

The Simon Commission Report

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Thanks to the methods of propaganda skilfully devised and vigorously carried out and to the attention widely attracted by the Indian unrest, the Report of the Indian Statutory Commission, otherwise known as the Simon Commission, has secured a measure of publicity far beyond that achieved by any other Commission or Report in the United Kingdom. Several impressions of the publication have been issued and it bids fair to compete with some of the best-sellers among the works of fiction. Wide and steady advertisement is generally followed by a belief in the virtues of the thing advertised. It should be no matter of surprise, if the British public has begun to believe in the profound wisdom of the Report and in the cussedness of the Indians who have decried the Report and refused to accept its conclusions. It is unfortunate that, like the Donoughmore Commission on the constitutional reforms of Ceylon, the Simon Commission should have adopted the attitude of admiring the merits of their scheme as an inter-dependent whole and insisting that the framework must be taken or left as a whole. Reforms in the political constitution of a country cannot be carried out in one part of it without affecting the rest of the machinery to some extent. While the Commission are prepared to admit the possibility of modifications of their scheme in details, they cannot conceive the possibility of any alteration of what they consider to be the main principles underlying their scheme. It is nevertheless true that this idea of inter-dependence of the proposals may be carried to the point of making a fetish of it. It may be quite possible for the critics of the Report to accept some of the proposals, while rejecting the others. But if it comes to a question of taking or leaving the

scheme of the Commission as a whole, people in India would rather throw the whole scheme overboard than accept all its main proposals. For the benefit of readers, especially in Britain, it is desirable to examine and analyse the scheme of the Commission and point out why it has met with such severe condemnation in India. We consider the scheme unacceptable, not merely because it fails to satisfy national aspirations, but also for the reason that it is constitutionally unsound in principle and bound, in working, to be injurious to the best interests of India. It may perhaps be useful to clear the ground by saying that the proposals of the Commission with regard to the provincial governments may be made acceptable by an alteration of some important features. Their recommendations with regard to the Central Government are so radically vicious that they cannot possibly be accepted. I will therefore begin with an examination of that part of the Simon scheme which deals with the Central Government. The Report of the Commission is throughout dominated by their conception of the future ideal of the Government of India. This must necessarily be the case and we agree also that any scheme that is put forward must be conditioned by the historic background of Indian polity. These considerations, however, lead us to entirely different conclusions from those at which the Commission have arrived.

THE HISTORIC BACKGROUND OF INDIAN POLITY

Let us first consider the historic background of the present organisation of Government in British India. It has become a commonplace in the histories of India that, prior to the advent of the British power, the country was parcelled out among a multitude of rulers and chieftains more or less constantly at war with each other, except during the rare and short periods when the country was under the sway of mighty emperors like Asoka, Harsha or Akbar. How India, peopled as it was by men of diverse races, creeds, castes and languages, was torn by internal dissensions and communal jealousies, how its incapacity for

union rendered the country an easy prey to every foreign invader, how India was rescued from internal strife, disorder and chaos by the growing ascendancy of the British power, how the consolidation of British rule has conferred on India the blessings of peace, order and security, the benefits of Western education and an improvement of her material condition, how the British administration has incidentally developed political capacity and how the spirit of nationalism which has been growing in recent years is the product of British administration, have been the favourite theme of every writer on the British period of Indian history. There can be no doubt that the growth of the sentiment of nationalism has been largely fostered by centralisation of the government, by the uniformity of methods of administration and laws, and by the employment of the English language as the medium for education and interchange of ideas. If there has been a tendency for the provinces of British India to rise to the same level of administrative efficiency and general progress, it has been the result of the co-ordination and control exercised by the Central Government of India. It is the highly-developed unitary character of the Government of India that has enabled it to exercise such a potent influence for the all-round development of the country. The disruptive influences of castes and communities, creeds and languages have been curbed by the power and influence of a centralised system of government. Communal loyalties are being superseded by loyalty to the nation and the country at large, and a parochial outlook is being replaced by a national outlook. If the separatist tendencies of the Indian peoples have still to be counteracted, it can only be accomplished by the development of Indian nationalism by the centripetal forces which can be exercised only by a government of the unitary type. Superficial observers may be disposed to think that a country of the size and population of India cannot possibly be administered by a central government with any approach to efficiency or popularity. It would be a mistake to imagine that

a unitary government is incompatible with decentralisation. As a matter of fact, the Government of India has in the past largely delegated the administration to provincial governments and these latter have in their turn brought into existence local authorities with powers of local self-government. Devolution of authority to local governments and local bodies has been the accepted policy of the Government of India and the demand for provincial autonomy only calls for an extension of the same policy. But this demand does not require any deviation from the unitary character of the Government of British India. The past history of British India and the course of political evolution up to this moment point to the unitary type of government as the one best suited to the circumstances and needs of this country.

THE FUTURE IDEAL OF INDIA

Let us now see whether, apart from the exigencies of past history and present needs, there are any considerations arising from our conception of the goal or ideal of India in the future. Here it is necessary to observe that the question should be examined first from the point of view of British India, and secondly, from the point of view of the Indian States. It is conceivable that the ideal from the two points of view may not be exactly the same. Should there be a difference between the two ideals, the question would have to be considered how they can best be reconciled in the interests of the unity of All-India. Whether it should be by the surrender of one ideal for the sake of the other, or by the adoption of some form of polity which will harmonise the two, it goes without saying that what every ardent Indian nationalist desires is the union of All-India in some form or other, so that the people of All-India may be united as a strong nation speaking with a single voice to the outside world. The exact shape of the future of India as a whole, or of All-India as we may call it, has not been precisely forecasted by any one.

Even the Simon Commission have not ventured to lay down the principles of the constitution of All-India, though they feel sufficient confidence to be able to predict the type to which it should conform. But before examining these conceptions which are nebulous except in one respect, let us first proceed to consider the ideal of British India itself. Though the political destiny of British India and the States may be involved with each other, an analytical study of the subject will help us to a better grasp of the problem and a more satisfactory solution.

THE IDEAL OF BRITISH INDIA

Let us therefore now proceed to consider the goal of British India. Fortunately for us, the aspirations of the people of British India have been accepted by the British Parliament and embodied in the solemn declaration of the 20th of August, 1917. The policy of the British Government has been declared to be "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."

THE PLEDGE OF PARLIAMENT AND ITS INTERPRETATION

To arrive at the true intention of Parliament, the language of the announcement has to be scanned with attention. It was at one time suggested by high officials in India that the responsible government contemplated by the announcement was not necessarily the same as Dominion Status. Even at this time of day, it is urged by British politicians inimical to India that the expression 'Dominion Status' is not a term of art and that the British Parliament had no intention of promising any status equivalent to that of the self-governing Dominions. But all these quibbles have been completely set at rest by the pronouncement of Lord Irwin made on the 31st of October, 1929 with the full authority of His Majesty's Government.

It can admit of no controversy hereafter that the natural issue of India's constitutional progress as contemplated in the declaration of 1917 is the attainment of Dominion Status.

DOMINION STATUS FOR BRITISH INDIA OR ALL-INDIA?

