impossible to deal with the constitutional position in British India without also considering the problems presented by the Native States. India is in fact, as well as by legal definition, one geographical whole. The integral connexion of the States with the British Empire not only consists in their relations to the British Crown, but also in their growing interest in many matters common to the land to which they and the British Provinces alike belong.

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### Position of the States

Although compared with the British provinces the States are thinly populated, they comprise among them some of the fairest portions of India. The striking differences in their size, importance, and geographical distribution, are due partly to variations of policy, partly to historical events which no Government could control. Wherever consolidating forces were at work before the British advance occurred, we find that large units of territory were constituted into States; wherever disorder or other disintegrating factors were at work longer, as in Bombay and Central India, we find a large number of fragmentary territories. "Political as well as physical geography bears witness to the stress of the destructive forces through which a country has passed." The policy of the British Government towards the States has changed from time to time, passing from the original plan of non-intervention in all matters beyond its own ring-fence to the

policy of "subordinate isolation" initiated by Lord Hastings; which in its turn gave way before the existing conception of the relation between the States and the Government of India which may be described as one of union and co-operation on their part with the paramount power. In spite of the varieties and complexities of treaties, engagements, and *sanads*, the general position as regards the rights and obligations of the Native States can be summed up in a few words. The States are guaranteed security from without; the paramount power acts for them in relation to foreign powers and other States, and it intervenes when the internal peace of their territories is seriously threatened. On the other hand the States' relations to foreign powers are those of the paramount power; they share the obligation for the common defence; and they are under a general responsibility for the good government and welfare of their territories.

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### Effects of the wars

Now let us consider what factors have been at work to bring the Ruling Princes into closer relations with the Government of India. Foremost is the war. No words of ours are needed to make known the services to the Empire which the States have rendered. They were a profound surprise and disappointment to the enemy; and a cause of delight and pride to those who knew beforehand the Princes' devotion to the Crown. With one accord the Rulers of the Native States in India rallied to fight for the Empire when war was declared; they offered their personal services, and the resources of their States. Imperial Service Troops from over a score of States have fought in various fields, and many with great gallantry and honour. The Princes have helped lavishly with men and horses, material and money, and some of them have in person served in France and elsewhere. They have shown that our quarrel is their quarrel; and they have both learned and taught the lesson of their own indissoluble connexion with the Empire, and their immense value as part of the polity of India.

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### Points of Contract

For many years, however, influences more persistent though less forceful than war have been at work to increase the range of matters in which the States realize their solidarity with British India. A perceptible process of infultration has been going on. We have helped the States in times of famine; we have lent them officers trained in British India to revise or supervise their revenue or financial administration, or to improve their agriculture and irrigation. Many of them have adopted our civil and criminal codes. Some have imitated and even further extended our educational system. Co-operation in matters



of police and justice has been developed. Our railway and telegraph systems have been carried through and serve many of the States. The Indian customs tariff is a matter of concern to all States including those which have ports of their own. It is of course true that external influences have not affected the States equally. They have not all been equally able to assimilate new principles. They are in all stages of development, patriarchal, feudal or more advanced, while in a few States are found the beginnings of representative institutions. The characteristic features of all of them, however, including the most advanced, are the personal rule of the Prince and his control over legislation and the administration of justice. Nor have any changes which have occurred in the least impaired the validity of the treaties which assured to the States their powers of internal administration. Indeed it may be said that in a composite society like India's and in times when ideas are changing rapidly, the existence of States in which ideals of chivalry and personal devotion survive as the motive principle of government has been the more clearly seen to have an abiding value. The independence of the States in matters of internal administration carries with it the counter-obligation of non-interference in British Indian affairs. If the Princes were to intervene, either informally or formally, in the internal affairs of British India, such action would, we think be reasonably questioned, unless the representatives of British India were given a corresponding right of influencing the affairs of the States. On either hand, we believe, there is no desire to cross the frontier. Rulers and politicians alike recognize that they are best employed in attending to their own progress. The obligation of mutual abstention must be always borne in mind in estimating the future position of the Native States in a changing Indian empire.

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### Modern influences

We know that the States cannot be unaffected by constitutional development in adjoining provinces. Some of the more enlightened and thoughtful of the Princes, among whom are included some of the best known names, have realised this truth, and have themselves raised the question of their own share in any scheme of reform. Others of the Princes—again including some of the most honoured names—desire only to leave matters as they are. We feel the need for caution in this matter. It would be a strange reward for loyalty and devotion to force new ideas upon those who did not desire them; but it would be no less strange, if out of consideration for those who perhaps represent gradually vanishing ideas, we were to refuse to consider the suggestions of others who have been no less loyal and devoted. Looking ahead to the future we can picture India to ourselves only as presenting the external semblance of some form of 'federation.' The provinces will ultimately become self-

governing units, held together by the central Government which will deal solely with matters of common concern to all of them. But the matters common to the British provinces are also to a great extent those in which the Native States are interested—defence, tariffs, exchange, opium, salt, railways and posts and telegraphs. The gradual concentration of the Government of India upon such matters will therefore make it easier for the States, while retaining the autonomy which they cherish in internal matters, to enter into closer association with the central Government if they wish to do so. But though we have no hesitation in forecasting such a development as possible, the last thing that we desire is to attempt to force the pace. Influences are at work which need no artificial stimulation. All that we need or can do is to open the door to the natural developments of the future.

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### Evolution of the Chief's Conference

In this respect the trend of recent events has helped. The desire to give greater reality to the consciousness of common interests is stirring among the Princes, and it is now possible and desirable to turn it to more practical account than our predecessors were able to do. Lord Lytton's proposal to constitute an Imperial Privy Council which should comprise some of the great Princes resulted only in the ephemeral and purely honorific body known as the Councillors of the Empress. Lord Dufferin's institution of Imperial Service Troops was of much greater value in giving actual and useful expression to the feeling of community of interests. Lord Curzon's plan for a Council of Ruling Princes and Lord Minto's schemes first for an Imperial Advisory Council and then for an Imperial Council of Ruling Princes were suggestions only a little in advance of the time. The idea which attracted his two predecessors gained fresh life as a result of the conferences which Lord Hardinge held with the Princes to consider questions of higher education in the States. Lord Hardinge made no secret of his desire to seek the collective opinion of the Princes as trusted colleagues whenever possible on matters affecting their Order; and in responding to His Excellency's invitation, Their Highnesses the Maharajas of Gwalior and Indore also laid stress upon the essential identity of interest between the two halves of India. Lord Chelmsford carried the system of conference further by utilizing them for the purpose of discussing general questions affecting the States as a whole: and His Highness the Gaekwar, in welcoming the new development expressed the hope that what had by that time become an annual conference would develop into a permanent Council or Assembly of Princes. Moreover only last year the claim of the States to be heard in matters of Imperial concern were signally recognised by the deputation of His Highness the Maharaja of

Bikanir to the meeting of the Imperial Conference and the War Cabinet. 301

### Effects of British policy. The term "Native States."

In view of the fact that constitutional changes in British India may react in an important manner on the Native States, we have carefully considered their present relations with the Government of India. We became aware at the outset that although the policy which has been followed for more than a century towards the States has been amply vindicated by the trust and confidence which the Princes as a body repose in the British Government yet in some quarters uncertainty and uneasiness undoubtedly exist. Some Rulers are perturbed by a feeling that the measure of sovereignty and independence guaranteed to them by the British Government has not been accorded in full, and they are apprehensive lest in process of time their individual rights and privileges may be whittled away. We ascribe this feeling to two causes. In the first place, the expression "Native States" is applied now and has been applied during the past century to a collection of about seven hundred rulerships which exhibit widely differing characteristics; which range from States with full autonomy over their internal affairs to States in which Government exercises, through its Agents, large powers of internal control, and even down to the owners of a few acres of land. Uniformity of terminology tends to obscure distinctions of status; and practice appropriate in the case of the lesser Chiefs may be inadvertently applied to the greater ones also. We are convinced that it would improve and assist future relations between the Crown and the States if a definite line could be drawn separating the Rulers who enjoy full powers of internal administration from the others. Our own proposals in paragraphs 306 to 311 below assume that such classification can and will after due inquiry be effected, and are intended to relate only to States of former class. 302

### Government Intervention

In the second place, we cannot disregard the fact that the general clause which occurs in many of the treaties to the effect that the Chief shall remain absolute Ruler of his country has not in the past precluded and does not even now preclude "interference with the administration by Government through the agency of its representatives at the Native Courts." We need hardly say that such interference has not been employed in wanton disregard of treaty obligations. During the earlier days of our intimate relations with the States British agents found themselves compelled, often against their will, to assume responsibility for the welfare of a people, to restore order from chaos, to prevent inhuman practices, and to guide

the hands of a weak or incompetent Ruler as the only alternative to the termination of his rule. So too, at the present day, the Government of India acknowledges as trustee, a responsibility (which the Princes themselves desire to maintain) for the proper administration of States during a minority, and also an obligation for the prevention or correction of flagrant misgovernment. 303

### Interpretation of Treaties

Moreover we find that the position hitherto taken by the Government has been that the conditions under which some of the treaties were executed have undergone material changes, and the literal fulfilment of particular obligations which they impose has become impracticable. Practice has been based on the theory that treaties must be read as a whole, and that they must be interpreted in the light of the relations established between the parties not only at the time when a particular treaty was made, but subsequently. The result is that there has grown up around the treaties a body of case law which anyone who is anxious to appreciate the precise nature of existing relations must explore in Government archives and in text-books. The Princes, viewing the application of this case law to their individual relations with Government, are uneasy as to its ultimate effect. They fear that usage and precedent may be exercising a levelling and corroding influence upon the treaty rights of individual States. 304

### Need for Re-Examination of the position

It is thus clear that some ambiguity and misunderstanding exist as to the exact position. The Government of India has already taken cognisance of this, and is affording opportunity for the verification of any specific complaints that may be made. We do not desire to say anything that might prejudice the issue of these inquiries. In the meanwhile, however, we suggest that the time has come when it would be well to review the situation, of course only by consent of parties, not necessarily with a view to any change of policy but in order to simplify, standardise and codify existing practice for the future. Before we pass on to state our own proposals we wish to say that we think that the Princes should be assured in the fullest and freest manner that no constitutional changes which may take place will impair the rights, dignities and privileges secured to them by treaties, *sanads*, and engagements or by established practice. 305

### A Council Princes

We have explained how, on various occasions in recent years, the Princes have met in conference at the invitation of the Viceroy. These conferences have been of great value in assisting in the formulation of the Government's policy on important matters like minority administra-

tion and succession, and in promoting interest in such questions as scientific agriculture and commercial and agricultural statistics. The meetings have given the Princes the opportunity of informing the Government as to their sentiments and wishes, of broadening their outlook, of conferring with one another and with the Government. But although the meetings have in the last few years been regular, they depend upon the invitation of the Viceroy; and our first proposal is to replace them by the institution of a Council of Princes. We wish to call into existence a permanent consultative body. There are questions which affect the States generally, and other questions which are of concern either to the Empire as a whole, or to British India and the States in common, upon which we conceive that the opinion of such a body would be of the utmost value. The Viceroy would refer such questions to the Council, and we should have the advantage of their considered opinion. We think it is all important that the meetings should be regular, and that ordinarily the Council should meet once a year to discuss agenda approved by the Viceroy. Any member of the Council or the Council as a whole might request the Viceroy to include in the agenda any subject on which discussion was desired. If questions of sufficient importance arose in the intervals between the annual meetings the Princes might suggest to the Viceroy that an extraordinary meeting should be held. We contemplate that the Viceroy should be President and should as a rule preside, but that in his absence one of the Princes should be Chairman. The rules of business would be framed by the Viceroy after consultation with the Princes, who might perhaps from time to time suggest modifications in the rules. We believe that most of the Princes desire to see such a Council created, although some of the most eminent among them have not taken part in the conferences in 1906 and 1917. The direct transaction of business between the Government of India and any State would of course not be affected by the institution of the Council. We have used the name "Council of Princes" to describe the body which we desire to see instituted. We have had difficulty, however, in finding a name appropriate to such a unique assembly. We wish to avoid a designation associated with other institutions, and to find one which will connote the real position of this body of Rulers with the representative of the King-Emperor as Chairman. From both these points of view the terms Council or Chamber or House of Princes are open to criticism. There is much to be said in favour of an Indian name for an Indian body which, from the circumstances of the case, would exist nowhere else; but it would be necessary to choose one not peculiarly associated historically either with Hindus or with Muhammadans. While therefore we have adopted the term Council for temporary purposes, we hope that discussion may produce some happier alternative.

### **Standing Committee of the Council**

It has been represented to us that difficulties have occurred in the past by reason of the fact that the Political Department comes to decisions affecting the Native States without being in a position to avail itself of the advice of those who are in a position to know from their own personal experience or the history of their States the right course to pursue. On matters of custom and usage in particular we feel that such advice would be of great value, and would help to ensure sound decisions. Our second proposal therefore is that the Council of Princes should be invited annually to appoint a small standing committee, to which the Viceroy or the Political Department might refer such matters. We need hardly say that no reference affecting any individual State would be made to the Committee without the concurrence of its Ruler. The Council of Princes might appoint to the standing committee not only Princes but also Dewans or Ministers, who were willing to place their services at the disposal of the Viceroy when called upon for advice. This machinery is based on the principle of consultation which in so many matters underlies our recommendations in regard to British India.

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### **Commissions of inquiry into disputes**

Our next proposal is concerned with disputes which may arise between two or more States, or between a State and a local Government or the Government of India, and with a situation caused when a State is dissatisfied with the ruling of the Government of India or the advice of any of its local representatives. In such cases there exists at the present moment no satisfactory method of obtaining an exhaustive and judicial inquiry into the issues, such as might satisfy the States, particularly in cases where the Government of India itself is involved, that the issues have been considered in an independent and impartial manner. Whenever, therefore, in such cases the Viceroy felt that such an inquiry was desirable, we recommend that he should appoint a commission, on which both parties would be represented, to inquire into the matter in dispute and to report its conclusions to him. If the Viceroy were unable to accept the finding, the matter would be referred for decision by the Secretary of State. The commission that we have in mind would be composed of a judicial officer of rank not lower than a High Court Judge and one nominee of each of the parties concerned.

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### **And into cases of Misconduct**

In another class of cases we have a similar proposal to make. It has happened, and we conceive that it may happen though rarely in the future, that the question arises of depriving the ruler of a State of his rights, dignities and powers, or of debarring from succession a

member of his family. If such cases occur in the future we think that they should be always referred to a commission to be appointed by the Viceroy to advise him. It should consist of five members, including ordinarily a High Court Judge and two Ruling Princes. The names of the commissioners should be intimated in advance to the defendant before they were appointed; and the proceedings of the commission should be made public only if the defendant so desired.

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### Relations with the Government of India

Our two remaining proposals bear a direct relation to our constitutional scheme for British India. We recommend that as a general principle all important States should be placed in direct political relations with the Government of India. We feel that the necessity of communicating with the central Government through two or even more intermediaries is an obstruction to good understanding and a great obstacle to business. The present position is that while four large States and one small State deal directly with the Government of India through their Resident, there are in the Central India Agency some 150 States and in the Rajputana Agency some 20 Baluchistan two States under the Agents to the Governor-General. The remaining States are in political relations with local Governments, Madras deals with 5 States; Bombay with over 350; Bengal with 32; the United Provinces with 3; the Punjab with 34; Burma with 52; Bihar and Orissa with 26; the Central Provinces with 15; and Assam with 16. We have already laid stress in our report upon the need in domestic affairs for dividing matters of all-Indian from those of provincial concern. Now on general grounds the relations between the States and Government are clearly a matter for the central Government; and where this principle has been departed from it has been on grounds of history or convenience. It seems to us that the changing conditions of the time afford strong reason for affirming the principle; both because the institution of a Council of Princes will give greater solidarity to the views of the States, and also because the growth of responsibility in provincial Governments will to some extent unfit them to act in political matters as mere agents for the Government of India. There will, we recognize, be difficulty in some cases where the territories of the States and British provinces intersect, but such obstacles are not insurmountable. As a general principle, therefore, we recommend that all important States should be placed in direct political relations with the central Government. We do not intend of course that the Durbars should write direct to the Political Secretary, but that there should, wherever possible, be only one political officer through whom the State would correspond with the Government of India. This is already the case with the States of Hyderabad, Baroda, Mysore and

**Kashmir.** In other cases it will be necessary to revise the existing arrangements by which correspondence passes through a local Political Agent or Resident to an Agent to the Governor-General or a local Government and thence to the Government of India. Where the authority immediately subordinate to the Government of India is an Agent to the Governor-General, the choice lies generally between abolishing the offices of local Political Agents or Residents, while transferring their functions to the Agent to the Governor-General with an increased staff of Assistants, and abolishing the post of Agent to the Governor-General while retaining Residents accredited to States or groups of States. In other cases instead of abolishing either the Agent to the Governor-General or the Resident, where both officers exist, the Residents of particular States might be allowed to communicate direct with the Government of India, sending a copy of such communications to the Agent to the Governor-General for his information. The future position of other States which are now in relation with provincial Governments, cannot be determined immediately, since both the wishes of the Durbars and also the administrative advantages must be considered. It may be that the Government of India will assume direct relations with these States, or that they may be left for the time being in relation with the provincial Governments; but in the latter case it seems to us that the Head of the province should in each case act in his relations with the States as agent for the central Government, and that relations with the Native States should not be matters of provincial concern in the sense that they are intended ever to be transferred to the control of the legislative council. 310

### **Joint Deliberation on matters of Common Interest**

Our last proposal is intended to provide some means of deliberation between the Government of India and the Princes on matters of common interest to both, and so to ensure that as far as possible decisions affecting India as a whole shall be reached after the views of the Durbars have been taken into account. In the past it certainly has occasionally happened that the States were vitally affected by decisions taken without reference to them; and yet no machinery for such collective consultation with them has hitherto existed. It seems to us that they have a clear right to ask for it in the future. We have abandoned for the present all consideration of suggestions that the Ruling Princes or some representatives of their Order should be members of the Council of State. Not only would this at the present stage infringe the doctrine of non-interference on the part of the Princes in the affairs of British India, but we are satisfied that few, if any, of the Princes themselves are ready for such a step. On the other hand, it seems to us that, when a Council of Princes has been



established, and when a Council of State and a Privy Council have been created, the machinery will exist for bringing the senatorial institutions of British India into closer relations when necessary with the Rulers of the Native States. Matters affecting the Native States generally, or the Native States and British India in common or the Empire might, as we have seen, be referred to the Council of Princes. It would thus be possible for the Viceroy, when he thought fit, to arrange for joint deliberation and discussion between the Council of Princes or between representatives of each body. He might also invite members of the Council of Princes to serve on committees of the Privy Council. 311

