

**STATEMENT ON THE RECOMMENDATIONS OF THE
INDIAN STATUTORY COMMISSION BY THE
LANDHOLDERS OF INDIA**

Statement on the Recommendations of the
Indian Statutory Commission
By the Landholders of India

Prepared by the

BRITISH INDIAN ASSOCIATION, CALCUTTA.

with collaboration of

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BRITISH INDIAN ASSOCIATION ,
CALCUTTA

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FOREWORD

On the 29th of July last, the All-India Landholders were privileged to wait a Deputation on His Excellency the Viceroy at Simla and to represent to him their grievances arising out of the report of the Indian Statutory Commission. His Excellency was pleased to make a very sympathetic reply.

On the following day (30th of July), at a Conference of the Zemindars, held at the Darbhanga House, Simla, under the presidency of the Maharajadhiraj Bahadur of Darbhanga, it was resolved :

“That in view of the reply given by His Excellency the Viceroy to the Address of the All-India Landholders, the meeting of their representatives assembled at the Darbhanga House at Simla requests the several Provincial Landholders’ Associations to take immediate steps to formulate their views on the recommendations of the Simon Commission, and submit their views within a fortnight from date to the Maharajadhiraj Bahadur of Darbhanga, President of the All-India Landholders’ Association and embody them in a united document for presentation to the Government of India before the first week of September next and to the Round Table Conference announced to be held in London in October following.”

In obedience to that resolution, the British Indian Association of Calcutta was privileged to send round an invitation to the Landholders’ Associations in other provinces requesting them to make at an early date an exchange of ideas on the statements that should be made on behalf of the All-India Landholders on the problems raised by the Simon Report. A draft statement, prepared by the British Indian Association, was circulated by us among them. Very cordial and unqualified support has been given to the draft by the North Bengal Landholders’ Association, the Agra Province Zemindars’ Association, the East Bengal Landholders’ Association and the Dinajpur Landholders’ Association. While approving the draft, the British Indian Association of

Lucknow, the Orissa Landholders' Association, the Behar Landholders' Association, the Chotanagpur Landholders' Association, the Madras Landholders' Association, the Goalpara Zemindars' Association and the Mymensingh Landholders' Association have made certain suggestions which have been carefully incorporated either in the text or in the Appendices to the Statement.

We take this opportunity of expressing our heart-felt thanks to the various Associations for their cordial and generous co-operation in a matter which is now the common interest of us all, and we fervently hope that in all matters affecting the landed interest of India, we shall in future be able to act conjointly as a body.

We feel that we ought not to let this opportunity slip to express the deepest obligation of the British Indian Association to the Maharajadhiraj Bahadur of Darbhanga for hearty co-operation, encouragement, sympathy and assistance that we have received from him at every step.

18, BRITISH INDIAN STREET,
CALCUTTA,
25th October, 1930.

PROFULLA TAGORE,
SURENDRA NATH LAW,
Joint Honorary Secretaries.
British Indian Association.

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Statement on the Recommendations of the Indian Statutory Commission by the Landholders of India.

INTRODUCTORY

The recommendations of the Indian Statutory Commission have, as usual, created a great sensation in the political world of India and England. The Landholders of India have anxiously watched the drift of the discussion raised by the Simon Report and have felt the imperative necessity of saying what they, as a body, have to say on the recommendations made therein, especially on those which affect them or in which they are more exclusively interested. In view of the importance of the subject, the Landholders of India desire to submit their case on the problems given rise to by the recommendations of Sir John Simon and his Colleagues. The Landholders have hailed with delight the authoritative statement of His Majesty's Government that the Simon scheme will not be regarded as the last word on the subject and that the projected Round Table Conference will be at liberty to put forward any scheme on the future constitution of India, and that an agreed formula will be attempted to be reached in what must, to all intents and purposes, be considered a "free and joint Conference"; that such a formula shall receive the greatest consideration and respect from the Parliament which is, after all, the final arbiter of the political destiny of India.