What is the India contemplated by Parliament in the announcement of 1917? Was it British India or All-India, including the States? It can be easily shown that the term 'India' has often been used and understood in official documents as referring to British India. Reading the announcement of 1917 as a whole, it is obvious that the India which was dealt with was British India and not All-India. The reference to the increasing association of Indians in the administration, the gradual development of self-governing institutions, the omission of any reference to the Indian States and Princes, the reference to the co-operation received from those upon whom new opportunities of service would be conferred and the extent to which confidence could be reposed in their sense of responsibility, place the matter beyond any doubt. The Government of India could not develop self-governing institutions in the Indian States, could not take substantial or progressive steps in the Indian States for the realisation of the ideal, could not confer any opportunities of service on the people of the Indian States by the reforms contemplated; and the people of the Indian States could neither obtain new opportunities of service, nor give proof of their sense of responsibility. The India to which responsible government was solemnly promised could only be that portion of the country whose administration was in the hands of the Government of India and the British Government. It is not possible for the British Government to interfere in the internal administration of the Indian States, or to coerce the States to become associated with British India in any constitutional structure. To clinch the interpretation of this declaration, it is enough to put one question: what, according to this declaration, is to happen if the States are unwilling to be associated

with British India? Is British India to be barred from the goal of responsible government, because the States do not choose to join? That the relations of British India with the Indian States introduce complications into the problem may be conceded. That these complications have been aggravated by the theory of direct relations with the Crown set up by the Princes and their counsel to which the Butler Committee and the Simon Commission have lent a too willing ear may also be conceded. But it is quite clear that Parliament did not intend the progress of British India towards the goal to be blocked by the reluctance of the Indian States to join her.

MONTFORD REPORT MINCONSTRUED

Reference may now be made to some passages in the Montagu-Chelmsford Report upon which reliance is placed by the Simon Commission. In paragraph 21, they quote a sentence from paragraph 120 of the Montagu-Chelmsford Report, in which the distinguished authors say: "Granted the announcement of August 20, we cannot at the present time envisage its complete fulfilment in any form other than that of a congeries of self-governing *provinces* associated for certain purposes under a responsible government, with *possibly* what are now the Native States of India finally embodied in the same whole in some relation which we will not now attempt to define. (The italics are mine). For such an organisation the English language has no word but 'federal'." On this passage the following remarks have to be made. It has been taken by the Commission out of its context so as to convey a very different meaning from what the two authors intended. They state that the goal of responsible government could not be contemplated without self-government being granted to the provinces. That the Native States were not an indispensable part of the responsible government of India contemplated by them is quite clear from their use of the word 'possibly', thus indicating that it was only a *possible* contingency and not a *necessary* development of the policy

of His Majesty's Government. If the Native States made up their minds to come into the union, it could only be on a federal basis. But the form of the union and the relations between the States and British India could not be outlined. That, as between the Central Government and the provinces, the two authors of the Report did not contemplate any federal union is quite clear from the sentences which precede and follow the extracted passage. In the previous sentence the Report says that the existing relation between the provinces and the Central Government afforded a plain warning to those who were disposed to be misled by false analogies from federal constitutions. In the sentence which follows the extract they observe: "We are bound to point out that, whatever may be the case with the Native States of the future, into the relation of provincial and central governments the truly federal element does not and cannot enter." They went on to describe the necessary process of decentralisation and uttered a warning against the ready application of federal arguments or federal examples to a task the very reverse of that which confronted Alexander Hamilton and Sir John MacDonald. The same ideas were repeated in paragraphs 300, 340 and 350 of the same Report. However desirable it may be that the Indian States should enter into a close association with British India, their unwillingness to do so cannot be a barrier to the attainment of responsible government by British India. The true position between British India and the States and between British India and the provinces has been correctly described in paragraph 120 of that Report.

RELUCTANCE OF STATES 'CANNOT BAR BRITISH INDIA FROM THE GOAL

It may be said that the Montagu-Chelmsford Report is not the last word on the subject. Let us now turn to the announcement of Lord Irwin in October 1929. He stated: "In the full realisation of this policy (the attainment of Dominion Status) it

is evidently important that the Indian States should be afforded an opportunity of finding their place, and even if we cannot at the present exactly foresee on what lines the development may be shaped, it is from every point of view desirable that whatever can be done should be done to ensure that action now taken is not inconsistent with the attainment of the ultimate purpose which those, whether in British India or the States, who look forward to some unity of All-India, have in view." Here also the attainment of Dominion Status by British India alone is not barred or ruled out. It is, of course, common ground between the two schools of thought that it is eminently desirable (though not indispensable), that the Indian States should also join British India. As to the exact form of the union between the two Indias, if and when it takes place, no one has ventured to predict the lines on which the association should be carried out. All that has been suggested is that nothing should be done now which would create an obstacle to the adhesion of the Indian States and that the door must be left open to the larger integration of British India and the States. There are many conceivable forms of association between British India and the Indian States. There may be a federation of the Indian States as a solid federal body as pictured by the Maharaja of Bikaner, alongside of the organisation of British India as a unitary government and a machinery for the co-ordination of the two separate bodies. Such a conception of the future would not interfere with the evolution of the Government of British India on the established lines. Again, it is conceivable that the constitution of the future Central Government of India might be of a hybrid or anomalous type not strictly conforming to any existing type. What is important is that there should be no assumption as to the future type of the Government of All-India, that we should not now be called upon to make alterations in the existing structure of Government on the basis of uncertain assumptions made with reference to a remote future and that we should not do anything to arrest the political

development of British India towards the goal for the sake of this distant prospect.

RESPONSIBLE GOVERNMENT ESSENCE OF THE IDEAL
AND THE TOUCHSTONE OF ALL REFORMS

There are some conclusions, however, to which one is inevitably led by the foregoing discussion. Whatever may be the form of integration of India, the goal to which Parliament stands committed, to which the people of India have been looking forward and whose attainment they have a right to expect, is the goal of responsible government. This is the cardinal fact which has to be borne in mind in every attempt to frame or outline a constitution. It cannot be too strongly emphasised and it must be gripped by the reader as one fundamental test which must be satisfied by any constitutional proposals, whether complete or sketchy.

With becoming diffidence the Commission disclaim again and again any intention of devising the constitution of the future Central Government of India. They point out that its form must depend upon the wishes and opinions of the constituent members of the future All-India, which, they conceive, must be united in a federation. While they concede that the integration of India cannot conform to any known pattern, they put forth certain analogies and propose certain steps for immediate adoption on the assumption that they will serve to keep the door open for future developments, or, to adopt another metaphor, to throw out the first strands of a solid and enduring bridge across the gap that divides the Indian States from British India. How far their three concrete proposals will serve the purpose and may be acceptable is a question which we may discuss later. The more important point to be considered among the suggestions made by the Commission is their proposal for the demolition of the existing structure of the Central Government. They say that their first duty is to break up the existing structure so

that the edifice of a united India might be built on new foundations in accordance with the plans of a future architect. In support of their destructive proposals they claim the authority of the Montagu-Chelmsford Report. But paragraph 120 of that Report to which reference is evidently made lends no support to the proposals of the Simon Commission. What the authors of that Report mean when they speak of demolishing the existing structure is the necessity for devolution and decentralisation, for cutting the rigid ties between the central and the provincial governments and for giving the provinces the largest measure of independence compatible with the due discharge by the Government of India of its own responsibilities. They took care also to point out that the federal conception could not enter into the relation of the provincial and central governments even in the future.

WHAT KIND OF FEDERATION?