### Future Position of the States

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

## MISCELLANEOUS

### (i).—THE PUBLIC SERVICES

#### The Case for increasing the Indian Element

In the forefront of the announcement of August 20, the policy of the increasing association of Indians in every branch of the administration was definitely placed. It has not been necessary for us—nor indeed would it have been possible—to go into this large question in detail in the time available for our inquiry. We have already seen that Lord Hardinge's Government were anxious to increase the number of Indians in the public services, and that a Royal Commission was appointed in 1912 to examine and report on the existing limitations in the employment of Indians. The Commission made an exhaustive inquiry into the whole subject, in the course of which it visited every province in India, and its report is now being examined by the Government of India and the local Governments with a view to formulating their recommendations with all possible despatch. The report must form the basis of the action now to be taken, but, in view of the altered circumstances we think that it will be necessary to amplify its conclusions in some important respects. The report was

signed only a few months after the outbreak of war and its publication was deferred in the hope that the war would not be prolonged. When written, it might have satisfied moderate Indian opinion, but when published two years later, it was criticised as wholly disappointing. Our inquiry has since given us ample opportunity of judging the importance which Indian opinion attaches to this question. While we take account of this attitude, a factor which carries more weight with us is that since the report was signed an entirely new policy towards Indian Government has been adopted, which must be very largely dependent for success on the extent to which it is found possible to introduce Indians into every branch of the administration. It is a great weakness of public life in India to day that it contains so few men who have found opportunity for practical experience of the problems of administration. Although there are distinguished exceptions, principally among the Dewans of Native States, most Indian public men have not had an opportunity of grappling with the difficulties of administration, nor of testing their theories by putting them into practice. Administrative experience not only sobers the judgment and teaches appreciation of the practical difficulties in the way of the wholesale introduction of reforms however attractive and the attainment of theoretical ideals, but by training and increasing the number of men in the details of day-to-day business, it will eventually provide India with public men versed in the whole art of government. If responsible government is to be established in India, there will be a far greater need than is even dreamt of at present for persons to take part in public affairs in the legislative assemblies and elsewhere; and for this reason the more Indians we can employ in the public services the better. Moreover, it would lessen the burden of Imperial responsibilities if a body of capable Indian administrators could be produced. We regard it as necessary therefore that recruitment of a largely increased proportion of Indians should be begun at once. The personnel of a service cannot be altered in a day: it must be a long and steady process; if, therefore, the services are to be substantially Indian in personnel by the time that India is ripe for responsible Government, no time should be lost in increasing the proportion of Indian recruits 313

#### **Limitations to this Process**

At the same time we must take note of certain limitations to the policy of change. The characteristics which we have learned to associate with the Indian public services must as far as possible be maintained; and the leaven of officers possessed of them should be strong enough to assure and develop them in the service as a whole. The qualities of courage, leadership, decision, fixity of purpose, detached judgment, and integrity in her public servants will be as necessary as ever to India. There must be no such sudden swamping of any service with any new element that its whole character suffers a

rapid alteration. As practical men, we must also recognise that there are essential differences between the various services and that it is possible to increase the employment of Indians in some more than in others. The solution lies therefore in recruiting year by year such a number of Indians as the existing members of the service will be able to train in an adequate manner and to inspire with the spirit of the whole. Again it is important that there should be so far as possible an even distribution of Europeans and Indians, not indeed between one service and another, but at least between the different grades of the same service. Apart from other considerations, this is a reason for exercising caution in filling up the large number of vacancies which have resulted from short recruitment during the last four years. We must also remember how greatly conditions vary between the provinces. In arriving at any percentage to be applied to certain services, we should take into account the fact that in some provinces the admissible percentage will probably be much lower than what seems possible for the service as a whole, with the result that the percentage in other provinces must be much higher. If the Indian Civil Service be taken as an example, and if, for the sake of argument, the recommendation of the Commission is accepted that recruitment for 25 per cent of the superior posts be made in India, then to attain an all-round percentage of 25, the proportion in, say, Bombay, Bengal and Madras will have to be considerably more than 25 per cent., because in Burma certainly and probably also in the Punjab it will be much less. Indeed, it seems self-evident that the actual percentage for the whole of a service can only be worked out with special regard to the conditions of each province. Lastly, it would be unwise to create a demand in excess of the supply. At present the number of candidates of higher quality than those who are now forthcoming for the provincial services is strictly limited, and though the opening of the more attractive services may be expected to stimulate the supply, it will still be necessary, if the present quality of the services is not to be unduly impaired, to take special steps to see that recruits are of a satisfactory standard.

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### **Removal of Racial Distinctions**

Subject to these governing conditions, we will now put forward certain principles on which we suggest that the action to be now taken should be based. First, we would remove from the regulations the few remaining distinctions that are based on race, and would make appointments to all branches of the public service without racial discrimination.

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### **Institution of recruitment in India**

Next we consider that for all public services, for which there is recruitment in England open to Europeans and Indians alike, there

must be a system of appointment in India. It is obvious that we cannot rely on the present method of recruitment in England to supply a sufficiency of Indian candidates. That system must be supplemented in some way or other: and we propose to supplement it by fixing a definite percentage of recruitment to be made in India. This seems to us to be the only practical method of obtaining the increased Indian element in the services which we desire. We do not suggest that it will be possible to dispense with training in Europe for some of the principal services. It will be necessary to make arrangements to send for training in England the candidates selected in India, but as to this we anticipate no difficulty.

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### **Percentage of appointments to be made in India**

We have not been able to examine the question of the percentage of recruitment to be made in India for any service other than the Indian Civil Service. The Commission recommended that 25 per cent of the superior posts of that service should be recruited for in India. We consider that changed conditions warrant some increase in that proportion, and we suggest that 33 per cent. of the superior posts should be recruited for in India, and that this percentage should be increased by  $1\frac{1}{2}$  per cent annually until the periodic commission is appointed which will re-examine the whole subject. We prefer this proposal to the possible alternative of fixing a somewhat higher percentage at once and of making no increase to it until the periodic commission which we propose has reported. We cannot at present foresee the reorganisation that may take place in the Indian Civil Service as a result of new conditions. For this reason, we think it unwise to aim at attaining any definite percentages after a specified time. We prefer to fix a percentage applicable to present conditions and to commit ourselves only to a growing proportion, which will be subject to reconsideration and revision by the commission.

We have dealt only with the Indian Civil Service, but our intention is that there should be in all other services now recruited from England a fixed percentage of recruitment in India increasing annually. The percentage will not be uniform for all services as the particular figures must depend upon their distinctive characters and functions.

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### **Improvement in the conditions of the European services**

The restriction of the number of Europeans in the services, and the constitutional changes taken together will make it absolutely necessary for India to secure the very best type of European officers that she can get. We are therefore anxious that the present opportunity

should be taken to do something towards restoring the real pay of the existing services to the level when proved attractive twenty years ago. We recognise and we regret that improvement of the conditions of the European services in India has encountered opposition from Indians. We hope and believe that, if proposals for such improvement are accompanied by increased opportunities being given to Indians in the services, this opposition will cease. But in any case, we feel that it is necessary to do something substantial in order to improve the conditions of service, and to secure the European recruitment which we regard as essential. 318

### Pay

Though we cannot review the scales of pay of all the Indian services in detail, we think it important to remember that whatever causes of complaint the Public Services Commission found to exist have been since aggravated by three years of war. Although we prefer not to make specific recommendations, because we have not been able to go into such questions in detail, we recognise that in the case of certain services in particular the need for improving the terms of service is specially strong. The remedies proposed by the Commission were generally an incremental scale of pay, and improvements in the calculations on which recruitment is based. We approve generally of these proposals but consider that they fall short of a complete remedy, because errors in recruitment continue to bear fruit for thirty years or more; and also, because in some cases the recommendations of the Commission do not provide adequately for the occasions when an officer may be blocked for an undue period, through no fault of his own, in getting a superior post. In such cases, they propose to give temporary allowances, leaving the emoluments drawn by an officer in the latter half of his career still dependent upon the date when a superior vacancy presents itself, or in other words on the fulfilment in practice of actuarial calculations. But it is a recognised principle that, after spending a certain number of years in an inferior appointment, an officer should have the expectation of acting with at least practical continuity in a superior post; and there is a very natural and legitimate desire in the service to see their conditions of service brought into some exact relation with this principle. We should prefer therefore to see the junior incremental scale continued until the senior post is actually attained, and to provide that the higher responsibility of the senior post should be marked by the grant of an additional allowance over and above the time-scale. This should not, of course, prevent the increments of any officer adjudged unfit for a superior post being stopped at any particular point in the junior time-scale. 319

### Pensions

We have seen reason to believe, however, that the conditions of pension and leave affect the well-being of the service almost as much as pay. In respect of pensions, we have to distinguish between the Indian Civil Service, with its sterling annuity to which the officers themselves contribute, and all other services. In the latter, a non-contributory pension is given, based upon the amount of pay, but subjected in most services to an arbitrary maximum of Rs. 5,000 a year, which in the case of the holders of certain special posts is raised to Rs. 6,000. The Commission recommend the raising of the normal limit of pensions to Rs. 6,000 and the grant of additional pensions for a few high appointments. In view of financial exigencies, we are prepared to adopt this limit of Rs. 6,000 for the time being, on the understanding that the rate of exchange applied remains at 1s. 9d.; and the Government of India have under consideration proposals with regard to the holders of the special high appointments, which are somewhat more liberal than those of the Commission. In the case of the Civil Service, we agree that the pension should, like that of other services, be made non-contributory. We think that the present 4 per cent contribution should be retained, but funded for the benefit of the individual. We also suggest that it should be considered whether the system of fixed annuities should not be replaced by one of pensions varying with length of service in accordance with the usual practice.

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### Leave

We are also convinced that the present leave rules must be made much more elastic. They are defective inasmuch as they allow excessive periods of leave on allowances so inadequate that officers cannot possibly afford to take the amount of leave admissible. The Commission proposed to allow the commutation of a period of leave on half-pay to a shorter period on full pay. Without committing ourselves to details, we regard the principle of this proposal as sound, and think that either double furlough allowance or full pay should be allowed for reduced periods of leave. We agree also that the Commission's recommendation for the accumulation of privilege leave up to four months should receive favourable consideration.

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### Expatriation allowances

There is one more general question of some importance. It is desirable if possible to avoid the differentiation maintained at present in many cases between the rates of pay drawn by European and Indian officers in the same service. We think that the standard scales for all services should be fixed with reference to Indians recruited in India at rates sufficient to attract the best men available

and to give them an income appropriate to their position. For persons recruited by reason of special qualifications obtained in Europe, an extra allowance should be given to compensate them for the drawbacks and expenses of expatriation. The same principle should be applied to Indians serving in England. It may seem inconsistent that Indians recruited in Europe should be given the same allowance as Europeans; but this is the present practice in the Indian Civil Service, and as a general proposition we suggest that, when a man has been recruited by reason of special qualifications obtained in Europe, he should receive higher rate. At the same time, we are not prepared to say that this principle should be regarded as of universal application.

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### Future position of the European Services

We have already touched more than once on the question of the future of the European services in India; but the importance of the subject justifies us in returning to it. Do the changes which we propose point to the gradual, possibly the rapid, extrusion of the Englishman with all the consequences that may follow therefrom? Is it conceivable that India's only surviving connexion with the Empire will be found in the presence of British troops for the purpose of defending her borders? We may say at once that the last contingency cannot be contemplated. We cannot imagine that Indian self-respect or British commonsense would assent for a moment to such a proposition. At least so long as the Empire is charged with the defence of India, a substantial element of Englishmen must remain and must be secured both in her Government and in her public services. But that is not the practical or the immediate question before us. What we have had to bear in mind how our reforms may react on the position and the numbers of Europeans in the Indian services. We are making over certain functions to popular control, and in respect of these—and they will be an increasing number—English commissioners, magistrates, doctors and engineers will be required to carry out the policy of Indian ministers. Simultaneously we are opening the door of the services more widely to Indians and thereby necessarily affecting the cohesion of the service. Some people have been so much impressed by the undoubted difference of view between the services and educated Indians, and by the anticipated effects of a larger Indian element in the services that they apprehend that this may result in increasing pressure to get rid of Englishmen, and increasing reluctance on the part of Englishmen to give their further services to India under the new conditions. This danger is one which we have anxiously considered. We are certain that the English members of the services will continue to be as necessary as ever to India. They may be diminished in numbers; but they must not fall off in quality. Higher qualifications than ever will be

required of them if they are to help India along her difficult journey to self-government. We have therefore taken thought to improve the conditions of the services, and to secure them from attack. But we sincerely hope that our protection will not be needed. There was a time in Indian politics when service opinion and Indian opinion often found themselves in alliance against other points of view. Our reforms will, we believe, do away with the factors which worked a change in those relations. With the removal of disabilities, and the opening of opportunity, there is no reason why relations between educated Indians and the services should not improve. In the reservations which we propose, there is nothing to arouse hostility. No reasonable man should cavil at safeguards which are imposed in order to gain time for processes of growth to occur. If our own judgment has been too cautious we have provided means for correcting it, and of adjusting future progress to the results attained. 323

### Work awaiting the English Official

We believe then that so far in the future as any man can foresee a strong element of Europeans will be required in India's public service. Indeed we go further; we think that with the new political and economic development on which she is entering, there will be wholly fresh opportunities for helping her with the services of men who have known the problems of government in other parts of the Empire, or who have special knowledge of technical science. It may conceivably be that the utilities of the European official in India will gradually undergo a change; that instead of continuing to the same degree as now as the executive agency of Government, he will stand aside more from the work of carrying out orders and assume the position of a skilled consultant, a technical adviser and an inspecting and reporting officer. To attempt to forecast the future organisation and disposition of the services would be idle. These matters will settle themselves in the course of political evolution. But we can see no reason for alarm. Our policy is irrevocably declared, and it ought to content all sober minds. We are no longer seeking to govern a subject race by means of the services; we are seeking to make the Indian people self-governing. To this end we believe that the continued presence of the English officer is vital, and we intend to act on that belief. So long as Indians are employed in increasing numbers wherever they are fit, there can be no just complaint of the retention of the Englishman; if that condition is not fulfilled, there is an appeal to the periodic commission. It will henceforth be accepted as the duty of the European officers in the service of India to do all that lies in their power to fit Indians to take their places beside them. Actual progress will always depend on questions of personal qualities which we can only leave to the decision of time.



But we may be content to have removed causes of complaint, and to have called forth the forces of better understanding and mutual respect to which we must look for equilibrium. 324

### Protection of Service Interests

On more than one occasion, we have declared our intention to protect the interests of the services if necessary; and it may be well to make it clear what we mean by this phrase. The question of methods depends on a number of Acts and rules and regulations, for which reason we reserve it for detailed consideration hereafter in connection with the question of demarcating functions and powers. But our purpose is that any public servant, whatever the Government under which he is employed, shall be properly supported and protected in the legitimate exercise of his functions; and that any rights and privileges guaranteed or implied in the conditions of his appointment shall be secured to him. No changes that will occur can be allowed to impair the power of the Government of India or of the Governor-in-Council to secure these essential requirements. 325

### The Indian Civil Service

Of the Indian Civil Service in particular, we have something further to say. Its past record we might well leave to speak for itself. But all the more because of the vehement and sometimes malignant abuse to which the service is exposed, it is not out of place to pay our tribute to energies finely dedicated to the well-being of India. This abuse is partly due to the fact that on the personnel of the service, which is at once the parent and the mainstay of the existing system, has fallen much of the odium which would more justly be directed against the impersonal system itself. Partly it is due also, we think, to the tradition of the service, dating from days when it had no vocal criticism to meet which imposes silence on the individual officer while the order of things that he represents is attacked and calumniated. Now the position of the Indian Civil Servant, as we have already said, is not analogous to that of the civil servant at home. He takes his place in the legislative and executive councils; he assists in the formulation of policy. But when his doings are attacked, he remains except for a few official and rather formal spokesmen in the legislative councils mute. This gives him in the eyes of educated Indians a certain intangible superiority of position, a cold invulnerability, which makes sympathetic relations between them impossible. We do not think this condition of silence can altogether be maintained. With coming changes, there must be a greater liberty of action to the European public servant in India to defend his position when attacked. He ought not to leave the task of political education solely to the

politicians. He also must explain and persuade, and argue and refute. We believe he will do it quite effectively. The matter is however by no means free from difficulty; there are obvious limitations to the discretion which can be granted; and these will be considered by the Government of India.

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### Its future Opportunities

The changing times cannot, we know, be altogether agreeable to many men who have grown up in the older tradition which made them the protectors and governors of the people. But those who think that the opportunity of the Indian Civil Service is over are mistaken. Life will indeed be more difficult; it will not be less worthy. It is harder to convince than to direct; to prevail in consultation than to enforce an order. But can there be a higher calling for the service than to train in the years that are to come men who are to relieve them of much of their burden? The service has a fine administrative record; but the increasing sharing of responsibility is a higher order of work than administration. We regard it as a libel on the Indian Civil Service as a body to say that they have resisted or will resist the policy announced last August. They have welcomed it, because no one knew better than they how badly a declaration of policy was needed; and they will carry it out with determination just as they have always carried out the policy laid down for them. In the attainment of self-government in provincial affairs, no body of men can give greater assistance than the Indian Civil Service. But they will ask and with justice that, in the discharge of the functions for which they remain responsible during the period of transition, and of which the first and most important is the maintenance of law and order in their charges, they shall have the support of their superiors and of those at home. — Even this responsibility, however, must be discharged under new conditions. The changes which we contemplate will of course go further than the legislative councils in which they will be seen in their most prominent expression. They will react on the district administration and on the relations between official and non-official. In future, there must be more partnership, which means for the official extra work, explanations, consultations and attempts to carry with him those who will one day do the work themselves. It is a task that will, we believe, add to the repute of the service; but what will be a matter of more satisfaction to that body is that it will improve relations with educated Indians.