In the following pages, we do not pretend to submit any clear-cut scheme for refashioning the future Consti-

tution of India; we have simply made a few suggestions on and criticisms of, the recommendations of the Simon Commission. The Landholders know and understand India; it is their country and Indians are their countrymen; and equipped with that knowledge and understanding, they offer their suggestions and criticisms, for what they are worth, on the recommendations of the Indian Statutory Commission.

SECTION I.

THE CENTRAL GOVERNMENT.

Before discussing the constitution of the Central Government, as recommended by the Simon Commission, it would not be out of place to mention here that His Majesty's Government stands irrevocably committed to the grant of responsible Self-Government in India which means "self-determination", comprising as it does "self-initiation, self-direction and self-control". The pronouncement of August, 1917, speaks of "gradual development of self-governing institutions with a view to the progressive realisation of responsible Government in India". The Landholders have no desire to enter here into an academic discussion of whether "responsible government" is an appropriate expression for Dominion Status. In the instrument of instructions, granted by His Majesty the King to the Governor-General, reference is made "to the end that British India may attain its due place among our dominions". In the Royal Proclamation of December 23, 1919, His Majesty said that the Act of 1919 pointed the way to "full responsible Government hereafter", and "the right of her (India's) people to direct her affairs and safeguard her interests".

Thus it is clear that the Pronouncement of August 1917 declares responsible Government to be the goal of India's political aspiration; it is reiterated and emphatically supported by the authoritative pronouncement of Lord Irwin on November 1, 1929. In it His Excellency the Viceroy definitely mentions the term "Dominion Status" and from his high place as the representative of His Majesty the King Emperor counselled the Indian people to look to that as the ultimate political goal of India. The resolution, passed at the Imperial Conference in 1926, makes the position perfectly clear:

Dominion
Status—
India's goal
and its
significance.

“They (Britain and the Dominions) are autonomous communities within the British Empire equal in status, in no way subordinate one to another in any aspect of their domestic and external affairs, though united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations.” This was a position defined by no less a person than the late Earl of Balfour, one of the greatest figures in the political history of England during the last half a century.

The ultimate goal ignored.

The Landholders, therefore, note with deep regret that in the face of the pronouncements of His Majesty's Government of August 1917, and of His Majesty's representative in India of November 1, 1929, the Simon Commission have thought fit to recommend a constitution which is wide of responsible Government. The constitution as contemplated is in direct conflict with the conception of India's future, adumbrated in the concluding but inspiring chapter of the Montagu-Chelmsford Report. The Report states:—

“Our conception of the eventual future of India is a sisterhood of States, self-governing in all matters of purely local or provincial interest. . . . 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 interstate relations, and representing the interests of all India on equal terms with the self-governing units of the British Empire. In this picture there is a place for the Native States.”

To give the Commission its due share of credit, it should be admitted that they did well in favouring the reorganisation of the Constitution of India on a federal basis—an idea which was urged with all the emphasis and political sagacity at his disposal by John Bright when

the Government of India Bill transferring the Government from the Company to the Crown was upon the Legislative anvil in 1858. Before the Reforms Act of 1919, the Government of India was of a unitary type. In his "India, a Federation", Sir Frederick Whyte points out that though the Government of India does not rest on federal basis, the raw material for the creation of a federal constitution exists and the first step towards it was taken by Parliament when they framed the fifth paragraph of the Preamble to the Government of India Act which lays down :—

Germs of federalism.

"And whereas concurrently with the gradual development of self-governing institutions in the Provinces of India it is expedient to give to those Provinces in provincial matters the largest measure of independence of the Government of India, which is compatible with the due discharge by the latter of its own responsibilities".