The popular conception of federation is very loose and ill-defined and the word has a soothing effect on many minds. But for the purposes of political discussion we must understand the term in its accepted technical sense. Federation may be of various forms; it may be of the type that is prevalent in the United States of America and in Australia; it may be of the type that has found favour with Canada; it may be of the unique type of the German Imperial constitution which was in force from 1870 till the inauguration of the German Republic; it may be of the form that has been found suitable for the unique conditions obtaining in Switzerland; or it may be only a federation in name like the federation of the Leeward Islands. In what sense exactly the word is understood by the Commission is not very clear. But it is obvious that, in whatever sense they might have used the term, the federation conceived by them is of an extremely non-descript type and does not satisfy any of the tests of a genuine federation. What exactly is at the back of their minds may be

inferred from the constitutions which they rely upon as furnishing useful analogies. The associations which they refer to by way of analogy are the old German federation and the League of Nations. It is an irony of fate that the Commission, while not tired of warning against false historic analogies, should themselves fall into the mistake of proposing for serious consideration such false analogies. Let us consider whether either of the associations referred to by the Commission can possibly furnish any useful model for India.

ANALOGY OF THE LEAGUE MISLEADING

Every tyro in politics knows that the League of Nations is not a federation in any sense of the term and is still less a State. It has again and again been pointed out that the League of Nations is not a super-State imposed upon the member-States. The member-States have not sacrificed any part of their sovereignty. It is merely an association for the purpose of pacific settlement of disputes and the prevention of war by mutual agreement. Its resolutions do not bind the member-States, until they are ratified. The League has no coercive powers over its members and its decisions are ineffective for want of sanctions. Nobody would dream of calling the League a State or a super-State or a federation of States. Is this the sort of tie that the Simon Commission wish to bring about between British India and the States in the future? Is it the tie which any nationalist would desire to see formed in the future? It is conceivable that a closer association between British India and the States may not be possible; but nobody would care for such a loose association or call it a federation.

ANALOGY OF GERMAN FEDERATION ALSO MISLEADING

Let us now consider the other analogy of the old German federation. Evidently the old German federation referred to

by the Commission is the loose federation of German States established in 1815 which continued to exist till it was superseded in 1870 by the Imperial constitution. Here again the association between the various States is usually described as a confederation or confederacy rather than as a federation. Every tyro in politics knows that a confederation is only a congeries of States which do not make a State at all. The internal sovereignty of each State was quite unimpaired and the Diet, the only organ of the federation, was nothing more than an assembly of ambassadors of the various States of the League. It had no central (or federal) executive with real power over all the citizens within the area concerned. The only mode by which the Diet could carry out its orders was by calling one or two members of the federation to attack the recalcitrant State and by invading its territories to compel submission. It is needless to dilate further upon the features of the German federation which seems to have appealed to the Simon Commission. It had only one virtue, that of preventing a closer association of the various States into an organic whole. The federal constitution of the German Empire which succeeded it was, in the words of Dr. Preuss, one of the most eminent German constitutionalists, successful in preventing the emergence of an independent and politically responsible government. Perhaps the very defects of the old German confederation constitute its merits in the eyes of the Simon Commission. Here again let me repeat that it is quite conceivable that the Indian Princes, though not perhaps their peoples, may be unwilling to draw into a closer association with British India. It would then be folly to suggest the alteration of the structure of the Government of India in view to the prospect of the very loose and unsubstantial fabric pictured by the imagination of the Simon Commission. Admitting the necessity of visualising the future ideal of India and of keeping that ideal in mind in any alteration of the constitution, I have pointed out that *responsible government* must be the true ideal of India and that it

is not advisable to make any changes in the constitution of British India with an eye to the shadow of a federation held out by the Commission.

UNSUITABILITY OF FEDERATION

In arguing for the ideal of federation it is urged by the Commission that, apart altogether from any question of an ultimate federal union between the Indian States and British India, there are very strong reasons for the reconstruction of the Indian constitution on a federal basis. Before examining in detail the arguments advanced by the Commission in support of this opinion, let us note some important admissions made by the Commission. It is admitted that the present constitution of India, as it has been gradually evolved and established since the commencement of British rule, is of the unitary type as opposed to the federal. It is admitted that a change from a unitary type to a federal system is unusual, that federation has often been the intermediate process whereby independent States have agreed to relinquish part of their sovereignty before they were ready to merge their separate identities in a unitary State, and that the general tendency of federations once formed has been towards increasing centralisation. It is admitted that federation schemes usually postulate a number of clearly-defined States, each with a distinct provincial consciousness, and that this condition does not now obtain in the provinces which are only administrative areas. It is admitted that the proposals of the Commission involve a radical alteration of the structure of the Central Government. It is admitted that the provinces derive their measure of autonomy from a common centre and already form part of a single political system, while the Indian States, possessed of internal sovereignty, are completely independent of one another and that, while the provinces have a long tradition of over-riding central authority with wide powers, the limited powers of intervention possessed by the

Government of India in Indian States are derived from a very different source, and carried out in a different way. It is further admitted that the Commission are trying to federate elements, some of which have not been finally de-limited, while others have yet to express their willingness to enter.

THE MECHANICAL CONVENIENCE ARGUMENT FOR INDIRECT ELECTION

Let us now turn to the arguments of the Commission in favour of their position that, in the interests of British India itself, a federal as opposed to a unitary structure is called for. One main argument is based upon the practical difficulty of applying the principles of Western democracy to such a large unit as British India. In one part of their Report the Commission call it the argument from mechanical convenience. They point out that representative democracy as understood in Britain depends upon the possibility of a close contact between the elector and the member and that this cannot be secured with constituencies of the size and population that have been created in British India, especially for the Central Legislature. Let us grant that representative democracy of the British type involves limitations upon the size of the constituencies. What is the remedy suggested by the Commission? They seem to think that a system of indirect election would be a solution of the difficulty. They think also that the system of indirect election is bound up with a federal system. Each of these positions requires to be carefully scrutinised. The system of indirect election is proposed only for the constitution of the Central Legislature and not for the provincial legislature. The difficulty of applying the principles of Western democracy has not therefore been removed in the case of the provincial legislatures. It may be said that the difficulty upon which stress is placed by this argument is more or less the mechanical difficulty of a candidate getting into touch with a multitude of electors spread over a vast area. So far as the administrative arrangements for elections are

concerned, they have to be provided for in connection with the elections to the provincial legislatures and they will not be aggravated by popular elections to the Central Legislature, the franchise for which will certainly not be wider than that adopted for the provincial legislatures. As regards the difficulties of a candidate or member securing contact with the electors, they undoubtedly do exist under the present system. But they can be reduced to a considerable extent by an increase in the number of seats and the consequent reduction in the present size of the constituencies. The true remedy, however, is the growth of an efficient system of party organisation. In no large country in the world would it be possible for a candidate or member to get into touch with all the electors, except with the aid of a well-developed party organisation. It is a truism of political history that the development of party organisation depends upon making the government responsible to the people. But the scheme of reforms proposed by the Commission makes no provision for rendering the Central Government responsible to the electorate. If the system of direct election by popular constituencies fails to secure contact between the elector and the candidate or member, a system of indirect election by the provincial legislatures is *a fortiori* open to the same charge. Under a system of indirect election it would be quite unnecessary for a candidate to the Central Legislature to approach any popular constituency and educate any popular electorate to understand the significance of the issues arising before the Central Legislature and form their opinions on such issues. The system of indirect election recommended by the Commission must be condemned for the very reasons which have led them to condemn the system of direct election.