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### (ii).—THE ARMY

#### Indian Wishes

If our general policy demands that the Indian element in the civil services of the country should be increased, it involves some change also in our military policy. For some years, Indian politicians

have been urging the right of Indians in general to bear arms in defence of their country. This demand has become much more insistent since the outbreak of war, and there has been a tendency to ascribe the difficulties of the Empire to the short-sightedness of the Government which had consistently refused to afford military training to the Indian people. The argument is that if the Government had only conceded this demand, it would have had by now at its disposal millions of trained men, who would long ago have turned the scale in favour of the Allies. We need not pause to emphasise the very practical limitations which the actual conditions of India impose on a policy of military expansion. They cannot, we think, be unknown to some speakers who have ignored them. We need only say that we have everywhere met a general demand from the political leaders for extended opportunities of military service. It is impossible to deal with this large question in connexion with our present proposals. The war is not yet over. It has reached a stage when India must put forth her whole strength in the struggle. This is recognised in India, and the Government of India is anxiously devoting its attention to the best means of putting forth the maximum strength of the country with the co-operation of the Indian people. The requirements of the future will very largely depend on the form of peace which is attained. We therefore leave this question for consideration hereafter, but with the note that it must be faced and settled.

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### **Recognition of the Services of the Indian Army**

Closely connected with it, however, is another question which demands immediate consideration—the recognition of the brilliant and devoted services of the Indian army in the various theatres of war. Not a little has been done already to mark these services. The pay of Indian officers and non-commissioned officers has been substantially increased; and special increases of pay have been granted to all Indian troops and followers on active service, amounting to 25 per cent in the case of those serving in Europe; and special rates of pay have been given to Indian troops when employed on active service on work requiring skilled knowledge. The rates of *batta* allowed on field service have also been raised and for the first time made admissible to silladar-cavalry. Special measures have been taken to ensure the prompt payment of separation allowances and to expedite the settlement of accounts generally. The grant of free rations, which in the case of Indian ranks was formerly restricted to those serving in the field, has now been extended to all combatants serving in India, a concession of which the value is equal to an increase of over 30 per cent in the sepoy's pay: while General Officers Commanding have been authorised to increase combatants' rations in special circumstances. Injury pensions have been increased in the case of

dafadars, havildars, sowars and sepoy, and the ordinary retiring and special pensions admissible to Indian officers and men of the Indian army have been substantially improved. At the same time, provision has been made for the grant of disability pensions to Indian combatant ranks who have become unfit for further service owing to illness or incapacity which, though not contracted on, or solely attributable to field service, has been so aggravated by the exigencies of such service as to necessitate invaliding from the army. The housing of Indian officers and troops is being greatly improved and arrangements have been made to enable Indian soldiers and their families to travel in greater comfort and in certain cases at State expense. The medical department has not been forgotten. The Indian Subordinate Medical Department has been made more attractive by a considerable increase in the rates of pay of sub-assistant surgeons, by increases in their field allowances and the grant of certain charge allowances, and in other ways. Conditions of service in the army bearer corps have also been greatly improved. The provisions of the Indian Soldiers (Litigation) Act, 1915, protect from civil and revenue litigation all Indian soldiers while they are unable to attend to their affairs owing to the war, and the Indian Army (Suspension of Sentences) Act, 1917, provides that in certain circumstances an Indian soldier sentenced by a court-martial may be allowed to rejoin military service in a corps or department other than his own, while the sentence of the court remains in abeyance. This affords a soldier a chance to retrieve his character by uniform good conduct. For the first time the most honoured decoration in the army has been awarded to Indian troops. Indian officers and sub-assistant surgeons have also been declared eligible for the Military Cross, and the grant of special money allowances to accompany this decoration has been sanctioned. The grant of supernumerary appointments in the Order of British India has been approved, the scale of allowances attached to the Indian Order of Merit has been increased, and the Indian distinguished service medal has been opened to non-combatants. Those, however, who have been in close touch with the Indian soldier in the field know what his home and village mean to him, and how no recognition of his devotion can be devised which will be so grateful to him as measures which will secure him an exemption from land revenue or a grant of land, security of tenure or protection against his landlord or money lender. Accordingly, the Government of India has at present under its consideration proposals for bestowing land grants, or equivalent rewards, to those who have rendered specially distinguished service. If opportunities of colonization outside India are forthcoming after the war, we believe that many Indian soldiers would take advantage of them; and we would urge upon His Majesty's Government that their claims in this respect should be favourably considered.

Two other schemes deserve mention. One is the establishment as a permanent memorial to the services of the Indian army of a school for the education of the sons of Indian officers. The other is Queen Mary's Technical School for disabled Indian soldiers, an institution established in Bombay which assists Indian soldiers and followers who have been pensioned as unfit for further service by teaching them a trade, so that they will be able to supplement their pensions and to live in comfort. Similar schools will be established in other parts of India. Finally, we may mention the Governor-General's nomination of an Indian Officer to the Indian Legislative Council, which was meant as a recognition of the army's claim to representation in the supreme council of the country.

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### British commissions for Indians

Long as this list is, there remains one item, the importance of which in the eyes of India outweighs all others. British commissions have for the first time been granted to Indian officers. The problem of commissions is one that bristles with difficulties. Government after Government had considered it and found no practical solution, but the war afforded a convenient opportunity for making a definite break with the past, and a beginning that may be fruitful of large consequences has been made. The announcement of his Majesty's Government that "the bar which has hitherto prevented the admission of Indians to commissioned rank in His Majesty's Army should be removed," has established the principle that the Indian soldier can earn the King's commission by his military conduct. It is not enough merely to assert a principle. We must act on it. The services of the Indian army in the war and the great increase in its numbers make it necessary that a considerable number of commissions should now be given. The appointments made have so far been few. Other methods of appointment have not yet been decided on but we are impressed with the necessity of grappling with the problem. We also wish to establish the principle that, if an Indian is enlisted as a private in a British unit of His Majesty's army, its commissioned ranks also should be open to him. The Indian soldier who fights for us and earns promotion in the field can reasonably ask that his conduct should offer him the same chances as the European beside whom he fights. If he is otherwise qualified, race should no more debar him from promotion in the army than it does in the civil services; nor do we believe that it is impossible to carry this principle into effect without sacrificing paramount military considerations. We feel sure that no measures would do so much to stimulate Indian enthusiasm for the war.

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**(iii).—INDUSTRIES AND TARIFFS****Political Importance of the Economic Situation**

In the course of our discussions, the conviction has been forced upon us that economic factors enter largely into the political situation in India; and we feel bound so far to exceed the limits of strictly constitutional discussions as to take note of these also. There is truth, we think, in words of the late Mr. Ranade spoken as long as 25 years ago:—

“The political domination of one country by another attracts far more attention than the more formidable though unfelt domination, which the capital enterprise and skill of one country exercise over the trade and manufactures of another. This latter domination has an insidious influence which paralyses the springs of all the various activities which together make up the life of a nation.” 331.

**Weakness of India's Economic Position**

The economics of a country which depends to so great an extent as India on agriculture must be unstable. Moreover, though as recent inquiries have shown the standard of living among the peasant classes has improved perceptibly of late years, there is still no great margin of taxable capacity. The people are poor; and their poverty raises the question whether the general level of well-being could not be materially raised by the development of industries. It is also clear that the lack of outlet for educated youth is a serious misfortune which has contributed not a little in the past to political unrest in Bengal. But perhaps an even greater mischief is the discontent aroused in the minds of those who are jealous for India by seeing that she is so largely dependent on foreign countries for manufactured goods. They noted that her foreign trade was always growing, but they also saw that its leading feature continued to be the barter of raw materials valued at relatively low prices for imported manufactures, which obviously afforded profits and prosperity to other countries industrially more advanced. Patriotic Indians might well ask themselves why these profits should not accrue to their country; and also why so large a portion of the industries which flourished in the country was financed by European capital and managed by European skill. 332

**Indian Suspicions**

Some such complaints began to mingle with the criticism of Government that made itself heard during the time of Lord Curzon's administration; and as it progressed, the movement in favour of an industrial revival tended steadily to assume more of a political colour. The fact that Indian's foreign trade was largely with United Kingdom gave rise to a suspicion that her industrial backwardness was

positively encouraged in the interests of British manufactures, and the maintenance of the excise duty on locally manufactured cotton goods in the alleged interests of Lancashire is very widely accepted as a conclusive proof of such a purpose. On a smaller scale, the maintenance of a Stores Department at the India Office is looked on as an encouragement to the Government to patronise British at the expense of local manufactures. In 1905 there was instituted as a bye-product of the National Congress an annual industrial conference, which had the result of linking the movement towards industrial independence more closely with politics; and the fact that Government officials were allowed and even encouraged to assist the conference failed to compensate for the lack of a more striking manifestation of Government's good-will.

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### **\*Need for Government action**

In the days of the Company the commercial development of the country was naturally fostered as a matter of business. But the later attitude of Government towards the promotion of industries has been greatly affected by *laissez faire* doctrines and fear of State competition with private enterprise. As the desirability of industrial expansion became clearer, the Government of India fully shared the desire of Indian leaders to secure the economic advantages that would follow the local manufacture of raw products. We have observed elsewhere that English theories as to the appropriate limits of the State's activity are inapplicable to India. We believe that this is true in the case of industries: and that if the resources of the country are to be developed the Government must take action.

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### **The 'Swadeshi' movement and the boycott**

Economic discontent definitely merged in political agitation over the partition of Bengal. The *swadeshi* movement was the positive, and the boycott the negative expression of the same purpose. The advanced politicians took up and tried to put in practice the ideas for new developments promoted by the newly-instituted industrial conference, while at the same time they encouraged or countenanced the boycott, which had been adopted in the hope of bringing pressure to bear on manufacturing opinion at home in favour of the annulment of the partition. These events synchronised with Japan's defeat of Russia, an event which dazzled the imagination of many young educated Indians. In Japanese progress and efficiency they thought they saw an example of what could be effected by an Asiatic nation free of foreign control. Many students helped by scholarships granted by patriotic persons or associations hurried to Japan for technical and industrial training. Many of them returned to take part in the *swadeshi* movement of the years 1907 to 1909. Numerous

small factories for making matches, hosiery, pencils, cutlery and the like were started, and many collapsed through some or all of the many ways of breakdown, which must be expected when patriotism is called upon to make good the want of business experience and hard practical training. We are informed that the cause of failure generally was not so much the lack of some degree of technical knowledge as inability to apply it under commercial conditions.

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### Reasons for a forward policy

The ineffective attempt to boycott British goods and the losses and dis-appointments occasioned by the failures of indigenous enterprises started with high hopes and inspiring motives, were followed by the more serious failures of Indian banks in the Punjab and Bombay. Side by side with this went on the steady progress of enterprises under British control, and a marked expansion of foreign trade. We feel no surprise that there remained a feeling of bitterness among the advanced party. But the moral of these disastrous adventures is one for all parties to read. The people have recognised their inability to carry out their own programme without the help and guidance of Government; and they confine themselves for the most part to pressing their claims for State assistance and for a policy of tariff discrimination against foreign imports. Public opinion has expressed itself again and again in the Councils, on the platform and in the press. Moreover, the war has created a new position. The prohibition of imports from enemy countries was welcomed as giving India an opportunity, in spite of the difficulties which beset it, of replacing foreign articles by home products. After the war the need for industrial development will be all the greater unless India is to become a mere dumping-ground for the manufactures of foreign nations which will then be competing all the more keenly for the markets on which their political strength so perceptibly depends. India will certainly consider herself entitled to claim all the help that her Government can give her to enable her to take her place as a manufacturing country; and unless the claim is admitted it will surely turn into an insistent request for a tariff which will penalise imported articles without respect of origin. On all grounds a forward policy in industrial development is urgently called for, not merely to give India economic stability; but in order to satisfy the aspirations of her people who desire to see her stand before the world as a well-poised, up-to-date country; in order to provide an outlet for the energies of her young men who are otherwise drawn exclusively to Government service or a few overstocked professions; in order that money now lying unproductive may be applied to the benefit of the whole community, and in order that the too speculative and literary tendencies of Indian thought may be bent to more practical ends, and the



people may be better qualified to shoulder the new responsibilities which the new constitution will lay upon them. These considerations led Lord Hardinge's Government to recommend the appointment of the Industrial Commission which is at present sitting. 336

### Military value of economic development

These are political considerations peculiar to India itself. But both on economic and military grounds imperial interests also demand that the natural resources of India should henceforth be better utilised. We cannot measure the access of strength which an industrialised India will bring to the power of the Empire ; but we are sure that it will be welcome after the war. Mere traders with an outlook of less than a generation a head may be disposed to regard each new source of manufacture as a possible curtailment of their established sources of profit. But each new acquisition of wealth increases the purchasing power of the whole, and changes in the configuration of trade that disturb individuals must be accompanied by a total increase in its value which is to the good of the whole. Meanwhile the war has thrown a strong light on the military importance of economic development. We know that the possibility of sea communications being temporarily interrupted forces us to rely on India as on ordnance base for protective operations in Eastern theatres of war. Nowadays the products of an industrially developed community coincide so nearly in kind though not in quantity with the catalogue of munitions of war that the development of India's natural resources becomes a matter of almost military necessity. We believe that this consideration also is not a matter of indifference to India's political leaders ; and that they are anxious to see India self-supporting in respect of military requirements. 337

### Difficulties and potentialities

We are agreed therefore that there must be a definite change of view ; and that the Government must admit and shoulder its responsibility for furthering the industrial development of the country. The difficulties by this time are well-known. In the past and partly as a result of recent *Swadeshi* experiences, India's capital has not generally been readily available ; among some communities at least there is apparent distaste for practical training, and a comparative weakness of mutual trust ; skilled labour is lacking, and although labour is plentiful, education is needed to inculcate a higher standard of living and so to secure a continuous supply ; there is a dearth of technical institutions ; there is also a want of practical information about the commercial potentialities of India's war products. Though these are serious difficulties they are not insuperable ; but they will be overcome only if the State comes forward boldly as guide

and helper. On the other hand there are good grounds for hope. India has great natural resources, mineral and vegetable. She has furnished supplies of manganese, tungsten, mica, jute, copra, lac, etc., for use in the war. She has abundant coal, even if its geographical distribution is uneven; she has also in her large rivers ample means of creating water-power: There is good reason for believing that she will greatly increase her output of oil. Her forest wealth is immense and much of it only awaits the introduction of modern means of transport, a bolder investment of capital, and the employments of extra staff; while the patient and laborious work of conservation that has been steadily proceeding, joined with modern scientific methods of improving supplies and increasing output, will yield a rich harvest in future. We have been assured that Indian capital will be forthcoming once it is realised that it can be invested with security and profit in India; a purpose that will be furthered by the provision of increased facilities for banking and credit. Labour, though abundant, is handicapped by still pursuing uneconomical methods, and its output would be greatly increased by the extended use of machinery. We have no doubt that there is an immense scope for the application of scientific methods. Conditions are ripe for the development of new and for the revival of old industries on European lines; and the real enthusiasm for industries, which is not confined to the ambitions of a few individuals but rests on the general desire to see Indian capital and labour applied jointly to the good of the country, seems to us of the happiest augury.

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### Need for technical development

Many Indians point to the examples of Germany and Japan, and urge that the Government should make up by financial subsidies the ground which has been lost by what they regard as State indifference; and such considerations are doubtless an element in the general desire for greater control over the finances such as our proposals will give them. The extent and form of State assistance will be questions to be determined by the reformed governments of the future, with the advice of the Industrial Commission before them, and with due reference to Imperial interests. But if the speculative element in Government activities is to be minimised, we feel no doubt that there must be a marked expansion of the technical services of the country. The policy of appointing scientific officers to the agricultural services has been attended with a measure of financial success that certainly suggests that opportunities have been lost through the neglect of other industries which are still backward. We are advised, for instance, that tanning, glass-making, soap-making, sugar-refining and the manufacture of a great variety of vegetable dyes, drugs and essential oils are instances of industries which are now pursued on primitive

lines and which present obvious opportunities for the application of technical science. The old metallurgical and chemical industries of the country, which have fallen even more completely into decay through the importation of foreign articles, also offer opportunities for profitable investment on a large scale if conducted on modern lines. 339

### **Proposals of the Industrial Commission**

The Industrial Commission has not yet submitted its report. But we understand that it is likely to lay stress on a substantial increase in the scientific and technical services of the country and their organisation under a separate department of the Government of India, whose business would bring it into close relations at various points with the Department of Commerce, the Army Department, the Department of Education and the Finance Department. We understand that it is suggested that the new Department should control the purchase of Government stores and the administration of ordnance factories, and thereby be brought into active touch with industrial development all over the country. We do not wish to anticipate discussion of the Commission's proposals. But we may say that our own inquiry leads us to believe that there are many questions of importance waiting to be taken up by a new agency, and sufficiently related to each other to form the matter for a new administrative unit. We believe that they are also regarded by the public as sufficiently important to be separately recognised. It has been left for the war to bring out fully the need for advance in the industrial sphere as in the sphere of politics. But in any case, we can see no reason for hesitating to move forward boldly in a matter in respect of which considerations of military security, political expediency, and economic advantage are coincident, and are in agreement also with the interests of the Empire as a whole. 340

### **Fiscal policy**

Connected intimately with the matter of industries is the question of the Indian tariff. This subject was excluded from the deliberation of the Industrial Commission now sitting, because it was not desirable at that juncture to raise any question of the modification of India's fiscal policy; but its exclusion was none the less the object of some legitimate criticism in India. The changes which we propose in the Government of India still leave the settlement of India's tariff in the hands of a Government amenable to Parliament and the Secretary of State; but inasmuch as the tariff reacts on many matters which will henceforth come more and more under Indian control, we think it well that we should put forward for the information of His Majesty's Government the views of educated Indians upon this subject. We have no immediate proposals to make; we are anxious

merely that any decisions which may hereafter be taken should be taken with full appreciation of educated Indian opinion. 341

### **Desire for a Protective Tariff**

The theoretical free trader, we believe, hardly exists in India at present. As was shown by the debates in the Indian Legislative Council in March 1993, educated Indian opinion ardently desires a tariff. It rightly wishes to find another substantial base than that of the land for Indian revenues, and it turns to a tariff to provide one. Desiring industries which will give him Indian-made clothes to wear and Indian-made articles to use, the educated Indian looks to the example of other countries which have relied on tariffs, and seizes on the admission of even free traders that for the nourishment of nascent industries a tariff is permissible. We do not know whether he pauses to reflect that these industries will be largely financed by foreign capital attracted by the tariff, although we have evidence that he has not learned to appreciate the advantages of foreign capital. But whatever economic fallacy underlies his reasoning, these are his firm beliefs; and though he may be willing to concede the possibility that he is wrong, he will not readily concede that it is our business to decide the matter for him. He believes that, as long as we continue to decide for him, we shall decide in the interests of England and not according to his wishes; and he points to the debate in the House of Commons on the differentiation of the cotton excise in support of his contention. So long as the people who refuse India protection are interested in manufactures with which India might compete, Indian opinion cannot bring itself to believe that the refusal is disinterested by care for the best interests of India. This real and keen desire for fiscal autonomy does not mean that educated opinion in India is unmindful of Imperial obligations. On the contrary, it feels proud of, and assured by, India's connexion with the Empire, and does not desire a severance that would mean cutting the ties of loyalty to the Crown, the assumption of new and very heavy responsibilities, and a loss of standing in the world's affairs. Educated Indians recognise that they are great gainers by the Imperial connexion, and they are willing to accept its drawbacks. They recognise that the question of a tariff may be mainly, but is not wholly, a matter of domestic politics. 342

### **Method of Deciding the question**

We could not conclude our discussion of India's industrial development without some statement of what we believe to be the opinion of educated Indians upon this subject. But our inquiry has not been concerned with fiscal questions; and the views expressed upon them have come before us only as the main reason which those who asked for popular control over India's finances gave in support of their

request. It is obvious that any traffic that might be framed for India must take account not only of the views of educated Indians but of the probable incidence of the burden of taxation upon the masses of the population. It has been decided by Parliament that the fiscal relations of all parts of the Empire and the rest of the world should be considered after the war, and we assume that this consideration will be by an Imperial Conference on which India will be adequately represented.