The Landholders of India favour the growth of federalism in India,* and they do not believe that federation will create disintegrating forces and convert the Provinces into warring factions. India is more like a continent with a total area of about 1,800,000 square miles, that is to say, more than twenty times the area of Great Britain, where under a centralised administration, however desirable and well-formed it may be, the peculiar local problems of the particular province may go unattended to. It must be mentioned in this connection that though this vast land, India, is divided into different entities racially and linguistically, the heart of Aryavarta is pervaded by one idealism. The philosophy of the deification of India as a common Mother is in the marrow of every native of Hindusthan and viewed in the light of that abstract theory, India is a

Federation favoured.

* The Madras and Mymensingh Landholders' Associations have extended their support to the unitary type of the Government of India. (Vide Appendices).

nation as much as Switzerland or Canada or South Africa or Australia or the United States of America. The two essential factors for a federation, centripetal and centrifugal forces, *viz.*:— (i) an impress of a common nationality and (ii) the desire for union, are working. If a particular province is allowed to grow and develop to the height of her full stature in her own way, it does not mean that she will be parochial so as to neglect and ignore the interests of the common Motherland. The Report on Indian Constitutional Reforms (Montagu-Chelmsford Report) states that there is no escape from federation in India:—

“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 Indian provinces associated for certain purposes under a responsible Government of India; 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. For such an organisation, the English language has no word but “federal”.

After giving due appreciation to the principle of federation, the Commission have recommended a framework for the centre which does not fit in with the declared policy of His Majesty's Government and the political aspirations of India. In fact it is in direct contravention of the theory and principle of Government, hitherto held out to be the goal to which India must aspire. The authors of the Montagu-Chelmsford Report recognised that “it was no longer sufficient to administer India; it was necessary also to satisfy her political aspirations”. The Commission did not think it was any business of theirs to attempt to disturb the constitutional position and powers of the Governor-General in Council. The powers vested in the Governor-General by statute or otherwise are immense and various. No student of constitutional history should, of course, grudge the overriding powers

Irresponsible
Government
in the centre
criticised.

vested in the Viceroy because it is fondly expected that they will fall into disuse through non-exercise of them. But the chief difficulty in the way of a growth of salutary conventions is that the Indian Constitution is written and documentary like that of the United States, and unlike that of England which is, in the language of Sir Sidney Low, "partly law and partly history, and partly ethics, and partly custom, and partly the result of various influences which are moulding and transforming the whole structure of Society, from year to year and one might almost say, from hour to hour." Moreover, the Indian Constitution, if not quite rigid, is not flexible and as such will considerably hamper the birth and development of conventions on which the edifice of a healthy constitution could be built. The Landholders do not grudge the wide reserve powers vested in the Viceroy but take this opportunity to point out the handicaps which cannot be ignored, especially in a constitution under which the Cabinet is irresponsible. It is their considered opinion that without putting a curb on the discretionary powers of the Viceroy who "personifies the Crown, represents the Home Government and is the head of the Administration", the Cabinet should be made responsible to the Federal Assembly except where it is found to be positively impracticable.

The most unfortunate recommendation in the report of the Indian Statutory Commission is that the Central Cabinet is to remain irresponsible to the legislature. The Government of India is technically responsible to the Secretary of State. This responsibility to an outside authority offends against all principles of Political Science and against the authority of the Legislative Assembly. The relations are thus far from satisfactory and comfortable. The Central Committee diagnosed the situation rightly when it observed:—"The elected majority, unable to bend the Executive to its will and finding its decision liable to be nullified by statutory powers vested

Unsatisfactory relations between Executive and Legislature.