IS INDIRECT ELECTION ESSENTIAL TO FEDERATION ?

Apart from the argument referred to, the Commission seem to have become enamoured of the system of indirect election for other reasons also. They seem to regard indirect election

as of the essence of the federal system and they advocate its adoption as paving the way for federalism. This is apparently all that they mean when they talk of leaving the door open for an ultimate federal union. There seems to be not a little confusion in the minds of the members of the Commission as to a connection between the federal system and the system of indirect election, between a system of direct election and the Parliamentary or Cabinet system, and between the federal system and the Presidential system. To clear this tangle of misconceptions, it has to be pointed out that the federal system does not involve the principle of indirect election as an essential requirement. Even in the United States of America, which is the earliest and most conspicuous example of a large country which adopted the federal system, the principle of indirect election for the constitution of the Senate was for very good reasons abandoned in 1913 in favour of the system of direct election. The examples of Australia and Canada are sufficient to show that a federal union is not incompatible at all with the Cabinet system and does not involve the Presidential system. It is needless to go further in disproof of the assumption made by the Commission.

PRESIDENTIAL SYSTEM INAPPLICABLE

The Commission frequently repeat the statement that the British Parliamentary system is not the only model for the Central executive and that the Cabinet system which is a peculiar product of British history, tradition and habits of thought is not suitable for transplantation in other countries. The Commission do not care to point out what the other alternatives to the British model are. The two models to which they refer are the old German federation and the League of Nations. We have already seen that these analogies are false and misleading. The only other model that we can think of is that of the United States with its Presidential system. Apart

from the fact that the Presidential system is workable only because of the American traditions and habits of mind, it cannot be copied in any country which is not prepared to adopt a republican constitution. Though the American executive is irremovable for a period, its responsibility to the people is secured by the periodical election of the head of the Government. It is obvious that the Presidential system cannot possibly be applied to India.

RESPONSIBLE GOVERNMENT NO PART OF COMMISSION'S IDEAL

Failing the British model and the American model, what is the expedient by which the deadlocks which are bound to arise between an irremovable executive and an elected majority in the legislature can be solved? The Commission are not prepared to throw any light upon this question. It must be pointed out, with reference to their conception of a federal union of India, that it is open to the fatal objection that there is no element in their scheme, now or in the future, of any responsibility to the people. There is no federal system in any civilised country of the world which is not based upon the principle of responsibility to the people. Federal systems generally involve a bi-cameral legislature. Whether the Upper House is constituted by the principle of direct election or indirect election, the lower and the more influential House is always formed by direct election by popular constituencies and serves to maintain the responsibility of the government. The necessity for an upper chamber may be open to doubt in the opinion of some theorists, but the necessity for a popular chamber in a federal system has been universally admitted. Yet the whole trend of the scheme of reforms recommended by the Commission is in the direction of making the Lower House non-popular (not to say unpopular). If the Commission did not feel hampered by the existence of the Council of State and had felt themselves at liberty to suggest a brand-

new constitution, there can be no doubt that their leanings would have suggested a single house of legislature formed by a system of indirect election. Their proposals amount to a negation of the principle of responsible government to which the British Government has solemnly pledged itself.

INDIRECT ELECTION INCOMPETENT FOR COMMISSION'S PURPOSE

The Commission seem to be under the impression that the principle of indirect election proposed by them will result in making the provinces the ultimate units of federation. This assumption seems to be the keystone of the Commission's edifice of a Central Legislature and therefore invites an examination as to whether it is desirable and whether it will be brought about merely by the expedient of an indirect election. The reason why, in the view of the Commission, the ultimate units of federation should consist of provinces is that, inasmuch as it is assumed to be possible in the future to bring in the Indian States as political entities but not the peoples of the States, the provinces of British India should also be brought in only as entire units and the people of British India should cease to have either part or lot in the composition of the Central Legislature. The Commission may perhaps be right in supposing that the rulers of Indian States may at present be unwilling to give their peoples, as distinguished from the rulers, any voice in the Indian Legislature. But it does not follow that there is any justification for depriving the people of British India of any direct voice in the constitution of the legislature. This would be a contravention not merely of the pledge of responsible government and the democratic principle, but also of the very essence of the federal system as understood in the modern world. The principle of federalism is not intended to curtail or affect the sovereignty of the nation, but to reconcile this fundamental principle with the desire of the constituent States to retain

some of their individuality. Granting, however, that this reactionary proposal may have the merit of serving as a bait to draw in the Indian States, it must fail of its purpose, unless the Commission are prepared to go further and lay down that the representatives of each province who may be elected by the respective provincial council shall record only a single block vote in accordance with the instructions given by the provincial council by which they were elected, just in the same manner as the members of the Diet in the old German federation or the members of the Bundesrath in the German Empire were required to vote. A further difficulty in the accomplishment of the object of the Commission is created by the principle of proportional representation by which the provincial councils are to be required to elect their representatives to the Federal Assembly of the Central Legislature. An election in the ordinary way by a majority vote by a provincial legislature might be regarded as an election by the majority who may be supposed to hold certain views in common. But the very object of the system of proportional representation is to secure the representation of groups and sections of opinion. And apart from the many other objections which can be urged against the principle of proportional representation—which have stood in the way of its being adopted even in England—it would be impossible to decide which of the groups voting in the provincial legislature, or the representative of which group, is entitled to speak in the name of the constituent legislature. For it may very well happen that the various groups and their representatives differ among themselves. The principle is inconsistent with the object so dear to the heart of the Commission.

ARGUMENT OF ELASTICITY

The next main argument for a federal ideal is that it is only a federal structure that will possess sufficient elasticity to allow of the union of elements of diverse internal

constitution and of communities at very different stages of development and culture. It is claimed that this form is the best suited for the union of backward or excluded areas and of special provinces like the North-West Frontier Province. Here again there is a confusion of thought in the mind of the Commission. For the purpose of attracting the autocratic States of India into some association with British India, it may perhaps be conceded that the federal structure which allows internal autonomy to the constituent members may be desirable. But when the position of British India is examined, it will be found to be incompatible with the needs of the situation and the professed aims of the Commission. The very fact that there are communities at different levels of education and political development, and that there are areas which require special treatment, shows that the relations between the Central Government and the local governments cannot possibly be the same throughout. While provincial autonomy might be feasible in the case of the major provinces, it would, in the opinion of the Commission itself, be unsuitable in the case of the backward tracts and special provinces. The internal autonomy of the constituent provinces enters into the very essence of the federal structure, or at any rate, far more so than in the case of a government of the unitary type. It is quite clear from various passages in the Report of the Commission that they do not propose the abandonment of the central control over these special areas and tracts. This second argument must be rejected as tending to establish the very contrary of the conclusion which the Commission seek to justify.