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(iv)—THE NON-OFFICIAL COMMUNITY

**The European Commercial Community**

We cannot conclude without taking into due account the presence of a considerable community of non-official Europeans in India. In the main they are engaged in commercial enterprises; but besides these are the missions, European and American, which, in furthering education, building up character and inculcating healthier domestic habits, have done work for which India should be grateful. There are also an appreciable number of retired officials and others whose working life has been given to India, settled in the cooler parts of the country. When complaints are rife that European commercial interests are selfish and drain the country of wealth which it ought to retain, it is well to remind ourselves how much of India's material prosperity is due to European commerce. It is true that those engaged in commerce mix less than officials with educated Indians, and that may be a reason why the latter do not always recognise their claim on India's consideration. Like commercial people all the world over, Englishmen in business in India are frankly uninterested in politics; many of them would readily admit that they have taken insufficient part both in municipal business and the business of government. Our concern, however, is not so much with the past as with the future. From discussions with them, we know that many of them accept the trend of events, and are fully prepared to see Indian political development proceed. India has benefited enormously by her commercial development in European hands: nor is the benefit less because it was incidental and not the purpose of the undertaking. What then are the obligations of the various parties? Clearly it is the duty of British commerce in India to identify itself with the interests of India, which are higher than the interests of any community; to take part in political life; to use its considerable wealth and opportunities to commend itself to India; and having demonstrated both its value and its good intentions, to be content to rest like other industries on the new foundation of government in the wishes of the people. No less is it the duty of Indian politicians to respect the expectations which have been implicitly held out; to remember how India has profited by commercial development which only British

capital and enterprise achieved; to bethink themselves that though the capital invested in private enterprises was not borrowed under any assurance that the existing form of government would endure, yet the favourable terms on which money was obtained for India's development were undoubtedly affected by the fact of British rule; and to abstain from advocating differential treatment aimed not so much at promoting Indian as at injuring British commerce. Finally it is our duty to reserve to the Government the power to protect any industry from prejudiced attack or privileged competition. This obligation is imposed upon it, if not by history, at least by the duty of protecting capital, credit and indeed property without discrimination.

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### **Mission Work**

To the missions we would apply the same principle. It is difficult to over-estimate the devoted and creative work which missionary money and enterprise are doing in the fields of education, morals and sanitation. Here also we reserve to the Government a power of judgment and of effective intervention. If missionary efforts were to assume a form that aroused widespread alarm in Indian minds, or if orthodox Hindu or Muslim zeal sought to impose disabilities which would lead to India's necessities losing the material and moral benefits which missions afford, we should hold it to be the duty of the Government which is responsible to Parliament to step in and apply the remedy.

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### **The Anglo-Indian Community**

Some reference is needed also to the case of the large Anglo-Indian or Eurasian Community which on historic grounds has a strong claim on the consideration of the British Government. It is not easy for them, occupying as they do an intermediate position between the races of the East and West, to win for themselves by their own unaided enterprise a secure position in the economy of India. They have been hitherto to a great extent in political and the economic dependence on the Government; and they would not be strong enough to withstand the effect of changes which omitted to take account of their peculiar situation. We think that Government must acknowledge, and must be given effective power to discharge, the obligation to see that their interests are not prejudicially affected.

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### **(v).—SOCIAL RELATIONS**

#### **Social relations of Europeans and Indians**

Connected with what we have just written is one more topic on which in spite of its undoubted delicacy we are constrained to touch. We have referred already to the differences which divide

Hindus and Musulmans: but let us bethink ourselves also of the relations between Europeans and Indians. This matter is vital to our purpose. The successful working of the comparatively complex institutions which we have proposed to set up demands a better spirit of co-operation than can honestly be said to obtain at present. Now existing difficulties are in part, and perhaps in greater measure than is generally perceived, due to definite causes which we believe that our proposals will remove. In so far as Indian dissatisfaction arises from the machinery of government having become out of date; from disappointment at what are wrongly regarded as broken promises; from comparative exclusion from the higher public service; from comparative impotence in the legislative Councils; from withholding of responsibility for any portion of the work of government — we hope that in all these respects our reforms will supply the remedy. Further, we have done our best to allay grievances that proceed from racial bars or distinctions, from economic discontents, and the like. But no one can ignore the fact that there exist subtler causes of difference unconnected with any specific complaints that the State can remedy. We may speak of them generally as the social grievance; the feeling in the mind of many an educated Indian that neither birth nor brains, enlightenment nor loyalty are regarded by Englishmen in India as making him quite one with themselves. It is happily true that close personal friendships are not uncommon; true that officials generally speaking do their best to meet Indians on terms of social equality; true that institutions for promoting social intercourse between the races are increasing and in many instances prospering. But the broad complaint remains, and is an impediment which we would gladly see diminished. In some measure, it is due to misunderstanding. The Indian temperament is sensitive and attaches great importance to appearances: it may easily mistake brevity for curtness, and directness for discourtesy. The Englishman often has no natural aptitude for courtliness as India understands it, and values time more highly than the Indian. He has no doubt the defects of his qualities; and yet if he were not what he is, he would not have done what he has done. Even with his own people the Englishman is by nature exclusive; does not disclose his mind to those whom he does not understand; and different habits of thought are a great impediment to understanding. There are thus allowances to be made on both sides. It is perhaps not easy for the successful and unimaginative Englishman to realise what the rule of another race must mean to patriotic minds, and the great obligation that lies upon him to treat with all possible consideration those whom he has hitherto ruled and whom he is now admitting to a share in the task of ruling. Indians on their part would surely do well to reflect on the differences of thought if not of habit that impose inevitable and perfectly healthy limits to intercourse, if

each type is to preserve what is best within it; and to think how natural, indeed how necessary, it is that a small and scattered community of European dwellers in an Asiatic country should nurse among themselves a certain communion of their own. 347

### Mutual Obligations

We need not concern ourselves with the exclusiveness which the Indian also shows though it is a factor that Indians themselves should not overlook. We realise the great difficulties of a problem which State action can do nothing to solve, and which yet has a direct bearing on the public interest. We can only appeal earnestly to those who have the power in their hands to reflect how their use of it, legitimate and natural as it may seem to them, may react upon the happiness of India. If there are Indians who really desire to see India leave the empire, to get rid of English officers and English commerce, we believe that among their springs of action will be found the bitterness of feeling that has been nurtured out of some manifestation that the Englishman does not think the Indian an equal. Very small seeds casually thrown may result in great harvests of political calamity. We feel that, particularly at the present stage of India's progress, it is the plain duty of every Englishman and woman, official and non-official, in India to avoid the offence and the blunder of discourtesy: and none the less is it incumbent on the educated Indian to cultivate patience and a more generous view of what may very likely be no more than heedlessness or difference of custom. We would like to add a word of appeal to the newspaper press upon both sides. No good is done by harping on the alleged deficiencies of another race. English and Indian papers alike have it in their power greatly to improve relations.

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## CONCLUSION

### Conception of India's Future

We may conveniently now gather up our proposals, so as to present a general picture of the progress which we intend and of the nature and order of the steps to be taken on the road. Our conception of the eventual future of India is a sisterhood of States, self-governing in all matters of purely local or provincial interest, in some cases corresponding to existing provinces, in others perhaps modified in area according to the character and economic interests of their people. Over this congeries of States would preside a central Government, increasingly representative of and responsible to the people of all of them; dealing with matters, both internal and external, of common interest to the whole of India; acting as arbiter in inter-state relations, and representing the interest of all India on equal terms with the self-governing units of the British Empire. In this picture there is a



place also for the Native States.) It is possible that they too will wish to be associated for certain purposes with the organisation of British India, in such a way as to dedicate their peculiar qualities to the common service, without loss of individuality. 349

### Changes in the Control by the Government of India

But it seems to us axiomatic that there cannot be a completely representative and responsible Government of India on an equal footing with the other self-governing units of the British Commonwealth until the component States, whose people it represents and to whom it is responsible, or at least the great majority of them, have themselves reached the stage of full responsible Government. Nor even then can we say that the form or the degree of responsibility which will be reached in India will exactly correspond to that attained by the Dominions. The final form of India's constitution must be evolved out of the conditions of India, and must be materially affected by the need for securing Imperial responsibilities. The dominating factor in the intermediate process must be the rate at which the provinces can move towards responsible Government. At the same time change obviously cannot be confined to the provinces. (In proportion as they become more responsible, the control which the Government of India exercises over them must diminish.) But it is not merely a question of the extent of the control; the nature and manner of its exercise must in course of time be modified. We cannot think that States on the way to responsible Government, which have imbibed a large element of responsibility into their constitutions, can be controlled by a purely autocratic power. So also with the duties extending over the whole of India which will be discharged by the Government of India as its special concern. It is impossible that, while other duties which differ from them mainly in being local in scope or subject to provincial differentiation are being administered by responsible governments, those which fall to the Government of India should be administered autocratically. It follows, therefore that change in the provinces implies change in the Government of India, but it does not imply that the change should be simultaneous or in equal proportion. On the contrary the change need simply be so much as to render the Government of India a suitable instrument for controlling the provinces at the stage at which they have for the time being arrived. 350

### And by the India Office

Similarly all movement towards responsible government in India implies a corresponding change in the constitution of the controlling agency in England. We cannot predict what kind of agency India will wish to maintain in London once she has attained the status of

full partnership in the Empire ; but it must be very different from the existing arrangements. These are based upon complete control by Parliament through the Secretary of State over every phase of administration in India. The Secretary of State is advised, and to some extent controlled, in the exercise of his functions by a Council designed to supply defects of direct knowledge and experience of India in himself and his subordinates in the India Office ; and also to watch the interests of India in cases where these may be threatened by competing British interests. Both Secretary of State and Council, however, are in almost complete subordination to Parliament which may, if it chooses, exercise its authority over every detail of administration in India. Now in relation to India, Parliament will, we imagine, observe the principles long adopted towards the British self-governing colonies, and will contract its interference and control in direct proportion to the expansion of Self-Government. As this grows, the volume of business in which Parliament will interfere will steadily shrink, and the occasions will be rarer on which the Secretary of State will have to exercise control and will need to be advised regarding its exercise. This points to a diminution in the establishment of the India Office and possibly to a modification in the Council of India. But here, again, it is a question not merely of the volume of work but also of the spirit in which it is conducted. In dealing with organisations which have become largely representative and in some degree responsible, the need for mutual understanding and action strengthened by consent will be continually enhanced. 351

#### **And by Parliament**

Again, while the growth of responsibility in India will lead to decreased intervention by the Secretary of State and Parliament in day-to-day administration, the fact that India's further political progress is to be determined by Parliament makes it imperative that Parliament should be better informed about and more keenly interested in Indian conditions. The decisions to be taken in the future must to some extent be controversial ; different advice about them will be offered from different sources ; and Parliament which is the final arbiter of India's destiny should be in a position to form wise and independent judgment. For these reasons, we have suggested means of improving its opportunities of exercising a well-informed control. 352

#### **Review of Proposals**

We conclude therefore that change in any one portion of Indian polity will involve changes on parallel lines but by no means at an equal pace in the other portions ; and we claim that our proposals satisfy this fundamental principle. We begin with a great extension of local self-government so as to train the electorates in the matters

which they will best understand. Simultaneously we provide for a substantial measure of Self-Government in the provinces and for better representation and more criticism in the Government of India and for fuller knowledge in Parliament. And we suggest machinery by means of which at regular stages the element of responsibility can be continuously enlarged and that of official control continuously diminished, in a way that guarantee ordered progress and afford an answer to intermediate representations and agitation. 353

### Need for Criticism

In a matter of so great intricacy and importance, it is obvious that full and public discussion is necessary. Pledges have been given that the opportunity for such discussion will be afforded. All that we ask therefore of His Majesty's Government for the present is that they will assent to the publication of our report. As we have said already, because it contemplates transitional arrangements, it is open to criticisms which can always be effectively directed against all such plans. Hybrid executives, limited responsibility, assemblies partly elected and partly nominated, divisions of functions, reservations, general or particular, are devices that can have no permanent abiding place. They bear on their faces their transitional character; and they can be worked only if it is clearly recognised that that is their justification and their purpose. They cannot be so devised as to be logical. They must be charged with potentialities of friction. Hope of avoiding mischief lies in facing the fact that they are temporary expedients for training purposes, and in providing that the goal is not merely kept in sight but made attainable, not by agitation but by the operation of machinery inherent in the scheme itself. The principle laid down was the progressive realisation of responsible government. We have chosen the province as the unit in which it should be realised. Within that unit we intend, so far as is possible, immediate and complete responsibility in local affairs: responsibility within provincial governments in certain subjects, first to constituencies and then to the legislative council; the reservation of other matters to a part of the executive Government whose responsibility to Parliament shall for the time being continue; a machinery for periodic inquiry with a view to the progressive diminution and eventual disappearance of the reserved subjects. We recommend no alteration at present in the responsibility of the Government of India to Parliament—except in so far as the transfer of subjects to popular control in the provinces *ipso facto* removes them from the purview of the Government of India and the Secretary of State—but we do provide greater opportunities for criticising and influencing the actions of the Government of India, and also a legislature which can develop when the day of responsibility comes into the machinery adapted to the new

motive power. For these temporary purposes we have selected after a prolonged examination of alternatives what seemed to us the best transitional mechanism. Our proposals can only benefit by reasoned criticism both in England and India, official and non-official alike. They should be examined by the local Governments with whom we conferred but before whom we have not had an opportunity of placing them in their final form. 354

### Acknowledgments

We desire to express our warmest thanks for the assistance which we have everywhere received. From official and non-official alike of all races, we found acceptance of the announcement upon which our work was based, and a whole-hearted desire to assist us in carrying it out. It is difficult where we have received so much help to particularise, but we would pay our special thanks to the Government of India and the local Governments; to the Earl of Donoughmore, Sir William Duke, Mr. Basu, Mr. Charles Roberts, M. P. and Mr. Seton who were associated with the Secretary of State; to Sir William Vincent, who for some months was placed on special duty to assist him. All of these played an invaluable part in the elaboration of our proposals. Our special thanks are also due to Mr. Marris, who has earned our warm appreciation and gratitude by valuable services which he has rendered, especially by assisting us in the task of drafting this report. 355

### Conclusion

We have only one more word to say. If anything could enhance the sense of responsibility under which our recommendations are made in a matter fraught with consequences so immense, it would be the knowledge that, even as we bring our report to an end, far greater issues still hang in the balance upon the battle fields of France. It is there and not in Delhi or Whitehall that the ultimate decision of India's future will be taken. The liberty of the world must be won before our deliberations over the liberalising of Indian political institutions can acquire any tangible meaning. We cannot close this document more fittingly than with the prayer, which we know all India echoes, that the principles of justice and freedom may be saved to the world by the splendid endurance and self-sacrifice of His Majesty's and the Allied armies. 356

EDWIN S. MONTAGU

CHELMSFORD

SIMLA;

April 22, 1918.

# APPENDIX I.

## SUMMARY OF RECOMMENDATIONS.

[This summary is intended only to be a concise indication of the proposals; and it should be read with the paragraphs of the report which are noted in the margin.]