in the executive, naturally became restive and at times reckless. The irresponsibility in the Executive thus bred irresponsibility in the Assembly." The position is also piquant with the Government whose actions are by the nature of the constitution made uncertain and hesitating. For a vivid description of the situation we shall invoke the help of Sir P. S. Sivaswamy Iyer who said:—"The position of the Executive vis-a-vis the Legislature is far from comfortable or enviable. . . . The Government are therefore obliged to resort to all possible arts of conciliation, or exploitation of the differences between the different parties and sections. Opposition has to be overcome by coaxing and cajolery, or bought off by favours or concessions. From the point of view of the opposition, it may perhaps be considered desirable that the Government should be kept in a dependent condition and a pliant mood. But there are limits to pliancy; and the statute prevents the opposition from obtaining the mastery of the situation. From the point of view of the administration, it is a source of weakness to the Executive that they should be liable to be defeated at any moment by an irresponsible legislature. Uncertainty as to the decision of the legislature and the want of an assured majority therein must affect that sense of confidence which is essential to firmness of administration and continuity of policy." Should the recommendations of the Commission be acted upon, the Federal Assembly, far from being a "sovereign law-making body", will be transformed into a debating society without any reasonable hope of influencing the Executive in any way, and such a position would be intolerable with any self-respecting Legislative House, to say the least of it. The Landholders are in favour of introducing an adequate element of responsibility in the Central Government "so as to broad-base it on the support of the Legislature." They are, therefore, at one with the Central Committee's finding that except in matters which

Sir Sivaswamy's observation.

[9]

have reference to the defence of India and foreign and political relations, the Government of India should be entrusted to the Central Cabinet which should be unitary and responsible to the legislature.

Need of
responsibility
in the
centre.

SECTION II.

INDIRECT ELECTION TO THE CENTRAL LEGISLATURE.

Indirect
Election
favoured.

The proposal for indirect election to the Central Legislature presents some difficulty. The Landholders while admitting and appreciating the difficulties of indirect election cannot lose sight of the fact that it has its advantages also in a federal system of Government. From the experience of the past, they have definitely come to the conclusion that these elections should hereafter be indirect, rather than direct.* They feel that this would be in the fitness of things having regard to the fact that the ultimate goal of India is a federation of the type of Canada or South Africa. If indirect elections in the United States of America up till 1913 succeeded and withstood the ravages of time and experience, they see no reason why the same should not succeed in India and upon this point they feel that they should be true to themselves if they extend their support to the recommendation in the Simon Report on the question of indirect election, as the duty of the Federal Assembly is to represent the provinces where inter-statal questions and other problems of All-India interest will be discussed. No doubt in 1913 by amendment 17 of the constitution they in America adopted the system of direct election to the Senate, though under a "general ticket" *i.e.*, a vote not by districts but over the whole State, but in the opinion of eminent Americans, great things have not resulted from this new method of selection though great things were expected. The personnel of the Senate has

* The Madras Landholders' Association, the Mymensingh Landholders' Association and the Chotanagpur Landholders' Association do not favour indirect election. The Behar Landholders' Association favours indirect election through electoral colleges. (Vide Appendices).

not conspicuously improved since the amendment came into operation and in the opinion of Prof. Munro of the Harvard University, "in some respects it has deteriorated. Its prestige has not risen; if anything, it has declined. There may be no more corruption now than there was prior to 1913, and no more "invisible" influence at work; but there is no reason to be seen there is less of either." The ultimate effects of the new method cannot be fairly judged from a dozen years' experience but the eye can thus far discern no ground for predicting that they will be of any substantial benefit as against that which existed for over a century and worked remarkably satisfactorily.

Federal Assembly is more or less a chamber of rights for the provinces and accordingly the need of direct election is dispensed with. Moreover, the adoption of direct election in a vast country such as India would increase the size of the Federal Assembly beyond the decent limit of a Legislative House.

The landholders feel that *a priori* arguments can be marshalled against indirect election but practical considerations have weighed with the landholders in their Its practical utility. support of indirect election which is also in consonance with the principle of Federalism. The Landholders are, therefore, at one with Sir John Simon and his Colleagues when they state that "after provincial councils have been constituted by direct choice of citizens of the province, it appears to us to be quite unwarranted to assume that training in citizenship will be impeded by the adoption of a device (*i.e.*, indirect election) for constituting the Central Legislature which, having regard to the size of India, has such manifest advantages and avoids such obvious difficulties."

SECTION III.

PROBLEMS OF DEFENCE.