ENCOURAGEMENT OF NATIONALISM

The next argument of the Commission is that it is only under a federal system that the sentiment of nationalism can be given effective expression. It is not a little surprising that the Commission should claim a superiority in this respect for the federal structure. A federal system is by its very nature one

that encourages a divided loyalty among the people. It is unquestionable that a government of the unitary type is far better calculated to promote the sentiment of nationalism. The defects of federalism are well known and acknowledged by all political thinkers. The promotion of a provincial outlook and provincial loyalty as opposed to a national outlook and the recognition of the claims of the country as a whole, the want of uniformity in methods of administration and in laws in regard to which uniformity is desirable, weakness in the conduct of external affairs, liability to dissolution by the secession or revolt of States, the weakness of the Central Government in enforcing observance of its laws and decrees and treaty obligations, the evils arising from the greater complexity of administration, the duplication of government machinery and services, the absence of a power of intervention in the event of breakdown of the State machinery, and the absence of any power in the central authority to check the oppression of minorities are among the many defects of the federal system. It is because nationalism is of recent growth in India that it is all the more necessary to make no alterations in the structure of government which may interfere with the growth of the sentiment.

FEDERALISM NOT FULLY FOLLOWED EVEN BY COMMISSION

Let us now see whether the federal ideal is strictly adhered to by the Commission in their scheme of reconstruction of the Central Government. In the first place, they propose to vest a power of intervention in the provincial Governor for such purposes as the protection of minorities and the preservation of order. In so intervening, the Governor will be under the superintendence of the Governor-General, for they say it is on the strength of the central administration that the peace and safety of India ultimately depend. In the chapter in which the Commission deal with the relations between the centre and the provinces, the Commission provide for the control of the Governor-General in Council over the provincial government in

a field defined by certain categories. Though I consider the provision for such control to be desirable and necessary, it may be noted that this provision is more consistent with a government of the unitary type than with a government of the federal type. The power which the Commission wish to reserve with the Central Government to settle the distribution of subjects between the centre and the provinces and to prevent any challenge of its action in the courts may also be considered to be not quite consistent with federalism.

QUESTION FUNDAMENTAL

Some people may be tempted to ask whether this lengthy discussion about the unitary type and the federal type may not be a question of mere names and definitions and whether there is any substance in this controversy. There are no doubt federations and federations, and some federations may resemble in character a unitary government which has carried out a large measure of decentralisation by statute. In such cases the Central Government and the provincial governments will ordinarily work in separate and well-demarcated fields of legislation and administration. What then, it may be asked, is the practical difference between such a government and a federal government? In the first place, it would be easier for the Central Government to exercise special powers in emergencies like the breakdown of the machinery of a provincial government and to exercise certain powers of control over the vagaries and aberrations of the provincial governments where they result in the oppression of minorities and in injustice to them. In the next place, all powers which have not been specifically parted with to the provincial governments would necessarily vest in the Central Government. What is known as the residuary jurisdiction, in cases not otherwise provided for, will be exercised by the Central Government. Thirdly, it would be easier for the Central Government to carry out necessary changes in the constitution

without recourse to the cumbrous formalities required under a federal constitution. Fourthly, it would be easy to maintain uniformity of laws and methods of administration throughout the whole country, Fifthly, the federal mentality is always prone to weaken the central power, for according to its theory the power of the centre is derived from the provinces. A unitary government which has carried out as large a measure of decentralisation as practicable in favour of the provinces has the merit of combining the advantages of federal and unitary governments. It can afford within necessary limits the fullest scope for development of the provinces in accordance with their special capacities and resources and for diversity in methods of administration wherever uniformity is not essential. It may be urged that it is possible to provide some of these features in a federal constitution; but it is not easy. It must also be remembered that theories have a great influence upon men's minds in the practical working of constitutions. The greatest practical advantage flowing from our adherence to the unitary ideal is that it will not involve any break in the lines of our political evolution and that it will not call for any radical changes in the structure of the Central Government.

IDEAL FROM VIEW-POINT OF STATES A GENUINE FEDERATION WITH BRITISH INDIA

Let us now turn to consider the future ideal of India from the point of view of the Indian States. We must be careful here to distinguish between the rulers and the peoples of the Indian States. The rulers of the Indian States claim to represent their subjects in external affairs. The relations between British India and the States are treated as a matter of external policy in regard to which the Princes consider themselves solely entitled to speak on behalf of their peoples. Having regard to the treaties assuring them of their internal sovereignty and the rules of quasi-international law applicable to their relations, it cannot be said that the Princes'

contention is untenable. This is the reason why the Princes have stoutly opposed the suggestion that the subjects of the States should be represented at the Round Table Conference. British India has therefore no right to enter into any negotiations with the people of the States against the wishes of their rulers. But the question of the future ideal of India and the form that any federation between British India and the States should take raises issues of the greatest importance in which the people of the States are as deeply interested as the people of British India. Apart from the fact that the interests and view-points of the States and their rulers cannot always be identical, it is not possible to ignore for all time the right of any people to have a voice in the government of their State. In considering the ultimate evolution of the polity of India as a whole, it would be most short-sighted to refuse to take the people of the States into account. What exactly should be the nature of the transitory arrangements to be made before the final goal is reached, we shall have to consider presently. So far as the final shape of the political organisation of India is concerned, it is impossible and unwise to conceive it as an association of British India with *the rulers only* of the numerous Indian States. That such an association is impossible can be easily demonstrated. Even the Simon Commission, with all their anxiety to please and placate the Princes, recognise the difficulties inherent in the political integration of autocratically governed States and democratic governments in which the governments acknowledge a constitutional responsibility to the people (para 231). But they make light of the difficulty of combining such incongruous elements and consider that the difficulties have been exaggerated. The only analogies which they can put forward are those of the old German federation and the League of Nations. It has been already shown that these analogies are totally misleading and inapplicable. What India wants is a union of its peoples and a consolidation of the different parts of the nation

in an organic whole and not a loose and fragile association. An association between rulers alone may have the uses of an alliance in the international sphere, but such an alliance is not an organisation and can never be a substitute for a union of peoples. It is the intimate union of peoples in a definite organisation that can alone endure. Alliances of rulers alone can never last. History bears abundant witness to the truth of this proposition. Leaving out of account the numerous alliances between European sovereigns which have been formed and dissolved or re-shuffled any number of times, the very instance of the German federation quoted by the Commission proves the truth of the proposition. The old German confederacy which was formed in 1815 was no federation and no union at all. It broke up as it was bound to do, and even the Imperial constitution, which superseded it but vested all real power in the hands of the Bundesrath, failed to satisfy the national aspirations of the people. As remarked by Dr. Preuss, with the growth of nationalism the centre of gravity of public life was more and more shifted in favour of the Empire. The tenacious resistance of the old powers to political evolution in accordance with the dictates of nationalism was a source of weakness and discord and was considered to be one of the contributory causes of the disaster which overtook Germany at the end of the Great War. It may be urged that, in speaking in the same breath of the forces of nationalism in Germany and the tendency to democracy in the Indian States, I am allowing my imagination to run away with me and that the stolid contentment of the people of the Indian States is likely to last for some generations without disturbing the peace or pleasures of their rulers. But no one who has watched the growth of nationalism in Europe in the last century and in Asia in the present century can doubt that ideas are moving in the world much faster than at any previous epoch. To think of a federation between British India and the rulers of the Indian States only, or of a federation in which

there would be no place for the representation of the peoples of the States, as the final form of the political evolution of India, may be in keeping with the Princes' dream of a political Paradise. The only political organisation of the future that can endure and possess the elements of strength, vitality and powers of resistance against aggression is an organisation based upon the active support and intelligent participation of the people. These considerations should be sufficient to induce us to reject unhesitatingly the pseudo-federation outlined by the Simon Commission consisting in a unicameral legislature, representative only of the States and provinces as ultimate federal units, with the Governor-General at the apex of the structure in his dual capacity as Viceroy and as the political head of British India. It need be hardly pointed out that a federal structure of this extraordinary kind with an apex deriving authority from two sources, one Indian and one extra-Indian, is utterly incompatible with the ideal of responsible government and that this feature alone must ensure its rejection. Whatever may be the answer to the difficulties propounded by the Commission in paragraph 231, an ultimate ideal of federation without the element of responsibility to the people or representation of the people must be ruled out.