### PARLIAMENT AND THE INDIA OFFICE.

Para

1. The control of Parliament and the Secretary of State to be modified. 291,292
2. The salary of the Secretary of State for India to be transferred to the Home Estimates. 294
3. The House of Commons to be asked to appoint a select committee for Indian affairs. 295
4. A Committee to be appointed to examine and report on the present constitution of the Council of India and on the India Office establishment. 293

### THE GOVERNMENT OF INDIA.

5. The Government of India to preserve indisputable authority on matters adjudged by it to be essential in the discharge of its responsibilities for peace, order and good Government. 266
6. A Privy Council for India to be established. 287

#### *The Executive*

7. To increase the Indian element in the Governor-General's Executive Council. 272
8. To abolish the present statutory maximum for the Executive Council and the statutory qualification for seats. 271
9. To take power to appoint a limited number of members of the legislature to a position analogous to that of Parliamentary Under Secretaries in Great Britain. 275

#### *The Legislature*

10. To replace the present Legislative Council of the Governor-General by a Council of State and a Legislative Assembly. 273-278
11. The Council of State to consist of 50 members (exclusive of the Governor-General who will be President, with power to nominate a Vice-President). Of the members 21 to be elected and 29 nominated by the Governor General. Of the nominated members 4 to be non-officials and not more than 25 (including the Members of the Executive Council) to be officials. 277
- The life of each Council of State to be 5 years. 278
- The Governor General in Council to frame regulations as to the qualifications for membership of the Council of State. 278

- Para. 12. The Legislative Assembly to consist of about 100 members, of whom two-thirds to be elected and one-third nominated. Of the nominated members not less than one-third to be non-officials.
- 273
- 275 The President of the Assembly to be nominated by the Governor General.
- 277 13. Official members of the Council of State to be eligible also for nomination to the Legislative Assembly.
- 283 14. The Governor General to have power to dissolve either the Council of State or the Legislative Assembly.
- 279-282 15. The following procedure to be adopted for legislation.
- 279 A. Government bills: ordinarily to be introduced and carried through the usual stages in the Assembly, and if passed by the Assembly to be sent to the Council of State. If the Council of State amend the bill in a manner which is unacceptable to the Assembly, the bill to be submitted to a joint session of both houses, unless the Governor General in Council is prepared to certify that the amendments introduced by the Council are essential to the interests of peace and order or good government (including in this term sound financial administration), in which case the Assembly not to have power to reject or modify such amendments. But in the event of leave to introduce being refused or the bill being thrown out at any stage, the Governor General in Council to have the power, on certifying that the bill is within the formula cited above, to refer it *de novo*, to the Council State. The Governor General in Council also to have the power in cases of emergency so certified to introduce the bill in the first instance in and to pass it through the Council of State, merely reporting it to the Assembly.
- 280 B. Private bills: to be introduced in the chamber of which the mover is a member and on being passed by that chamber to be submitted to the other. Differences of opinion between the chambers to be settled by means of joint sessions. If, however, a bill emerges from the Assembly in a form which the Government think prejudicial to good administration, the Governor General in Council to have power to certify it in the terms already cited and to submit or re-submit it to the Council of State: the bill only to become law in the form given it by the Council.
- 284 16. Resolutions to have effect only as recommendations.
- 283 17. The Governor-General and the Crown to retain their respective powers of assent, reservation, or disallowance.
- 276-283 18. The Governor-General to retain his existing power of making Ordinances and the Governor General in Council his power of making Regulations.
- 275 19. Nominated official members of the Council of State or the Legislative Assembly to have freedom of speech and vote except when Government otherwise directs.
- 286-236 20. Any member of the Council of State or the Legislative Assembly to be entitled to ask supplementary questions. The

Governor General not to disallow a question on the ground that it cannot be answered consistently with the public interest, but power to be retained to disallow a question on the ground that the putting of it is inconsistent with the public interest. Para.

21. Rules governing the procedure for the transaction of business in the Council of State and the Legislative Assembly to be made in the first instance by the Governor General in Council. The Legislative Assembly and the Council of State to be entitled to modify their rules, subject to the sanction of the Governor General. In each case such modifications not to require the sanction of the Secretary of State in Council and not to be laid before Parliament. 286

22. Joint Standing Committees of the Council of State and the Legislative Assembly to be associated with as many departments of Government as possible. The Governor-General in Council to decide with which departments Standing Committees can be associated, and the head of the department concerned to decide what matters shall be referred to the Standing Committee. Two-thirds of each Standing Committee to be elected by ballot by the non-official members of the Legislative Assembly and the Council of State, one-third to be nominated by the Governor General-in-Council. 285

#### THE PROVINCES

23. The Provincial Governments to be given the widest independence from superior control in legislative, administrative, and financial matters which is compatible with the due discharge of their own responsibilities by the Government of India. 189

24. Responsible government in the provinces to be attained first by the devolution of responsibility in certain subjects called hereafter the transferred subjects (all other subjects being called reserved subjects), and then by gradually increasing this devolution by successive stages until complete responsibility is reached. 215, 218, 219, 238, 260

#### *Provincial Executives*

25. The Executive Government in a province to consist of a Governor and Executive Council, a Minister or Ministers nominated by the Governor from the elected members of the Legislative Council, and an additional Member or Members without portfolios. 214, 218, 220.

26. The Executive Council to consist of two Members, one of whom will be an Indian. 218

Reserved subjects to be in the charge of the Governor and the Members of the Executive Council. 218

27. The Minister or Ministers to be appointed for the term of the Legislative Council, and to have charge of the transferred subjects. 218, 219

28. The additional Member or Members to be appointed by the Governor from among his senior officials for purposes of consultation and advice only. 220

29. The Government thus constituted to deliberate generally as a whole, but the Governor to have power to summon either part 219, 221

Para. of his Government to deliberate with him separately. Decisions on reserved subjects and on the supply for them in the provincial budget to rest with the Governor and his Executive Council : decisions on transferred subjects and the supply for them with the Governor and the Ministers.

224 30. Power to be taken to appoint a limited number of members of the Legislative Council to a position analogous to that of Parliamentary Under Secretaries in Great Britain.

*Provincial Legislatures*

225,232, 31. In each province an enlarged Legislative Council with a  
233 substantial elected majority to be established. The Council to consist of (1) members elected on as broad a franchise as possible, (2) nominated including (a) official and (b) non-official members, (3) ex-officio members. The franchise and the composition of the Legislative Council to be determined by regulations to be made on the advice of the Committee described in paragraph 53 by the Governor General in Council, with the sanction of the Secretary of State, and laid before Parliament.

236 32. The Governor to be President of the Legislative Council with power to appoint a Vice-President.

254 33. The Governor to have power to dissolve the Legislative Council.

237 34. Resolutions (except on the budget) to have effect only as recommendations.

233 35. Nominated official members to have freedom of speech and vote except when Government otherwise directs.

36. Any members of the Legislative Council to be entitled to 236 ask supplementary questions.

236 37. The existing rules governing the procedure for the transaction of business to continue, but the Legislative Council to have power to modify them with the sanction of the Governor.

235 38. Standing Committees of the Legislative Council to be formed and attached to each department, or to groups of departments. These Committees to consist of members elected by the Legislative Council, of the heads of the departments concerned, and the Member or Minister, who would preside.

252 39. Legislation on all subjects normally to be passed in the Legislative Council. Exceptional procedure is provided in the succeeding paragraphs.

252 40. The Governor to have power to certify that a bill dealing with reserved subjects is essential either for the discharge of his responsibility for the peace or tranquillity of the province or of any part thereof, or for the discharge of his responsibility for reserved subjects. The bill will then, with this certificate, be published in the Gazette. It will be introduced and read in the Legislative Council, and, after discussion on its general principles, will be referred to a grand committee : but the Legislative Council may require the



Governor to refer to the Government of India, whose decision shall be final, the question whether he has rightly decided that the bill which he has certified was concerned with a reserved subject. Para

The Governor not to certify a bill if he is of opinion that the question of the enactment of the legislation may safely be left to the Legislative Council.

41. The grand committee (the composition of which may vary according to the subject-matter of the bill) to comprise from 40 to 50 per cent. of the Legislative Council. The members to be chosen partly by election by ballot, partly by nomination. The Governor to have power to nominate a bare majority (in addition to himself), but not more than two-thirds of the nominated members to be officials. 252

42. The bill as passed in grand committee to be reported to the Legislative Council, which may again discuss it generally within such time limits as may be laid down, but may not amend it except on the motion of a Member of the Executive Council or reject it. After such discussion the bill to pass automatically, but during such discussion the Legislative Council may record by resolution any objection felt to the principle or details and any such resolution to be transmitted with the Act to the Governor General and the Secretary of State. 253

43. Any Member of the Executive Council to have the right to challenge the whole or any part of a bill on its introduction, or any amendment when moved, on the ground that it trenches on the reserved field of legislation. The Governor to have the choice then either of allowing the bill to proceed in the Legislative Council, or of certifying the bill, clause, or amendment. If he certifies the bill, clause, or amendment the Governor may either decline to allow it to be discussed, or suggest to the Legislative Council an amended bill or clause, or at the request of the Legislative Council refer the bill to a Grand Committee. 254

44. All provincial legislation to require the assent of the Governor and the Governor General and to be subject to disallowance by His Majesty. 254

45. The veto of the Governor to include power of return for amendment. 254

46. The Governor General to have power to reserve provincial Acts. 254

#### *Finance*

47. A complete separation to be made between Indian and provincial heads of revenue. 200, 201

48. Provincial contributions to the Government of India to be the first charge on provincial revenues. 206&256

49. Provincial Governments to have certain powers of taxation and of borrowing. 210, 211

50. The budget to be laid before the Legislative Council. If the Legislative Council refuses to accept the budget proposals for 256

Para. reserved subjects the Governor in Council to have power to restore the whole or any part of the original allotment, on the Governor's certifying that, for reasons to be stated, such restoration is in his opinion essential either to the peace or tranquility of the province or any part thereof, or to the discharge of his responsibility for reserved subjects. Except in so far as he exercises this power, the budget to be altered so as to give effect to resolutions of the Legislative Council.

*Local self-government*

188 51. Complete popular control in local bodies to be established as far as possible.

*Modification of provincial constitutions*

260 52. Five years after the first meeting of the new Councils the Government of India to consider any applications addressed to it by a provincial Government or a provincial Legislative Council for the modification of the list of reserved and transferred subjects. In such cases the Government of India with the sanction of the Secretary of State to have power to transfer any reserved subject, or in case of serious maladministration to remove to the reserved list any subjects already transferred and to have power also to order that the salary of the Ministers shall be specifically voted each year by the Legislative Council. The Legislative Council to have the right of deciding at the same or any subsequent time by resolution that such salary be specifically voted yearly.

PRELIMINARY ACTION

238 53. A Committee to be appointed consisting of a Chairman appointed from England, an official, and an Indian non-official. This Committee to advise on the question of the separation of Indian from provincial functions, and to recommend which of the functions assigned to the province should be transferred subjects. An official and an Indian non-official in each province which it is at the time examining to be added to the committee.

225 54. A second Committee to be appointed, consisting of a Chairman appointed from England, two officials, and two Indian non-officials, to examine constituencies, franchises, and the composition of the Legislative Council in each Province, and of the legislative Assembly. An official and an Indian non-official in each Province which it is at the time examining to be added to the Committee.

238 55. The two Committee to have power to meet and confer.

COMMISSION OF ENQUIRY

261 56. A Commission to be appointed ten years after the first meeting of the new legislative bodies to review the constitutional

position both as regards the Government of India and the provinces. Para.  
The names of the commissioners to be submitted for the approval of  
Parliament. Similar commissions to be appointed at intervals of not  
more than twelve years.

#### THE NATIVE STATES.

57. To establish a Council of Princes. 306
58. The Council of princes to appoint a standing committee. 307
59. The Viceroy in his discretion to appoint a Commission, 308  
composed of a High Court Judge and one nominee of each of the  
parties, to advise in case of disputes between States, or between a  
State and a Local Government or the Government of India.
60. Should the necessity arise of considering the question of 309  
depriving a Ruler of State of any of his rights, dignities, or powers,  
or of debarring from succession any member of his family  
the Viceroy to appoint a Commission to advise consisting of a High  
Court Judge, two Ruling Princes, and two persons of high standing  
nominated by him.
61. All States possessing full internal powers to have direct 310  
relations with the Government of India.
62. Relations with Native States to be excluded from transfer 310  
to the control of provincial Legislative Councils.
63. Arrangements to be made for Joint deliberation and dis- 271, 311  
cussion between the Council of Princes and the Council of State on  
matters of common interest.

#### THE PUBLIC SERVICES.

64. Any racial bars that still exist in regulations for appoint- 315  
ment to the public services to be abolished.
65. In addition to recruitment in England, where such exists, a 316  
system of appointment to all the public services to be established in  
India.
66. Percentages of recruitment in India, with definite rate of 316, 317  
increase, to be fixed for all these services.
67. In the Indian Civil Service the percentage to be 33 per 317  
cent. of the superior posts, increasing annually by  $1\frac{1}{2}$  per cent. until  
the position is reviewed by the Commission (paragraph 55)
68. Rates of pay to be reconsidered with reference to the rise in 318-321  
the cost of living and the need for maintaining the standard of re-  
cruitment. Incremental time-scales to be introduced generally and  
increments to continue until the superior grade is attained. The  
maximum of ordinary pension to be raised to Rs. 6,000 payable at  
the rate of 1s. 9d. to the rupee, with special pensions for certain high  
appointments. Indian Civil Service annuities to be made non-contri-  
butory but contributions to continue to be founded. Leave rules to

Para. be reconsidered with a view to greater elasticity, reduction of excessive amounts of leave admissible, and concession of reduced leave on full pay. The accumulation of privilege leave up to four months to be considered.

322 69. A rate of pay based on recruitment in India to be fixed for all public services, but a suitable allowance to be granted to persons recruited in Europe or on account of qualifications obtained in Europe, and the converse principle to be applied to Indians employed in Europe.

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## APPENDIX II.

### ILLUSTRATIVE LIST I SHOWING PROVINCIAL SUBJECTS

(Vide paras, 238, 212, 213 and 240.)

SUBJECTS.	REMARKS
1. Taxation for provincial purposes.	<i>Vide</i> para. 210.
2. Borrowing on sole credit of provincial revenues.	<i>Vide</i> para. 211.
3. Financial work on behalf of the Government of India ( <i>e.g.</i> , collection of income-tax, etc.).	Subject to any restrictions or orders of the Government of India.
4. The appointments, conditions of service, and control of all provincial services.	Subject to any existing privileges enjoyed by those now in service.
5. Maintenance of law and order :	
(i) administration of criminal - justice, including village courts.	The powers of the Government of India to suspend or remit sentences and the power of the Viceroy to pardon to be maintained. Existing privileges of High Courts to be continued. Uniformity to be maintained as regards the Codes, Evidence Act, etc.
(ii) police, including railway police	The Director of Central Intelligence to remain under the Government of India.
(iii) prisons.	
(iv) criminal tribes.	The co-ordination by the Government of India of the work in different provinces requires consideration.
(v) working of particular Acts, <i>e.g.</i> , incitements to crime seditious meetings, infanticide, press, arms, European vagrancy.	Legislation to remain with the Government of India : administration to be provincial.
(vi) poisons.	
(vii) gambling.	

SUBJECTS	REMARKS
(viii) dramatic performances and cinematographs.	
(ix) coroners.	
6. Land revenue administration :	
Assessment and collection of land revenue, maintenance and procedure of revenue establishments, maintenance of land records, surveys for revenue purposes, records of rights, special laws regarding land tenures, relations of land holders and tenants, collection of rent, court of wards, encumbered and attached estates, famine land improvement and agricultural loans, resumption of revenue free grants, diluvion and alluvion, colonisation and disposal of Crown lands.	
7. Agriculture :	
Civil veterinary and livestock, diseases of animals, research institutes and demonstration farms, agricultural pests, and industries connected with agriculture.	
8. Forests and forest products.	
9. Fisheries and connected industries and river conservancy.	
10. Public Works :	
Roads and buildings, and major and minor irrigation.	
Tramways, light and feeder railways.	So far as powers may be given by the Government of India.
Drainage and embankments.	
11. Education :	
Primary, secondary, colleges, technical and universities: also reformatories and industrial schools.	Except for universities serving more than one province and some Chiefs' Colleges. The case of the Indian Universities Act to be specially considered.

SUBJECTS.	REMARKS
<p>12. Medical and Sanitary;</p> <p>Public health, hospitals, dispensaries, leper asylums, Pasteur institutes, sanatoria and matters relating to medical institutions; intra-provincial pilgrimages*</p>	<p>* Except for railway arrangements.</p>
<p>13. Local self-government, rural and urban;</p> <p>Provisions for public health, safety and convenience, constitution of local authorities—municipal rates, taxes, loans, roads, bridges, ferries, tolls, markets, pounds, fairs, exhibitions, parks, open spaces, museums, libraries, art galleries, reading rooms, building regulations, town planning, housing improvements, disorderly houses, lodging houses, sarais, hackney carriages, registration of carts, nuisances, water supply, prevention of fires, regulations for sale of food and drink, smoke-nuisance, disposal of the dead, bathing and washing-places, warehouses, drains and sewers, control of animals, surveys for municipal purposes, advertisements and anything dealt within existing municipal or local self-government Acts, and also any matters declared by the Government of India to be included in local self-government.</p>	
<p>14. Franchise, electoral law, organisation of constituencies.</p>	<p><i>Vide</i> para. 225. Eventually provincial.</p>
<p>15. Civil justice :</p> <p>Administration, including village courts, legal practitioners, law reports, local Acts and interpretation of local Acts.</p>	
<p>Administrator-General and Official trustees Acts, management of private trusts, lunacy, registration of deeds and documents.</p>	<p>Power of legislation to remain with Government of India. Administration to be provincial.</p>

SUBJECTS.	REMARKS.
16. Excise: intoxicating liquors and drugs, control of breweries and distilleries.	
17. Scheduled districts : Intra-provincial territorial arrangements.	
18. Land acquisition.	The Government of India Act on the subject to remain, but the advisability of provincial variations to be considered.
19. Industrial matters : Factories, dangerous and offensive trades, inland steam vessels and steam boilers, registration of labour, labour exchanges, provident funds, industrial health insurance, friendly societies, apprenticeships, accident insurance.	
Electricity, petroleum, explosives, mines, geological survey for minerals.	} As these develop.
Developments of arts and crafts and local industries.	
20. Co-operative credit.	The power of legislation normally to remain with the Government of India, though amendments to the principal Act might be permissible to the provinces. Administration to be provincial.
21. Business concerns : Banks, insurance and other companies.	The power of legislation to remain with the Government of India. Provinces to have such administrative powers as Government of India may permit.
22. Government Press : Stationery and printing.	The control of the Government of India over stationery raises the general question of the purchase of supplies.
23. Statistics : Registration of births, deaths and marriages: collection of statistics for provincial purposes.	Power to secure uniformity to remain with the Government of India.



SUBJECTS.	REMARKS.
24. Inter-provincial immigration and emigration.	Subject, to the control of the Government of India.
25. Protection of wild birds and animals, and cruelty to animals.	Subject to all-India restrictions.
26. Assessment and recovery of provincial Government demands.	
27. Escheats and unclaimed property.	
28. Management of charitable endowments.	
29. Motor vehicles.	Some Government of India legislation is necessary. Provinces to have powers not conflicting therewith.