TRANSITIONAL ARRANGEMENTS

If a federation of the genuine type between British India and the States is to be the future ideal, what is the nature of the arrangements to be provided in the interval that must necessarily elapse before the final consummation? Should the States be separately organised as a solid federal body as pictured by the Maharaja of Bikaner? Should the structure and garb of the Central Government of India be now altered in anticipation of the distant wedding day? Is it possible to accelerate the progress towards a union? These are the questions to which an answer must be found. In this connection the question has often been asked why the

relations between the States and British India should follow any particular pattern or type of association recorded in history. The Simon Commission also consider that the application of the federal idea to Greater India cannot follow any known pattern. There is no objection in principle to the formulation of an interim scheme contrived to meet the special needs of British India on the one hand and the Indian States on the other, or of an ultimate scheme which would embrace India as a whole and harmonise the interests of all its parts. While it is not necessary for India to fashion its future constitution in strict accordance with any past model, it would be ridiculous to throw away the lessons to be drawn from past history and experience. What the essential features of any future constitution must be has been indicated. Subject to these conditions, the union of the two Indias may be achieved by discussion and negotiation between British India and the Princes' Chamber or any other body representing the States, or by the gradual accretion of units to an existing constitutional scheme. The Montagu-Chelmsford Report evidently conceived the Government of British India as adhering to its present type and acquiring a responsible character, and the States entering into a closer association with the Central Government of British India, if they wish to do so. It is far from likely that the States would all decide to enter into partnership with British India at the same time. The forecast of a gradual accretion of the Indian States to the constitutional scheme of British India is more likely to be fulfilled by the course of events.

A CONSTRUCTIVE SCHEME

The only solution which will provide for this gradual accretion of States and which will not bar the way to the genuine federation of the future is to allow the States to join the British Indian constitution on some such lines as the following. So far as the major States of Indian India are con-

cerned, they may be allowed to send their representatives to both the Indian Legislative Assembly and the Council of State, the quota of representatives being determined on the same ratio to the population as in British India. Assuming that the constitution of the Assembly provides for a quota of one member for every million of the population, Mysore with its population of 6 millions would be entitled to send 6 representatives; Hyderabad with its population of 12 millions would send 12 representatives; Travancore would be entitled to send in 4 members, Baroda 2 and Kashmere 3. States which do not possess the requisite population for a seat may be conveniently grouped together according to their geographical contiguity and allowed representation on the same basis. Similar arrangements may be made for representation in the Council of State. It may be thought that representation of the States in the Upper Chamber alone might be sufficient; but this course would be open to several objections. In the first place, it would not be possible to provide for adequate representation in the Council of State without unduly enlarging its size. Secondly, the Legislative Assembly which represents the people directly would and should be the more important body of the two Houses, especially in matters of finance, and it is right that the Indian States should have a voice in the deliberations of the Assembly.

As regards the method of selection of the representatives to the two Chambers of the Indian Legislature, it should be carried out in such a manner as not to infringe the principle of internal autonomy of which the Indian Princes are naturally very jealous. The ruler of each Indian State, or the rulers of each group of States, should have the sole right to determine the method of selection of the representatives. The State should be left free to nominate its representatives in any manner it deems best. The ruler of a State may nominate the representatives to both the Council of State and the Assembly according to his own sense of fitness.

He may nominate his Dewan or any high official or any trusted non-official. If he considers it proper to consult the wishes of his people, he may make his nomination from a panel of candidates recommended by the Legislative Council or other body, if there is one. Or if he considers that the people of the State are sufficiently advanced, he may permit the representatives to be elected by them. British India would have no right to interfere with the internal arrangements for the selection of representatives by the rulers of the States. Gradually, and with the progress of education, it may be expected that the representatives of the States would be chosen by a system of election. It is not an extravagant hope that even the Indian Princes, who are most convinced of the present need for autocracy and who are most jealous of their internal autonomy, will admit the possibility of adequate enlightenment of their people and their fitness for the franchise as a future ideal.

With regard to the rights and powers of the State delegates for the Indian Legislature, they should for the present be strictly confined to participation in the discussion and decision of all matters which will be included in a schedule of all-India subjects. When matters affecting British India alone come under the consideration of the Legislature, they should not be allowed to attend or vote therein. This restriction on the ordinary rights of a delegate to the Indian Legislature is absolutely necessary in the interests of the principle of mutual non-interference between British India and the States in matters affecting either of them only. When a sufficient number of the major States shall have fallen in with this scheme, it may be possible to entrust the political and foreign portfolio to two Indian members, of whom one may be chosen by the Viceroy either from the State representatives in the Indian Legislature or from among the Dewans or other high officials of the Indian States represented in the Assembly. During such transition period as may be found necessary, the members in charge of the political portfolio may be responsible to the Viceroy only and

not to the Indian Legislature. During the same period any questions relating to the purely internal concerns of the States, or the personal concerns of their rulers, may be dealt with only by the Viceroy and the political members of his Council and not by the Governor-General in council as a whole. Before any federation in its final form can be thought of, it would be necessary for the Indian States to acquire sufficient confidence in the Government of India to renounce their contention of direct relations with the Crown and to give up the claim set up on their behalf by the Simon Commission to military support by the British Crown, as distinguished from the Government of India, against internal disturbances in their States.

Though the Government of India may have no right to compel any Indian State to enter into closer association with British India, there is no objection in policy or principle to hold out inducements to the rulers of the States to enter into such closer relations. In providing for the representation of States whose rulers may be willing to send delegates to the Indian Legislature, it may be laid down that only those States are entitled to representation which may have achieved some of the minimum requirements of political progress. The privilege of representation may be conferred only upon those States which have established a legislative council with a representative non-official element, fixed a civil list and effected a separation of the privy purse of the sovereign from the State revenues, and provided for an annual audit by an independent auditor and the publication of his report. Perhaps the best way of securing an independent audit would be by the appointment of an Auditor-General for the States by the Government of India. These conditions are very modest and the Princes should welcome an independent audit, so that it may not be possible for their enemies or critics to accuse them of squandering the resources of their States for their personal and family purposes. The scheme outlined provides for the automatic growth of the future constitution of India on progressive lines.

Two important questions have to be referred to before we pass from this subject. It has been suggested that the representatives of the States should take their seats only in the Council of State and that this body should gradually become the more important body of the legislature and attract all the business that is common to British India and the States, leaving the Assembly to be atrophied. This suggestion would be obnoxious to all the objections that have been pointed out to a unicameral legislature in the centre.