#### ILLUSTRATIVE LIST II SHOWING TRANSFERRED SUBJECTS.

(Vide *paras. 212, 213 238, and 240.*)

SUBJECTS	REMARKS.
1. Taxation for provincial purposes.	
2. Local self-government, rural and urban; <i>viz.</i> , provisions for public health, safety and convenience, constitution of local authorities—municipal rates, taxes, loans, roads, bridges, ferries, tolls, markets, pounds, fairs, exhibitions, parks, open spaces, museums, libraries, art galleries, reading rooms, building regulations, town planning, housing improvements, disorderly houses, lodging houses, sarais, hackney carriages, registrations of carts, nuisances, water-supply, prevention of fires, regulations for sale of food and drink, smoke-nuisance, disposal of the dead, bathing and washing places, warehouses, drains and sewers, control of animals, surveys for municipal purposes, advertisements and anything dealt within existing municipal or local self-government Acts,	The question of reserving to the Executive Council the power of suspending defaulting local bodies to be considered.

SUBJECTS.	REMARKS.
<p>and also any matters declared by the Government of India to be included in local self-government.</p> <p>3. Registration of births, deaths and marriages, coroners, village courts—civil and criminal—statistics for provincial purposes.</p> <p>4. Education : Primary, secondary and technical.</p> <p>5. Medical and sanitary.</p> <p>6. Agriculture : Civil veterinary, diseases of animals. etc.</p> <p>7. Co-operative credit.</p> <p>8. Forests (unclassified and some protected).</p> <p>9. Fisheries and connected industries and river conservancy.</p> <p>10. Public Works : Roads and buildings, minor irrigation, tramways and light and feeder railways, drainage and embankments.</p> <p>11. Excise : Intoxicating liquors and drugs, including the control of breweries and distilleries.</p> <p>12. Charitable endowments.</p> <p>13. Development of arts and crafts and local industries.</p> <p>14. Miscellaneous subjects, <i>viz.</i>, preservation of wild birds and animals, cruelty to animals, prevention of gambling, motor vehicles, registration of deeds and documents.</p> <p>15. Franchise, electoral law, and constituencies.</p>	<p>Not till after the Commission has reported.</p>

# The Memorandum of the Nineteen

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[We print below the Memorandum submitted to H. E. Viceroy by nineteen additional members of the Imperial Legislative Council with regard to Post-War Reforms. In all, there are twenty-seven non-official members, of whom two are Anglo-Indians, who were not consulted for obvious reasons, and three were away. The other three Indians refused to sign: *viz.*, (1) Nawab Syed Nawab Ali Chowdhuri, (2) Mr. Abdur Rahim, and (3) Sirdar Bahadur Sirdar Sunder Singh Majithia have been compelled by public opinion to give it a qualified support.]

THERE is no doubt that the termination of the War will see a great advance in the ideals of Government all over the civilised world and especially in the British Empire, which entered into the struggle in defence of the liberties of weak and small Nationalities and is pouring forth its richest blood and treasure in upholding the cause of justice and humanity in the international relations of the world. India has borne her part in this struggle and cannot remain unaffected by the new spirit of change for a better state of things. Expectations have been raised in this country and hopes held out that, after the War, the problems of Indian administration will be looked at from a new angle of vision. The people of India have good reasons to be grateful to England for the great progress in her material resources and the widening of her intellectual and political outlook under British rule, and for the steady, if slow, advance in her National life commencing with the Charter Act of India of 1833. Up to 1909, the Government of India was conducted by a bureaucracy almost entirely non-Indian in its composition and not responsible to the people of India. The reforms of 1909 for the first time introduced an Indian element in the direction of affairs in the administration of India. This element was of a very limited character. The Indian people accepted it as an indication on the part of the Government of a desire to admit the Indians into the inner counsels of the Indian Empire. So far as the Legislative Councils are concerned, the numbers of non-official members were merely enlarged with increased facilities for debate and interpellation. The Supreme Legislative Council retained an absolute official majority, and in the Provincial Legislative Councils, where a non-official majority was allowed, such majority included nominated members and the European representatives. In measures largely affecting the people, whether of legislation or taxation, by which Europeans were not directly affected, the European members would

naturally support the Government, and the nominated members, being nominees of Government, would be inclined to take the same side. Past experience has shown that this has actually happened on various occasions. The non-official majorities, therefore, in the Provincial Councils have proved largely illusory and give no real power to the representatives of the people. The Legislative Councils, whether Supreme or Provincial, are at present nothing but advisory bodies without any power of effective control over the Government, Imperial or Provincial. The people or their representatives are practically as little associated with the real Government of the country as they were before the reforms, except for the introduction of the Indian element in the Executive Councils, where again the nomination rests entirely with the Government, the people having no voice in the selection of the Indian members.

The object which the Government had in view in introducing the reforms of 1909 was, as expressed by the Prime Minister in his speech in the House of Commons on the second reading of the Indian Councils Bill (1st April, 1909), that "it was most desirable in the circumstances to give to the people of India the feeling that these Legislative Councils are not mere automatons, the wires of which are pulled by the official hierarchy." This object, it is submitted, has not been attained. Apart from this question of the constitution of the Legislative and Executive Councils, the people labour under certain grave disabilities, which not only prevent the utilisation, but also lead to the wastage, of what is best in them, and are positively derogatory to their sense of National self-respect. The Arms Act which excludes from its operation Europeans and Anglo-Indians and applies only to the pure natives of the country, the disqualification of Indians for forming or joining Volunteer Corps and their exclusion from the commissioned ranks of the army, are disabilities which are looked upon with an irritating sense of racial differentiation. It would be bad enough if these were mere disabilities. Restrictions and prohibitions regarding the possession and use of arms have tended to emasculate the civil population in India and expose them to serious danger. The position of Indians in India is practically this, that they have no real part or share in the direction of the Government of the country, and are placed under very great and galling disabilities from which the other members of the British Empire are exempt, and which have reduced them to a state of utter helplessness. The existence, moreover, of the system of indentured emigration gives to the British Colonies and the outside world the impression that Indians, as a whole, are no better than indentured coolies, who are looked upon as very little, if at all, above the slave. The present state of things makes the Indians feel that, though theoretically they are equal subjects of the King, they hold a very inferior position in the British Empire. Other

Asiatic races also hold the same, if not a worse, view about India and her status in the Empire. Humiliating as this position of inferiority is to the Indian mind, it is almost unbearable to the youth of India whose outlook is broadened by education and travel in foreign parts where they come in contact with other free races. In the face of these grievances and disabilities, what has sustained the people is the hope and faith inspired by promises and assurances of fair and equal treatment which have been held out from time to time by our Sovereigns and British statesmen of high standing. In the crisis we are now going through, the Indian people have sunk domestic differences between themselves and the Government, and have faithfully and loyally stood by the Empire. The Indian soldiers were eager to go to the battlefields of Europe, not as mercenary troops but as free citizens of the British Empire which required their services, and her civilian population was animated by one desire, namely, to stand by England in the hour of her need. Peace and tranquillity reigned throughout India when she was practically denuded of British and Indian troops. The Prime Minister of England, while voicing the sentiments of the English people in regard to India's part in this great War, spoke of Indians as "the joint and equal custodians of one common interest and future." India does not claim any reward for her loyalty, but she has a right to expect that the want of confidence on the part of Government, to which she not unnaturally ascribes her present state, should now be a thing of the past, and that she should no longer occupy a position of subordination but one of comradeship. This would assure the Indian people that England is ready and willing to help them to attain Self-Government under the ægis of the British Crown, and thus discharge the noble mission which she has undertaken and to which she has so often given voluntary expression through her rulers and statesmen. What is wanted is not merely good government or efficient administration, but government that is acceptable to the people because it is responsible to them. This is what India understands, would constitute the changed angle of vision.

If, after the termination of the War, the position of India practically remains what it was before, and there is no material change in it, it will undoubtedly cause bitter disappointment and great discontent in the country, and the beneficent effects of participation in common danger, overcome by common effort, will soon disappear, leaving no record behind save the painful memory of unrealised expectations. We feel sure that the Government is also alive to the situation and is contemplating measures of reform in the administration of the country. We feel that we should avail ourselves of this opportunity to respectfully offer to Government our humble suggestions as to the lines on which these reforms should proceed. They must, in our opinion, go to the root of the matter. They must give to

the people real and effective participation in the Government of the country, and also remove those irritating disabilities as regards the possession of arms and a military career, which indicate want of confidence in the people and place them in a position of inferiority and helplessness. With this view, we would take the liberty to suggest the following measures for consideration and adoption :

1. In all the Executive Councils, Provincial and Imperial, half the number of members should be Indians ; the European element in the Executive Councils should, as far as possible, be nominated from the ranks of men trained and educated in the public life of England, so that India may have the benefit of a wider outlook and larger experience of the outside world. It is not absolutely essential that the members of the Executive Councils, Indians or Europeans, should have experience of actual administration, for, as in the case of ministers in England, the assistance of the permanent officials of the departments is always available to them. As regards Indians, we venture to say that a sufficient number of qualified Indians, who can worthily fill the office of members of the Executive Council and hold portfolios, is always available. Our short experience in this direction has shown how Indians like Sir S. P. Sinha, Sir Syed Ali Imam, the late Mr Krishnaswami Iyer, Sir Shams-ul-Huda and Sir Sankaran Nair have maintained a high level of administrative ability in the discharge of their duties. Moreover, it is well known that the Native States, where Indians have opportunities, have produced renowned administrators like Sir Salar Jang, Sir T. Madhava Rao, Sir Seshadri Aiyar, Dewan Bahadur Raghunath Rao, not to mention the present administrators in the various Native States of India. The statutory obligation, now existing, that three of the members of the Supreme Executive Council shall be selected from the public services in India, and similar provisions with regard to Provincial Councils, should be removed. The elected representatives of the people should have a voice in the selection of the Indian members of the Executive Councils and for that purpose a principle of election should be adopted.

2. All the Legislative Councils in India should have a substantial majority of elected representatives. These representatives, we feel sure, will watch and safeguard the interests of the masses and the agricultural population with whom they are in closer touch than any European officer, however sympathetic, can possibly be. The proceedings of the various Legislative Councils and the Indian National Congress and the Muslim League bear ample testimony to the solicitude of the educated Indians for the welfare of the masses and their acquaintance with their wants and wishes. The franchise should be broadened and extended directly to the people ; Muhammadans or Hindus, wherever they are in a minority, being given proper and adequate representation, having regard to their numerical position.

3. The total number of the members of the Supreme Council should be not less than 150, and of the Provincial Councils not less than 100 for the major Provinces, and not less than 60 to 75 for the minor Provinces.

4. The Budget should be passed in the shape of money bills, fiscal autonomy being conceded to India.

5. The Imperial Legislative Council should have power to legislate on, and discuss and pass resolutions relating to, all matters of Indian administration, and the Provincial Councils should have similar powers with regard to Provincial administrations, save and except that the direction of military affairs, of foreign relations, declaration of war, the making of peace, and the entering into treaties, other than commercial, should not be vested in the Government of India. As a safeguard, the Governor-General-in Council or the Governor-in-Council, as the case may be, should have the right of veto, which, however, should be exercised subject to certain conditions and limitations.

6. The Council of the Secretary of State should be abolished. The Secretary of State should, as far as possible, hold in relation to the Government of India a position similar to that which the Secretary of State for the Colonies holds in relation to the Colonies. The Secretary of State should be assisted by two permanent Under-Secretaries, one of whom should be an Indian. The salaries of the Secretary and the Under-Secretaries should be placed on the British estimates.

7. In any scheme of Imperial Federation, India should be given through her chosen representatives a place similar to that of the Self-Governing Dominions.

8. The Provincial Governments should be made autonomous, as stated in the Government of India's despatch dated 25th August, 1911.

9. The United Provinces, as well as the other major Provinces, should have a Governor brought from the United Kingdom and should have an Executive Council.

10. A full measure of Local Self-Government should be immediately granted.

11. The right to carry arms should be granted to Indians on the same conditions as to Europeans.

12. Indians should be allowed to enlist as volunteers and units of a territorial army established in India.

13. Commissions in the army should be give to Indian youths under conditions similiar to those applicable to Europeans.

MANINDRA CHANDRA NANDY OF KASIMBAZAR.

D. E. WACHA.

BHUPENDRANATH BASU.  
BISHAN DUTT SHUKUL.  
MADAN MOHAN MALAVIYA.  
K. V. RANGASWAMIENGAR.  
MAZHARUL HAQUE.  
V. S. SRINIVASAN.  
TEJ BAHADUR SAPRU.  
IBRAHIM RAHIMTOOLA.  
B. NARASIMHESWARA SARMA.  
MIR ASAD ALI.  
KAMINI KUMAR CHANDA.  
KRISHNA SAHAY.  
R. N. BHANJA DEO OF KANIKA.  
M. B. DADHABHOY.  
SITA NATH ROY.  
MOHAMED ALI MOHAMED.  
M. A. JINNAH.

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# The Congress-League Scheme.

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[The following is the scheme of Reforms passed as a definite step towards Self-Government, at the 31st Session of the National Congress held at Lucknow on the 29th December, 1916, and also adopted by the All India Moslem League at its meeting held on the 31st December, 1916.]

## I. Provincial Legislative Councils

1. Provincial Legislative Councils shall consist of four-fifths elected and of one-fifth nominated members:

2. Their strength shall be not less than 125 members in the Major Provinces, and from 50 to 75 in the Minor Provinces.

3. The members of Councils should be elected directly by people as on broad a franchise as possible.

4. Adequate provision should be made for the representation of important minorities by election, and that the Mahomedans should be represented through special electorates on the Provincial Legislative Councils.

Punjab—One-half of the elected Indian Members.

United Provinces—30 per cent.     "     "

Bengal—40 per cent.             "     "

Behar—26 per cent.             "     "

Central Provinces—15 per cent.     "     "

Madras—15 per cent.             "     "

Bombay—one-third               "     "

Provided that Mahomedans shall not participate in any of the other elections to the Legislative Councils.

Provided further that no bill, nor any clause thereof, nor a resolution introduced by a non-official member affecting one or the other community, which question is to be determined by the members of that community in the Legislative Council concerned, shall be proceeded with, if three-fourths of the members of that community in the particular council, Imperial or Provincial, oppose the bill or any clause thereof or the resolution.

5. The head of the Provincial Government should not be the President of the Legislative Council, but the Council should have the right of electing its President.

6. The right of asking supplementary questions should not be restricted to the member putting the original question, but should be allowed to be exercised by any other member.

7. (a) Except Customs, post, telegraph, mint, salt, opium, railways, army and navy, and tributes from Indian States, all other sources of revenue should be provincial.

(b) There should be no divided heads of revenue. The Government of India should be provided with fixed contributions from the provincial governments, such fixed contributions being liable to revision when extraordinary and unforeseen contingencies render such revision necessary.

(c) The Provincial Council should have full authority to deal with all matters affecting the internal administration of the province, including the power to raise loans, to impose and alter taxation and to vote on the Budget. All items of expenditure, and all proposals concerning ways and means for raising the necessary revenue should be embodied in Bills and submitted to the Provincial Council for adoption.

(d) Resolutions on all matters within the purview of the Provincial Government should be allowed for discussion in accordance with the rules made in that behalf by the Council itself.

(e) A resolution passed by the Legislative Council shall be binding on the Executive Government, unless vetoed by the Governor-in-council, provided however that, if the resolution is again passed by the Council after an interval of not less than one year, it must be given effect to.

(f) A motion for adjournment may be brought forward for the discussion of a definite matter of urgent public importance if supported by not less than one eighth of the members present.

8. Any special meeting of the Council may be summoned on a requisition by not less than one-eighth of the members.

9. A Bill, other than a Money Bill, may be introduced in Council, in accordance with the rules made in that behalf by the council itself and the consent of the Government should not be required therefore.

10. All Bills passed by Provincial Legislatures shall have to receive the assent of the Governor before they become law, but may be vetoed by the Governor-General.

11. The term of office of the members shall be five years.

## II. Provincial Governments

1. The head of every Provincial Government shall be a Governor who shall not ordinarily belong to the Indian civil Service or any of the permanent services.

2. There shall be in every Province an Executive Council, which with the Governor, shall constitute the Executive Government of the Province.

3. Members of the Indian Civil Service shall not ordinarily be appointed to the Executive Councils.

4. Not less than one-half of the members of the Executive Council shall consist of Indians to be elected by the elected members of the Provincial Legislative Council.

5. The term of office of the members shall be five years.

### III. Imperial Legislative Council

1. The strength of the Imperial Legislative Council shall be 150.

2. Four-fifths of the members shall be elected.

3. The franchise for the Imperial Legislative Council should be widened as far as possible on the lines of the Mahomedan electorates, and the elected members of the Provincial Legislative Councils should also form an electorate for the return of Members to the Imperial Legislative Council.

4. The President of the Council shall be elected by the Council itself.

5. The right of asking supplementary questions shall not be restricted to the member putting the original question, but should be allowed to be exercised by any other member.

6. Any special meeting of the Council may be summoned on a requisition by not less than one-eighth of the members.

7. A Bill, other than a Money Bill, may be introduced in Council in accordance with rules made in that behalf by the Council itself, and the consent of the Executive Government should not be required therefor.

8. All Bills passed by the Council shall have to receive the assent of the Governor-General before they become law.

9. All financial proposals relating to sources of income and items of expenditure shall be embodied in Bills. Every such Bill and the Budget as a whole shall be submitted for the vote of the Imperial Legislative Council.

10. The term of office of members shall be five years.

11. The matters mentioned herein below shall be exclusively under the control of the Imperial Legislative Council:—

(a) Matters in regard to which uniform legislation for the whole of India is desirable.

(b) Provincial Legislation in so far as it may affect inter-provincial fiscal relations.

(c) Questions affecting purely Imperial Revenue, excepting tributes from Indian State.

(d) Questions affecting purely Imperial expenditure, except that no resolution of the Imperial Legislative Council shall be binding on the Governor-General in council in respect of Military charges for the defence of the country.

(e) The right of revising Indian tariffs and customs-duties, of imposing altering, or removing any tax or cess, modifying the existing system of currency and banking, and granting any aids or bounties to any or all deserving and nascent industries of the country.

(f) Resolutions on all matters relating to the administration of the country as a whole.