COUNCIL FOR GREATER INDIA INEXPEDIENT

The other question to be considered is what provision should be made for consulting the wishes of those Indian States which may not be willing to enter into any union with the Indian Legislature. The Simon Commission have proposed a Council for Greater India consisting of 10 representatives of the States and 20 members including the Political Secretary and members elected from the Indian Central Legislature. On mature reflection I feel convinced that the creation of any such standing organisation, inclusive of the representatives of the States and of British India, would be an insidious menace to the existence of the Indian Legislature. The existing Chamber of Princes, coupled with the appointment of *ad hoc* committees by the Chamber of Princes and the Indian Legislature to confer with each other, would be sufficient for joint consultation and discussion between the States that keep out of the scheme and British India.

It may perhaps be urged that the restriction of the right of any section of the members of the Legislature to partake in the decision of all questions is anomalous. But as conceded by the Simon Commission, any solution of the unique difficulties of the Indian problem must partake of an anomalous character, and the constructive solution that has been suggested above is far less open to objection and far more in keeping with the growth of political ideas. In view of the preceding discussion as to the future

evolution of the Government of India, it is quite unnecessary to break up the existing structure of the Central Government. Progress will be best achieved by building on the existing foundations. The foregoing scheme has the merits of flexibility and capacity for growth and may well be regarded as India's contribution to constructive political thought.

SAFEGUARDS PROPOSED BY COMMISSION INCONSISTENT WITH RESPONSIBLE GOVERNMENT

One of the principles laid down by the Commission as at the basis of their scheme of reforms is the necessity, during the transition period, of providing safeguards for the maintenance and efficiency of the fundamentals of government. That it may not be possible for India to come into the full enjoyment of Dominion Status may be conceded. But what India is keen about is that the intervening period should be abridged to the shortest possible limits. There could be no difference of opinion as to the need for securing the stability and efficiency of the government and the proper discharge of all its vital functions, whether during the transition period or after the attainment of the goal. Nor is there likely to be much difference of opinion as to the need for machinery to ensure these objects. But as regards the character of the safeguards and the length of the period during which special safeguards will be necessary, differences of view will arise. It will be clear from the whole trend of the Simon Report that, far from abridging the route to the goal, the Commission's proposals will have the result of prolonging it to infinity. The goal of responsible government in the centre will ever recede into the distant horizon and can never be reached. People in India cannot possibly be expected to agree with the opinion of the Commission that, for many long years, the presence of British troops and British officers serving in Indian regiments is inevitable for the purpose of securing the safety of India from external aggression and internal disturbances. Nor can the people of British India accept the view that efficiency of

administration is likely to be imperilled by the transfer of responsibility to the people in the Central Government. As for the need for the protection of minorities, it may be conceded that for this purpose it may be necessary to vest special powers of intervention in the Governor or the Governor-General. But it is open to question whether the purpose will not be better achieved by the adoption of safeguards in the constitutional instrument. It has often been found that the Governors of provinces have been unwilling or unable to exercise the powers vested in them by the Instrument of Instructions. In any event the power of intervention, such as it may be, to be vested in the Governor or Governor-General should be derived, not from an authority external to India but from the constitutional enactment.

PROVINCIAL SCHEME CONSIDERED

Parts 2 and 3 of the Commission's recommendations which deal with the provinces and minor areas are much less open to objection than the parts which deal with the Central Government and the subjects of Defence and the relations with the Indian States. The recommendations of the Commission for the abolition of dyarchy and the transfer of responsibility to the legislature throughout the whole provincial field, for the adoption of the principle of joint responsibility of the whole ministry, for the extension of the life of the provincial councils to five years and for the enlargement of the size of the provincial councils, will meet with general approval. The provision of powers to enable the Governor to meet emergencies and breakdown in the machinery of government, the imposition of a responsibility upon the Governor for the protection of minorities, the provisions for the requirement of previous sanction of the Governor-General and his subsequent assent to provincial bills, and the power to give or withhold his assent to bills, must also be approved. The provision that the Governor may include in his Cabinet one or more non-elected persons does not fit in with

the principle of responsible government and is liable to be abused. It is only too probable that in every province there will be as many officials appointed as ministers as there are now civilian members in the Executive Council, and that these places will be given to the members of the Indian Civil Service in substitution for the members' places which they will lose. The administrative experience of officials is of course valuable to every government, but it can be easily made available through the official Secretaries to Government and through the heads of departments. The proposal that the scale of ministerial salaries should be alterable only by a provincial Statute, that the salaries of ministers should not be liable to be reduced or denied by a vote in supply, and that a vote of censure could be proposed only against the ministry as a whole and carried after due notice, must be welcomed as ensuring a spirit of co-operation among the ministers and securing them against the contingency of snatch-votes and reckless attempts to curtail salaries by disaffected members of the legislature. These provisions would not detract from the power of the legislative council to get rid of a ministry with which it is dissatisfied. The power of the Governor to direct administrative action otherwise than in accordance with the advice of the ministry, for the purposes specified in paragraph 50 of the Report, might perhaps be accepted during the transition stage, but should not *prima facie* form part of the permanent features of the constitution. Similar considerations apply to the special powers proposed to be conferred upon the Governor in the fields of legislation and finance.

In their proposals for the re-distribution of provinces, the Commission do not seem to have appreciated the advantages of the present arrangement by which people with different creeds and languages are required to live together and cultivate the virtues of tolerance and good-will and are induced to extend their outlook beyond sectional interests.

It is unfortunate that the Commission have not been able

to recommend the abolition of the principle of separate communal representation. The question of the separate representation of the Mahomedan community is one which can be satisfactorily settled only by agreement between the communities, and let us hope that the discussions of the Round Table Conference may lead to some satisfactory result. It is undesirable at this stage to pursue the discussion of this delicate subject.

Upon the question of franchise it is necessary to make one remark, that while there is no objection in principle to an extension of the franchise, the proposals of the Commission that a franchise committee should be appointed with instructions to enfranchise a definite percentage of the population, irrespective of any question of principle, so as to raise the electorate to 20 per cent of the adult population is of a somewhat doctrinaire character. The proposal that after 15 years a second franchise committee should be appointed with instructions to enfranchise not less than 20 per cent of the whole population partakes of the same character and offends against the principle laid down by the Commission themselves, that constitutional legislation should result from the needs of the time and not from the arbitrary demands of a fixed time-table. Limitations of space forbid me from going further into the details of the scheme of the Commission with regard to provincial governments.

COMMISSION'S PROPOSALS REGARDING THE CENTRE

The proposals of the Commission to extend the life of the Legislative Assembly to 5 years and of the Council of State to 7 years are in accord with the trend of public opinion. But in almost every other respect, the recommendations of the Commission are open to criticism. The absence of any proposal for the transfer of responsibility to the legislature, the substitution of a system of indirect election for direct election to the Assembly, and the attempt to convert the legislature into bodies representative only of the provinces or

States as units and not of the people at large, are sufficient to justify the chorus of disapproval with which the publication of the Report has been greeted.