12. A resolution passed by the Legislative Council should be binding on the Executive Government, unless vetoed by the Governor-General in Council provided, however, that if the Resolution is again passed by the Council after an interval of not less than one year, it must be given effect to.

13. A motion for adjournment may be brought forward for the discussion of a definite matter of urgent public importance, if supported by not less than one eighth of the members present.

14. The Crown may exercise its power of veto in regard to a Bill passed by a Provincial Legislative Council or by the Imperial Legislative Council within twelve months from the date on which it is passed, and the Bill shall cease to have effect as from the date on which the fact of such veto is made known to the Legislative Council concerned.

15. The Imperial Legislative Council shall have no power to interfere with the Government of India's direction of the military affairs and the foreign political relations of India, including the declaration of war, the making of peace and the entering into treaties.

#### IV. The Government of India

1. The Governor-General of India will be the head of the Government of India.

2. He will have an Executive Council, half of whom shall be Indians.

3. The Indian members should be elected by the elected members of the Imperial Legislative Council.

4. Members of the Indian Civil Service shall not ordinarily be appointed to the Executive Council of the Governor-General.

5. The power of making all appointments in the Imperial Civil Services shall vest in the Government of India as constituted under this scheme, and subject to any laws that may be made by the Imperial Legislative Council.

6. The Government of India shall not ordinarily interfere in the local affairs of province, and powers not specifically given to a Provincial Government shall be deemed to be vested in the former. The authority of the Government of India will ordinarily be limited to general supervision and superintendence over the Provincial Governments.

7. In Legislative and administrative matters, the Government of India, as constituted under this scheme, shall, as far as possible, be independent of the Secretary of State.

8. A system of independent audit of the accounts of the Government of India should be instituted.

#### V. The Secretary of State in Council

1. The council of the Secretary of State for India should be abolished.

2. The salary of the Secretary of State should be placed on the British Estimates

3. The Secretary of State should, as far as possible, occupy the same position in relation to the Government of India as the Secretary of State for the Colonies in relation to the Governments of the Self-Governing Dominions.

4. The Secretary of State for India should be assisted by two Permanent Under-Secretaries, one of whom should always be an Indian.

#### VI. Military and other Matters of Policy

1. The military and naval services of His Majesty, both in their commissioned and non-commissioned ranks, should be thrown open to Indians and adequate provision should be made for their selection, training and instruction in India.

2. Indians should be allowed to enlist as volunteers.

3. Indians should be placed on a footing of equality in respect of status and rights of citizenship with other subjects of His Majesty the King throughout the Empire.

4. The Executive Officers in India shall have no judicial powers entrusted to them, and the judiciary in every Province shall be placed under the highest Court of that Province.

# Indian Criticisms of the Official Proposals

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Though prior to the publication of the official reform proposals, it was known that there would be difference of opinion as to their suitability, yet few would have anticipated such differences to be so wide-spread and minute. The country owes this misfortune probably to two causes: some of the Congress men themselves were not quite loyal to the joint Scheme to whose support they had openly pledged themselves, and secondly, there seems to have been a certain amount of skillful manouering to secure general support to the official Scheme even before it was published. Several Indians had access to it some weeks in advance, and a few of them possibly went about canvassing support.

Until the special Session of the Congress meets, it will be impossible even to anticipate the general verdict of the country on the official proposals. What has therefore been anticipated in these pages is to publish the opinions of Indians who may be taken as representing the various shades of opinion so far known to the public. Mrs. Besant's views are now well known, and the reader may refresh his memory of them from the forward which she has kindly written to this volume. Dr. S. Subramania Iyer sent two communications to the Press in which he suggested the total rejection of the Scheme on the ground that it is not based on India's right for Self-determination. In his second letter, he added.

Surely it is this question of the right to Self-Determination that must find a solution before we go further. Only when such a solution has been found can the future be made safe for Indian Nationalism, and then only we could know where we stand and what we must look for.

But up to the present moment, so far as one can see, no attempt has been made by the responsible authorities in England to face the burning question squarely. And to seek for an answer to it in the voluminous Report now vouchsafed to the public, is like looking for the needle in the haystack. Nevertheless, reading between the lines one cannot help feeling that the answer wanted underlies the whole of this ponderous document in an unmistakable way. And that answer is, there is no scope for such a question either because the Indian people are taken to be no Nation at all, and if they are one, they are not a small Nation coming within the purview of the object of the War, which is said to be waged for the benefit of such Nations only. Even so it is pertinent to ask: Does the Report raise point blank the real issues arising from the view, that no question of Self-Determination exists here, and endeavour to meet straight-forwardly those issues? Certainly not. Now what are those issues? They are:

I. Is there to be a Popular Assembly, even though granted as a matter of concession, that will be entitled to exercise *true* legislative power, and if so, what is the limit of this power?

II. Is that Assembly to exercise any control, and what control over the Executive?

III. And, above all, is such Assembly to possess the power of the purse to any and what extent?

It is impossible for anybody but those who claim to be the final arbiters to give definite and binding findings upon those issues, and till then, it is labour lost to invent plans for what should follow those findings.

In such circumstances, what is the use of trying to scan the many parts of the proposed structure, particularly having regard to its utter unsuitability for the purpose intended? Surely to create a machinery so cumbersome and complicated for those, who after a century and a half of the present rule, have according to the rulers themselves, yet to learn how steadily to step the lowest rungs of popular Government, seems as rational as requiring mere workmen unable to use the rudest tools to handle a scientific instrument of very delicate make. Such is hardly the right way of teaching people by progressive steps the art of Self-Rule. No wonder that some like myself are willing to leave the task of "snipping up the details" to gentlemen who for special reasons are under an obligation to undertake such an unprofitable task and to others who for reasons of their own, think it worth while to do so.

### Lok. Tilak

Mr. Tilak, interviewed, pronounced the Montagu Reform Scheme as extremely disappointing.

"It is a good report," he said, "with a useless scheme. The whole scheme is against the fundamental principles of the Congress scheme, which urges a substantial first step and definite stages for the establishment of responsible Government within a given time. The whole comes to this that we are offered a substantial concession in local self-Government, very partial provincial autonomy and absolutely no control over the Imperial Government. This is admitted by the authors themselves in para 353.

"Practically all the objections against the Congress Scheme as unpracticable and fatal to good Government admittedly apply to this scheme, the wonder being Mr. Basu's acceptance of this scheme. The scheme could not be accepted as the first step. It could not at all be approved because it did not in the least satisfy us. This was not what we asked for nor would it serve the purpose in view.

"The work before us now," continued Mr. Tilak, "is the decision as to the presidentship of the Special Congress. The first thing is to settle this. Though all the four nominees, *viz.*, the Raja of Mahmudabad, Sir Subramaniam, Mrs. Besant and myself have declined, one of us has to accept. The question of a deputation to England will have to be settled perhaps six months' hence.

"In the reconstitution of the Empire we have to exert our utmost to make the Congress Scheme acceptable. About allowing the deputation to

proceed, I believe full opportunities as stated in the report will be given for discussion and the deputation allowed. Then, if possible, we may introduce a counter bill in Parliament advocating the Congress Scheme. If all these fail we shall then see what steps to take next."

### Mahatma Gandhi

Mahatma Gandhi's views on the Scheme were expressed as follows in a letter to the Hon. Mr. Sastry:

"You have pressed me for my opinion on the Reform Scheme just published. As you know, I did not feel called upon to take an active part in the framing of the Congress-League scheme. I have not taken an all-absorbing interest in controversial politics; I do not pretend that even now I have studied the reform proposals as a keen politician would. I feel, therefore, very great hesitation in expressing my opinion on it. But I recognise the weight of your argument in favour of my expressing such opinion as I can form on the scheme. In my opinion then, as an artistic production, the scheme now published is superior to the Congress-League scheme. I further consider that both Mr. Montagu and Lord Chelmsford have been inspired by an honest desire for a due fulfilment of the declaration of the 20th August and for the welfare of India. They have taken great pains over their most difficult and delicate task and I cannot but think that any hasty rejection of their effort will be a misfortune for the country. In my humble opinion, the scheme deserves a sympathetic handling rather than a summary rejection. But it would need to be considerably improved before it is accepted by the reformers. After all our standard of measurement must be the Congress-League scheme. Crude though it is, I think, that we should with all the vehemence and skill that we can command press for the incorporation into it of the essentials of our own. I would therefore, for instance, ask for the rejection of the doctrine of compartments. I very much fear that the dual system in provinces will be fatal to the success of the experiment, and as it may be only success of the experiment, that can take us to the next and I hope, the final stage, we cannot be too insistent that the idea of reservation should be dropped. One cannot help noticing an unfortunate suspicion of our intentions regarding the purely British, as distinguished from the purely Indian interest. Hence there is to be seen in the scheme elaborate reservations on behalf of these interests. I think that more than anything else it is necessary to have an honest, frank, and straightforward understanding about these interests and for me, personally, this is of much greater importance than any legislative feat that British talent alone or a combination of British and India talent may be capable of performing. I would certainly, in as courteous terms as possible, but equally emphatic, say that these interests will be held subservient to those of India as a whole and that therefore, they are certainly in jeopardy in so far as they may be inconsistent with the general advance of India. Thus, if I had my way I would cut down the military expenditure. I would protect local industries by heavily taxing goods that compete against products of our industries, and I would reduce to a minimum the British element in our services, retaining only those that may be needed for our instruction and guidance. I do not



think that they had or have any claim upon our attention save by right of conquest. That claim must clearly go by the board as soon as we are awakened to a consciousness of our national existence and possess the strength to vindicate our right to the restoration of what we have lost. To their credit let it be said that they do not themselves advance any claim by right of conquest. One can readily join in the tribute of praise bestowed upon the Indian Civil Service for their devotion to duty and great organising ability. So far as material reward is concerned, that service has been more than handsomely paid and our gratitude otherwise can be best expressed by assimilating their virtues ourselves. No scheme of reform can possibly benefit India that does not recognise that the present administration is top heavy and ruinously expensive and for me even law, order, and good government would be too dearly purchased if the price to be paid for it is to be the grinding poverty of the masses. The watchword of our reform councils will have to be not increase of taxation for the growing needs of a growing country, but a decrease of the financial burdens that are sapping the foundation itself of the organic growth. If this fundamental fact is recognised there need be no suspicion of our motives and I think, I am perfectly safe in asserting that in every other respect British interests will be as secure in Indian hands as they are in their own. It follows from what I have said above that we must respectfully press for the Congress-League claim for the immediate granting to Indians of 50 per cent. of the higher posts in the Civil Service. The above is but an indication of my view on the scheme. It is a considered view so far as it goes, but it does not embody all the improvements that I should suggest for submission to his Majesty's Government. In due course, I take it we shall endeavour to issue a representative criticism of the scheme. It is therefore, hardly necessary for me to enter into an exhaustive treatment even if I was capable of doing so. I cannot, however, conclude my observation without stating what I consider to be the best means of enforcing our opinion whatever shape it may finally take. I entirely endorse the concluding remarks of the authors of the historic document that thousands of Indian reformers are to-day studying with avidity. "If anything could enhance the sense of responsibility under which our recommendations are made in a matter fraught with consequences so immense, it would be the knowledge that even as we are bringing our report to an end far greater issues still hang in the balance upon the battle field of France. It is there and not in Delhi or Whitehall that the ultimate decision of India's future will be taken." May God grant us, Home Rulers, the wisdom to see this simple truth. The gateway to our freedom is situated on the French soil. No victory worth the name has yet been won without the shedding of blood. If we could but crowd the battlefields of France with an indomitable army of Home Rulers fighting for victory for the cause of the Allies, it will also be a fight for our own cause. We would then have made out an unanswerable case for the granting of Home Rule not in any distant time or near future but immediately. My advice therefore to the country would be, fight unconditionally into death with the Briton for the victory and agitate simultaneously also unto death, if we must, for the reforms that we deserve. This is the surest method of gaining an honourable victory for ourselves over the strongest opposition.

of bureaucratic forces and at the end of it there would be no ill will left. It may not be impossible to gain our end by sheer obstructive and destructive agitation. But it is easy enough to see what we shall at the same time reap: ill-will between the British and the Indian elements, not a particularly cohesive cement for binding would-be partners.

### Sir S. P. Sinha

Sir Satyendra Sinha, interviewed by Reuter, said it seemed to him there were two classes of critics, who could not be regarded as having a *locus standi* to criticise the report on Indian reforms. The announcement of August 20th as the report said, was the most momentous utterance ever made in India's chequered history. Those who considered responsible government for India as an integral part of the Empire an unsuitable goal for the British policy rejected the fundamental principle of the announcement.

Sir Satyendra continued: "Those, who say this will be an unsuitable form of government for India within a measurable distance of time, place themselves out of court as critics of the historic document, since its proposals are designed to carry out that principle. Equally out of court are those who do not accept the limitations whereby this great pledge was conditioned and, particularly, the one that the policy could only be achieved by successive stages. While responsible government is not granted immediately, we have the pledge of substantial steps in that direction as soon as possible, which I interpret to mean without avoidable delay. The only question is whether the steps recommended are sufficiently substantial or whether they go further than what ought to be the case at present. People holding one view or the other have every right to put their views before the public, for such criticism alone can provide material for a constructive effort. I unhesitatingly believe that the report lays the foundations of an Indian constitution, which will contribute to the solidarity and the unity of the Empire in like degree as the genius of Mr. Campbell-Bannerman achieved in the case of South Africa.

"As regards the Congress-League scheme and reasons stated for the non-acceptance of it in its entirety," Sir Satyendra said, "it should be borne in mind that many of its proposals find an acceptance in the principle and sometimes in actual detail. In one sense, the difference between the Congress-League scheme and the report is more of procedure than of principle; both aim at the establishment of responsible government within a reasonable time and both, admittedly, provide for a period of transition. The report is a considerable improvement on the scheme in two essential particulars. Firstly, it provides an adequate machinery for the political education of the people from the very start; secondly, it ensures periodical examination of the political situation at definite intervals for the purpose of a further advance and invests the popular representatives with a responsibility for certain important branches of the administration immediately.

"The Report has, I believe, successfully reconciled conflicting opinions. It is giving the Indian people large powers, which, if properly exercised, will be of the greatest benefit to the country. It is giving them to start with a

real responsibility in some of the most important concerns of life, while reserving in the hands of the executive government full powers in respect of the most vital elements of the administration, namely, the maintenance of law and order. In view of the criticism that popular powers will come only to the *intelligentsia*, the report suggests methods which will safeguard the interests of the masses.

"I do not think there is so much room for friction as apprehended in certain quarters. The machinery of the provincial government will consist of two parts and there will be ample opportunity for mutual co-operation. In my judgment, the method of working provided and the safeguards proposed should go far to ensure smooth working. It would not be wise to pin faith to any particular, detailed solution of the great complex Indian political problem. There must be an adjustment of the view and a reconciliation of the apparently conflicting interests if satisfactory progress is to be made.

"We, Indians, ask for a policy of trust and we look to the British people to repose confidence in us and not imagine we seek power not so much for our benefit as for their retriment. We, Indians, on our side must also trust, the policy of the announcement and accept with confidence the assurance that it will be steadily carried out and that it is no more a temporary makeshift. The report, at any rate, makes it clear that there is no intention of interpreting the declaration that the Government must judge the time and measure of each advance as meaning that the goal may never be attained.

"Provision is made for thorough investigation with a view to further steps after the first ten years and for periodic enquiries thereafter. What we in India have to remember is that we can contribute enormously to such periodic advancement by the co-operation we give in treading this path. Though the necessary changes in the framework of Government attract most attention, the matters discussed in the final chapter are one of surpassing interest and value. The time is fully ripe for granting a substantial number of the King's commissions to Indians in the army, also for carrying out the important recommendation whereby one-third of the superior Indian Civil Service posts will be recruited in India with progressive extension. The recommendations respecting industrial development are a most encouraging reform; they are valuable in the degree and to the extent they tend to the development of the country, and the most important phase of development needed is the industrial. It will be to the advantage, not only of India, but of the whole Empire from all points of view, military, social, political and economic, to press forward the industrial progress stimulated by the war. No time should be lost in giving effect to the recommendations of the report. What may be cheerfully accepted now may become out of date to-morrow.

### The Hon. Mr. Jinnah

The Hon. Mr. M. A. Jinnah has expressed the following opinion on the proposals of Reforms by Lord Chelmsford on Mr. Montagu.

In expressing opinion on the proposals of Lord Chelmsford and Mr. Montagu no Congressmen can overlook the Congress-League Scheme adopted at Lucknow by the joint sessions of the Indian National Congress

and the Muslim League, so far as the principles and essentials embodied therein, are concerned. These are :—

- (1) Broadening of franchise and correct representation.
- (2) Substantial majority of elected members in the Legislature.
- (3) Control over the Executive.
- (4) Control over the Finance and Fiscal Policy.

(5) Military and Navy, or in other words, the Defence and Foreign Policy were excluded from the representatives of the people for the present.

It was after the Scheme was put forward by the people that the pronouncement of the 20th of August, 1947, was made by his Majesty's Government.

Now, I for one look more to the principles and essentials of a Scheme than to its frame-work as suggested by one or the other of the representative bodies or individuals. It is very natural that in the solution of a problem of this kind, we have had many suggestions and proposals, but the Congress League Scheme is the crystallization of Indian National opinion and it has held against any other. At least we have got the proposals of the Government and we are called upon to discuss them.

The announcement of his Majesty's Government and the authors of the Report invite full and public discussion. The proposals are not like the laws of the Persians and Medes, but they may be modified upon further discussion and that is clearly indicated by the Report itself in paragraphs 225 and 354.

I must, at the outset, say that the Report and the proposals are weighty and well-considered and cannot be rejected summarily. Great effort has been made to face the problem, but I cannot say that I am satisfied with the Scheme as it stands and I feel that it will not be acceptable to the people unless it is modified in important respects. I know that great difficulties were put in the way of Mr. Montagu in India and he was called upon to deal with one of the most intricate and complicated problems that any country had ever to face. His personal examination of the problem and situation has advanced the original proposals of the Government of India to a considerable extent; but I think, he has been unduly influenced by the alarmist section, which has resulted in innumerable restrictions being put on the concessions that have been made to the people. The consequences are that the Government of India is left practically as it was and the advancement of the Provincial Government does not go as far as it should. It might become worse when the reserved departments and transferred departments are decided upon. The advancement would be worthless unless in major provinces like Bombay all the departments, except the Police and Justice are transferred. I am willing to accept this only as a transitional stage with a view to show that for the present, the maintenance of law and order may be reserved to the Government, since the argument has been advanced that, after all, we are going through an experimental stage, but it must be made clear that after five years there should be no reserved subjects.

The task of deciding what departments should be transferred, is to be trusted to a committee and it is most important as to who should constitute that Committee. I hope that the personnel of the Committee when constituted will be such as will command the confidence of the people. This remark applies with equal force to the formation of all the committees.

If these modifications are made in the Scheme of Provincial Government regarding major provinces, I am sure that the Scheme will be acceptable to the people so far, and I feel confident, speaking for the Bombay Presidency, that it is quite ripe to take up that responsibility.

Then, with regard to the Government of India, I cannot accept the principle that for the purpose of progressive realisation of responsible government, we must confine ourselves to the province as the unit.

The Budget will be introduced in the Legislative Assembly, but the Assembly will not vote it. Resolutions upon Budget matters and upon all questions whether moved in the Assembly or in the Council of State, will continue to be advisory in character.

Therefore it is clear that in most vital matters, the demand of the Congress-League Scheme is not met, viz.

(1) In the Government of India, representatives have no control over the Executive ;

(2) Any measure initiated by the Government can pass through on the certificate of the Governor-General in Council ;

(3) Fiscal Policy of the Government cannot be touched and in matters of fiscal policy the Government of India will be subject to the control of the Parliament and we know that India has lost more than once on the floor of Parliament because his Majesty's Government, either Liberal or Conservative, cannot resist British interests. As an instance the Cotton Excise Duty might be cited with reference to Manchester and Lancashire.

(4) The budget as a whole or any allotments in it cannot be changed or altered by the Legislature.

Therefore the position of the representatives of the people in the Government of India will practically remain exactly the same, namely what the authors of the Reports are pleased to call "Influencing the Government" which we have been doing since 1892.

### The "Maharatta"

The following criticisms of the Scheme that appeared in the *Maharatta* which may be taken as representing the views of Lok Tilak.

Our objections to Mr. Montagu's scheme are numerous ; but we shall consider them mainly by replying to the three following questions —

(1) Could not the scheme have been more liberal even within the limitations of the announcement of 20th August ?

(2) Is it better or worse than the Congress League Scheme ?

(3) Can the Scheme, as it is, satisfy the political aspirations of the Indian people at the present time ?

This can easily be and must be answered by emphatically saying that it could have been. 'Increasing association' 'Progressive realisation' and successive stages' are no doubt words of limitation. But who can say that the scheme put forward in the Joint Report has gone to the farthest point those limitations can allow ? In the first place we all know that Mr. Montagu could, if he were so inclined, even *advise* His Majesty to go beyond the announcement itself. The announcement is not the word of God so that it may be a sin to transgress it. Knowing as we do the relations between "His Majesty and His Majesty's Ministers" we may say without *Lese Majeste* that a

ministerial breath, if properly supported, can unmake an announcement of this character as it can also make it. If it is no disloyalty in Ministers to whittle down a Royal Proclamation in practice to the prejudice of the Indian people, surely there can be no disloyalty on the other hand in exceeding it to their advantage. When Viceroys can be allowed with impunity to be impudent enough to denounce a Royal Proclamation as an impossible Charter, they may be equally allowed to transcend a Proclamation in its benevolence and beneficence. If the Royal word may not be treated as sacred for a bad purpose, there is far less guilt in violating it for a good purpose. Both equity and ethics would be decidedly on the side of the latter kind of culprit. Mr. Montagu, has, we think, made needless fuss throughout in repeating in a shrill Cockatoo fashion the announcement, the announcement!

But even assuming that the announcement has a sacrosanct character, we do say that Mr. Montagu could have gone further than he has done actually in liberalising the political institutions in India. We do maintain that complete Provincial autonomy would not be inconsistent with "progressive realisation of Responsible Government." We do maintain that the grant of the power of the purse would not conflict with the entire "responsibility of the Government of India." We do maintain that the subordination of the Executive to the Legislature is not inconsistent with the terms of the announcement. The Congress League Scheme, *e.g.* leaves many matters to be untouched by the Indian Legislative Council. Those might be left in tact to the Government of India and here would be space enough to cover by progressive development. In short, even assuming that the announcement constitutes the governing conditions for Mr. Montagu's proposals, we hold that he has not gone as far as he might have gone without violating its letter or spirit.

The second question is a little difficult one for replying with a monosyllabic, Yes or No, for the simple reason that the Montagu Scheme, as a constitution, is *different* from the Congress-League Scheme. The element of the idea of Responsible Government, in the Montagu Scheme, has much to be said in its favour. But this idea could as well be added on, to the Congress League Scheme. We say this without prejudice to our contention that the Congress League Scheme itself is not a negation of responsibility. The scheme, even as it is, gives ample powers to the Legislature; and a vigilant effective exercise of them can secure the needed degree of accountability in the Executive. A vote of censure can be passed by the Legislative Councils as constituted under the Congress-League Scheme, and self-respecting Ministers need not be actually dismissed or punished by a reduction in their salary. *Verbum sat sapienti.* There are a number of countries with democratic constitutions, which do not provide for the removal of executive Ministers. But to cut the matter short, we shall at once frankly say that we do not object to the introduction of Responsible Government. The Congress-League Scheme also is impliedly a Responsible Government Scheme, but if Mr. Montagu wants that element to be especially introduced, well be it so. We accept an amendment to the Congress League Scheme in this respect, whether it be intended as a constitutional improvement, or as a veiled challenge to the Indian politicians to prove their fitness for administrative responsibility.

But we entirely fail to see why we must necessarily kill the fat calf of Legislative power to feast the newcomer, responsibility. Is responsibility of the Ministry really inconsistent with the plenary powers given to the Legislature in the Congress League Scheme? If responsibility is a salutary-thing, why should not the Executive Council itself in the new scheme have a little of it as well? Not responsibility, we mean, to the State Secretary but to the electorate of whom the Montagu Scheme is so fond and enamoured? A bicameral system is, let us say again, an improvement over the Congress-League Scheme. But the essence of this new feature is not that the elected members should be in a minority in the upper chamber, but that the existence of a second chamber performs the function of delaying hasty legislation and revising it. If Mr. Montagu wants a second chamber, he may fix the qualifications of membership thereof as high as he likes; but, why, pray, must not the elected members be in a majority? But it is evident that Mr. Montagu's object is not to improve upon the constitutional aspects of the Congress League Scheme but to curtail the powers of the Legislature. Some people say that the institution of a second chamber is tantamount only to providing an agency for the exercise of the veto which even the Congress-League Scheme allows. But if it is the same, then why have this upper chamber to put a stamp of inferiority upon the lower chamber? Why should not the Governor-General take courage in the hands, responsibility on his shoulder, and simply exercise the veto? \*\*\*\*

We shall content ourselves with saying generally that whatever the results of the comparison, we shall be ready to accept any thing which may be an improvement upon the Congress-League Scheme, provided it does not deprive our Legislative Councils of the power of the purse or the power of control over the Executive.

Our reply to the third question is that the Montagu Scheme cannot satisfy the political aspirations of the Indian people at the present time. Whatever the defects of the Congress-League Scheme, there is no doubt that it marks the present pitch of the demand of the Indian people for political power. And the country will not be prepared to accept anything which will fail to give that power to that extent. And here we wish to make one thing as clear as we can make it. The country had so far nothing on its lips but the Congress League Scheme; and some persons have persuaded themselves that it has so deeply sat on its brain that it will be foolish enough not to accept anything else though it may be infinitely better than the scheme. We think we must give this supposition a complete denial. We have already indicated that the Congress League Scheme is dear to us not because it is a particular constitutional model, but because it secures to the people a particular amount of power. It follows necessarily, therefore that we shall be quite prepared to accept anything else provided it secures to us the substance of power for which the C. L. Scheme provides. Those who affect to ridicule the persistent demand for the Congress League Scheme as a parrot-cry are not evidently gifted with an insight into the hearts of men and things. Is it not self evident that so long as the Congress-League Scheme was alone in the field, Congressmen had nothing else to swear by. The Scheme was the product of the mature deliberations of the Congress, and the Congress itself could not be accused of

thoughtlessness if it stood by it and swore by it. It was, as it were, the non-official Self-Government Bill, if we may use the Parliamentary word, and what also could Congressmen do but support it even word for word and clause for clause? Parties in the British Parliament support their non-official Bills like that knowing full well that they are capable of modification in the usual process, and, though rejected, are sure to lead to official Bills on the subject. The leaders of Indian public opinion were not certainly parrots when one after another they swore by the Congress-League Scheme in their address and interviews with Mr. Montagu. The cry, *viz.*, the Congress-League Scheme and nothing but the scheme, had thus an obvious meaning and amount of good sense except to those who affected independence simply because, like weather cocks, they may be free to turn their face in any direction as suited their convenience. The cry never meant that the scheme would not be open to modification even if, and when, Government might come forward with their own definite proposals. The advocates of the Congress-League Scheme should be allowed some credit for sense and sanity and ought not to be misrepresented. Personalities do not absolutely count in this matter. We have no right to look upon Mr. Curtis as an enemy of our country, nor have we a right to attribute any motives to Mr. Montagu. Our objections to the scheme are objectively impersonal and based on merits, whoever may have framed the scheme or whoever may have drafted the Report. But surely it must be open to us to reject the one or the other if in our opinion they do not approximate in their principles or details to an ideal we have in our own mind as to the kind and the degree of the political advance which we must be allowed to make immediately. The Montagu scheme does not, in our opinion, come up to that ideal, and those who, like our ourselves, hold that view have nothing but to reject it in so far as it does not come up to the point.

#### **Mr. Shrinivasa Sastri's Views.**

Interviewed by a press representative the Hon'ble Mr. Srinivasa Sastri, member of the Imperial Legislative Council and President of the Servants of India Society, expressed the following views with regard to the Montagu-Chelmsford reform proposals:

It is a pity that the proposals are worded on the lines so distinct from those of the Congress League Scheme as to make comparison difficult and misleading. The authors have felt bound by an excessively literal interpretation of the declaration of last August to introduce the principle of self government and make it gradually progressive. The arrangements are therefore unprecedented in the history of the world and require radical reconstruction of the administrative machinery. They postulate for ultimate success extraordinary good faith and mutual forbearance amongst the parties. It is to be devoutly hoped that this expectation will be fulfilled. The governing ideas are that responsible government must begin in the provinces under limitations to be gradually relaxed and that till full responsibility is attained, in this sphere the Government of India should continue in indisputable authority and not be subjected to popular control, though increasingly responsive to popular opinion. Once these ideas are admitted the proposals constitute a carefully planned and conscientious attempt to carry them out.



Still there are great defects in the scheme which must be remedied before we can accord enthusiastic approval. We cannot consent to leave the Government of India absolutely untouched. How could it be claimed in the peace conference or else-where that the principle of self-determination was applied to the case of India while a mere seed thereof was sown in the provincial fields. Is it contended that we cannot manage manufacture of salt, the income tax and railways? If the assembly is left free to legislate for these and similar departments as the Council of State is free to legislate for some other, will the Government of India be paralysed and its power for good destroyed? In fact the Government of India is treated in the report with distant and reverential awe and its nervousness is so great that it fails to include in express terms the possibility of making the Government of India amenable to popular control in its enumeration of the comprehensive functions of the 12 year commissions. The country attaches the greatest possible importance to fiscal autonomy on which no definite recommendation is made. Members without portfolios are likely to prove an encumbrance while the Privy Council having no constitutional functions will become ceremonious and ornamental. The addition of one Indian to the Viceroy's Executive Council is totally insufficient, when the restriction on its maximum number is removed. Ordinarily the institution of a Second House implies a wholly elective first House. At any rate the majority in the case of the Indian Legislative assembly must be more than two-third while in the case of the provincial legislatures, real autonomy would be impracticable without an absolutely decisive majority. The provincial legislatures must have power to raise and debate definite matters of urgent public importance, and the Governor must be under an obligation to summon the Council at stated intervals. He should not preside over the legislature, nor nominate the President. The ministers must be allowed the same salary and the same Status as members of the Executive Council. The committee for dividing the reserved from the transferred services must have a special direction to make the former as few, and the latter as many as possible, as otherwise the beginning of responsible government would tend to become shadowy and un-substantial. The report exhibits lamentable weakness towards the services. The opinion of responsible non-official Indians is frankly opposed to any increase in their salaries and pensions and they will not be deterred by extra encomiums from resisting demands in this behalf on the public purse.

The chapter recommending special powers to the Government of India for protecting the interests of Europeans, Christian Missionaries and the domiciled community, is not happily conceived. It has shown an unfounded suspicion of the attitude of Indians towards these classes. One would have thought that the classes least able to protect themselves were the submerged or the depressed classes. To prevent injustice or tyranny the Government of India and Provincial Governments have enough power. The oppression of minorities is unquestionably the fittest occasion for the exercise of the veto. The facts of the day require rather a frank recognition that certain classes are in the enjoyment of undue privileges. The abolition of these and the establishment of absolute equality between individual and

individual irrespective of race, birth or religion, are essential conditions for the success of the reforms.

### **The Opinion of the Madras Special Conference**

We give below the resolutions passed by the Madras Special Conference on the Reform Proposals. Special attention is invited to them because in framing them the opinions of leaders outside the Madras Presidency also were largely instrumental. At the Conference itself, they formed the subject of prolonged discussion as a result of which a few changes were introduced in the draft prepared originally by Mrs. Besant in consultation with Nationalists of other parts. The day after the Conference, an influentially signed manifesto was published mainly supporting these very resolution :

The President next put the following resolution from the chair :

That this Conference regards the proposals of the Rt. Hon. The Secretary of State for India and H. E. The Viceroy as not affording in their present form that substantial step towards Self-Government which the necessities of the present situation imperatively demand, and deeply regrets that nothing which can be called Responsibility is proposed for the Government of India.

It regards the changes to be proposed at this Conference in the Bill to be laid before Parliament as the least that can be regarded as a substantial step towards responsible Government, establishing complete Provincial Autonomy as demanded by the late Mr. Gokhale, the Memorandum of the Nineteen, and the Congress-League Scheme, accompanied by such necessary correlative changes in the Government of India as will lead to its complete transference to the Indian Nation under the supremacy of the British Crown within the period rendered necessary by the rapid changes brought about by the War.

It feels the adoption of these changes is necessary to enable the British Nation to go into the Peace Conference with clean hands and to justify its professions during the War.

This Conference is emphatically of opinion that the liberalisation of the Central and Provincial Governments in view to Responsible Government should proceed simultaneously and that the proposed division of Government into two unequal sections and the assignment of the lesser departments for the purpose of trying the experiment of the first step of Responsible Government in this country, is in its essential nature unworkable and is bound to prove unsatisfactory, as any assignment to the Legislature of Control over portions of the administration or particular departments of Government and under the conditions stated can give no adequate opportunities to the people of this country for Responsible Government.

Without prejudice to the above, that this Conference is of opinion that to render the Scheme possible even for a short period as a first step the following changes must be incorporated in the Bill to be brought before Parliament.

## Government of India.

1. There shall be no Council of State.
2. Half of the Viceroy's Executive Council shall be Indians, and one or more Ministers shall be added, if business requires such addition, from the elected members of the Legislative Assembly. These may be nominated by the Governor General.
3. Foreign affairs, the control over the army and navy, ecclesiastical matters and relations with Indian ruling Princes shall be vested in the Executive Government. The Legislature shall have control over all legislation in respect of safety and peace of the country except in so far as the administration relates to the above subjects.
4. The Budget shall be passed in the shape of Money Bills, put to the vote of the Assembly, except that part of the Budget which deals with the above subjects; for these a fixed sum shall be voted annually during the life time of the first Assembly, calculated on the annual expenditure on these subjects for 5 years before the War. The Legislature shall have control over Customs, Tariff and Excise.
5. In the event of the Government requiring more money for the above subjects, they must obtain it by the vote of the Assembly.
6. The proportion of the Muhammadans in the Assembly, laid down in the Congress-League Scheme, must be maintained.

## Provincial Government

1. In the Provinces all departments of Government shall be placed under the control of the Legislature except the administration in respect of Police, Law and Justice which shall rest in the Executive Government only. The same shall also be placed under the control of the Legislature at the end of 5 years thus rendering Responsible Government in the Provinces.
2. There shall be no Grand Committees.
3. The Ministers shall be nominated by the Governor for the first Reformed Council, and shall be irremovable during its life-time, the Governor shall advise, but not control them.
  - (a) There shall be no additional Members of the Government without portfolios for more consultation and advice.
4. The Provincial Budget shall be under the control of the Legislature, subject to the contribution to the Government of India, and during the life time of the first Reformed Council, to the allocation of a fixed sum for the above subjects voted annually, calculated on the annually expenditure on the subjects for five years before the War.
5. In the event of the Government requiring more money for the above subjects, they must obtain it by the vote of the Legislature.
6. The proportion of Muhammadans in the Legislatures, laid down in the Congress League Scheme, must be maintained.

### Parliament and the India Office

1. The control of Parliament and the Secretary of State must only be modified, as the responsibility of Provincial and Indian Governments to the electorates is increased. No Power over Provincial Governments and Legislatures, now exercised by Parliament and the Secretary of State, must be transferred to the Government of India, until the latter is responsible to the electorates.

2. *Accepted.*—"The Salary of the Secretary of State for India to be transferred to the British Estimates."

3. *Accepted.*—"The House of Commons to be asked to appoint a Select Committee on Indian Affairs."

4. The Council of India to be abolished, and the India Office establishment to be borne on the British Estimates.

### General.

That in any scheme of election which may be devised for this Presidency, provision be made for the adequate representation of all communities and interests.

That this Conference is of opinion that the suggested Provincial contribution of Madras to Government of India is excessive and is not based on sound principles and should be revised.

That the statute to be passed by Parliament should include the declaration of rights and people of this country as British citizens.

All Indian subjects of His Majesty and all the subjects naturalised or resident in India are equal before the law. There shall be no penal or administrative law in force in the dominion whether substantive or procedural of a discriminatory nature.

No Indian subject of His Majesty shall be liable to suffer in liberty, life, property or as respects his freedom of speech except under sentence by a court of justice and as a result of a lawful and open trial.