I have already dwelt at length upon the system of indirect election to the Central Legislature which is the pivot of the Simon Commission proposals regarding the Central Government. It is necessary to add here that the argument of the Commission that, for the proper representation of provincial wants in the Central Legislature, the members of the latter should be indirectly elected cannot possibly hold water. Every one who is acquainted with the working of the Central Legislature is aware that, upon matters affecting the special interests of a province, the representatives of that province are loyal to their constituency and generally vote solid. The disadvantages arising therefrom in connection with the removal of all inducements to candidates of the Central Legislature to educate the electorate at large upon issues of all-India importance have been already referred to. The argument that the provincial elector would be embarrassed in his choice of a candidate by the double function of the successful candidate, as a member of the provincial Legislative Council and as an elector to the Central Legislature, is met by the Commission by a reply which is as amusing as it is cynical. They say that the distinction between all-India questions and provincial questions is not clear to the mind of the voter and would not therefore matter at all. He votes for the man whom he trusts and therefore he will trust him for both purposes. In the first volume of their Report the Commission commented upon the absence of party platforms and the importance attached by the voter to persons rather than policies. It is strange that they should express the view that the inability of the elector to distinguish between provincial and all-India issues does not matter. It is equally strange that they should think that a candidate who can be trusted for the provincial council can be trusted for the Central Legislature also. If the Commission consider that the question of political

policy or programme must play an important part in elections, they should certainly have realised that political parties and programmes for the provincial and imperial councils do not run on parallel lines and that a candidate whose views are acceptable on provincial questions may not hold equally acceptable views regarding imperial questions. One inevitable result of the system proposed by the Commission is the introduction of all-India politics into elections for the local legislature. Instead of achieving the advantages expected from it, the system of indirect election to the Senate became unpopular in the United States for the reason that real choice by a legislature came to mean choice by a party majority in a legislative caucus and the determination of that caucus had often been pre-arranged by a small group of party managers, or settled in a party convention which directed the members of the party in the legislature how to cast their votes.

IS THE PARLIAMENTARY SYSTEM UNSUITABLE?

It is necessary to refer to a point upon which the Commission have laid strong emphasis in various places in their Report. They are convinced that the British model is unsuitable to the conditions of British India. It is an interesting commentary upon this conviction that they consider this model good enough for the provincial legislatures and governments. Apparently their reason for this inconsistent view is that the failure of the Cabinet system and the consequent instability of government will cause more harm in the central sphere than in the provincial. The remark that the Parliamentary system is hardly found outside the English-speaking world amounts to a large order. On the other hand, it has been adopted in most countries in Europe and in the self-governing Dominions. That the full success of the Cabinet system requires the condition of two parties, and two parties only, may be conceded. But this condition is not being fulfilled now even in England and is notoriously wanting in the other countries which have adopted

it. Nevertheless, governments have continued to function fairly successfully, and except in Italy and perhaps Spain, there is no desire to abandon the Cabinet system. We have also pointed out already that the Commission have not ventured to suggest any other alternative except the fantastic model of the German federation and the League of Nations.

The views of the Commission with regard to the Secretary of State and the Council of India, will commend themselves to no one in India. It is only necessary to remark that their proposals are distinctly reactionary in so far as they depart from the recommendations of the Crewe Committee that, where the Government of India are in agreement with a majority of the non-official members of the Legislative Assembly, either in regard to legislation or in regard to resolutions on the budget or on matters of general administration, assent to their joint decision should only be withheld in cases in which the Secretary of State feels that his responsibility to Parliament for the peace, order and good government of India, or paramount considerations of imperial policy, require him to secure reconsideration of the matter at issue by the Legislative Assembly. So far as the people of India are concerned, they have long asked for the abolition of the Council of India and are opposed to the Secretary of State for India being allowed a status different from that of the Secretary of State for the Dominions.

In the preceding issue of this Journal, I have discussed the views of the Commission on the subject of Defence at some length and do not consider it necessary to go over the same ground.

SUMMARY AND CONCLUSION

Owing to persistent propaganda, a large volume of public opinion has been created in Britain in favour of the Report. It has been vigorously supported by the Press and it has been held out as one of the most masterly reports ever submitted by a Royal Commission and as a historic

State document. Even in moderate circles in England there is a prepossession in its favour and it seems to be held that the Report is bound to hold the field, unless and until the contrary can be proved. This is not unnatural, for the other side of the case has not been placed before it. I do not belong to the school of Indian political thought which considers it useless to attempt to educate or influence public opinion in Britain. I still retain faith in the English people. The Simon Commission express the hope that, if their Indian fellow-subjects extended to them the courtesy of studying the Report as a whole, they would find that it has been inspired by a spirit of genuine sympathy. I have done this more than once and I have found myself unable to discover any overflowing sympathy with the aspirations of the people of India. Nor have I been able to discover any proof of extraordinary ability, insight or statesmanship. The first volume of the Report which presents a survey of existing conditions is merely an assemblage of well-known facts, crude generalizations and unsifted statements. They have uncritically swallowed the statements made to them without any attempt to probe the facts or discover an explanation. For instance, they have based their theory of the non-martial areas and races of India upon the traditional libels of the people by military officers who have ignored the long process of deliberate demartialization carried out by the Government in the past. The excellent article of Mr. Chaudhuri in the July and September numbers of *The Modern Review* of 1930 is a thoroughly documented refutation of this theory. They have uncritically accepted the theory of direct relations with the Crown put forward by the Indian Princes and endorsed by the Butler Committee.

They have departed from the fundamental principles set out by themselves in planning their scheme of reforms. In recommending the break-up of the existing structure of the Central Government, they have ignored the historical background of the existing constitution and the lessons

to be derived therefrom. After laying down that constitutional legislation should arise from the needs of the times, they have thought it necessary on *a priori* grounds to frame a time-table for the extension of the franchise and direct that at the end of 15 years it should be extended to 20% of the whole population. While proclaiming that the constitution must provide opportunities for natural development and automatic growth, they have made no provision for the development of responsible government in the centre. While disapproving of a division of the functions of the government, they propose to take away from the Central Government the subject of Defence which is the most fundamental of the functions of any government. While approving of the British Parliamentary system as a model for the provinces, they reject it as a model for the Central Government.

There is no indication in the Report as to when the goal of responsible government may be expected to be reached in India. Is British India to wait for the goal till all the States are willing to join a federation, or is it perhaps never to be reached? They do not seem to have appreciated the difficulties attendant upon the attempt to induce the States to accept any genuine form of federation. The three ideas for which perhaps the Commission take credit to themselves as original are their contrivance of the system of indirect election to the Central Legislature, their formulation of a unicameral federal legislature on the pattern of the old German federation or the League of Nations as the future ideal of India, and their proposal to remove the constitutional barrier to Dominion Status by taking the Army out of the jurisdiction and control of the Government of India. The plan of indirect election is the pivot of the whole machinery. They do not realise that their whole scheme is inconsistent with the principle of responsible government. Their proposals in regard to the Secretary of State's control are of a reactionary and retrograde character and carry out the design of putting off responsible government. They have failed to take note of the

political forces moving the world which cannot leave India unaffected. They do not realise that the spirit of nationalism which has been kindled cannot possibly be quenched, and though it may smoulder for a time, it will continue to spread with increasing intensity. They have failed to take note of the portent of the participation of the women of India in public life and political agitation, a phenomenon quite unknown in this country. They have failed to realise that a new generation is growing up in India which is thirsting for political emancipation and is not prepared to follow counsels of patience or moderation, and which is not wanting in young bloods with Bolshevik ideals. Combined with the poverty of the people, the forces of political unrest may burst in a tremendous revolution. Unfortunately the Commission do not realise the wisdom of providing an adequate outlet for the forces of nationalism into beneficent and constructive channels. It is not unnatural that there are many in India who believe that the one purpose which has dominated the Report is how to make India safe for British rule and British Imperialism for as many centuries as possible. The Report is a pretentious monument of political unwisdom and lack of imagination, insight and constructive statesmanship.