The Landholders of India are definitely of opinion that the Simon Commission in dealing with the constitutional problem in relation to the defence of India have sacrificed India at the altar of the Empire and have broadly hinted at the unfitness of India for self-rule because of the absence of conditions, conducive to the growth of an Indian Army. They state :—“First, control of an Army including a British element cannot be made over to an Indian Legislature. Secondly, so far as it is possible to forecast the future, the evolution of an entirely Indian military force, capable of undertaking unaided the tasks now discharged by the Army in India must be a very slow process indeed. If either of these propositions could be challenged, it would be easier to visualise the complete attainment of Self-Government in India than it is.” This is tantamount to establishing the theory that complete Self-Government is not and cannot be within the range of practical politics unless the burden of defence, external and internal, is undertaken by the children of the soil. That was also the view, put forward with considerable show of force by the then Home Member of the Government of India, Sir Malcolm Hailey, who said that “full dominion status means a dominion army under full control of the dominion Government and I have not yet seen any serious thinker who has pretended that India is yet in a position or will, in the immediate future, be in a position to create a dominion army in the proper sense of the word.” The landholders are of opinion that this is a statement which must have inspired Prof. Keith to lend support to Sir Malcolm Hailey in the following words—“But the fact remains that Self-Government

Self-
Government
with or
without
Army.

without an effective Indian Army is an impossibility and no amount of protests or demonstrations or denunciations of the Imperial Government can avail to alter the fact." They submit that this is a theory wholly untenable in the face of the facts on which he (Prof. Keith) relies in justification of the grant of responsible Self-Government to Canada, Australia and other colonies in the last century.

Historically, the position taken by the critics is wrong. Dominion status is a post-war terminology for what is responsible Self-Government with extended powers of control over internal and external relations. The lessons of English Colonial history bristle with examples where countries have been admitted into the group of responsible self-governing dominions without armies of their own, whether for internal or external defence. In granting them responsible Self-Government, the British Government never thought of insisting on the possession by them of an army such as is urged, for what purpose it is not difficult to conceive, must be a condition precedent to the grant to India of Home Rule. It was wise of the British Government to have subordinated the question of defence in their case to the paramountcy of Imperial rule. We have it from Prof. Keith himself that the total cost of Colonial defence in 1858 was £4,000,000 of which the Colonies contributed only £380,000. But Canada obtained Responsible Government preceded by Nova Scotia and New Brunswick in 1848. The idea of responsible Self-Government was fully matured during the next few years, for, not long after in 1855 do we find that in Newfoundland, New South Wales, Victoria, New Zealand and South Australia, a complete measure of responsible Self-Government was fully under way. It is a well known fact that during all these years and until long afterwards, all these colonies to whom responsible Self-Government had been granted, had not

Historical
lessons.

borne the burden of maintaining their own army, for, as late as 1862, the House of Commons by a resolution invited the Colonies to undertake the responsibility of maintaining internal order and the burdens incidental to it, while leaving the entire obligation of the external defence to the Imperial Government. The actual withdrawal of Imperial troops for internal defence was not made until many years after with adequate notice.

These historical facts sufficiently belie the theory that India cannot possibly be a self-governing country till she is able to defend herself unaided, a proposition which was so effectively and eloquently repudiated by Sir Sivaswamy Iyer from his place in the Legislative Assembly.

“With regard to the problem of the army,” said Sir Sivaswamy, “I have only to observe this, that so far as my reading of colonial history goes, none of the colonies was in a position to assume its defence at the time when a self-governing status was granted to it. For many years, the colonies were not even able to pay for their defence. It was the Home Government that had to contribute towards the military expenditure of the colonies. We, on the other hand, have, from the beginning, paid for our army. We have not merely paid for our army, but we have raised our troops. We have raised and maintained our Indian troops and we have also maintained the British troops and paid for them. We have gone further than the colonies have done in the matter of undertaking our defence. No doubt Sir Malcolm Hailey is right in saying that full dominion Self-Government implies the capacity to undertake the defence, not merely by paying for it but also by undertaking its officering and administration. But that was not a condition which was insisted upon in the case of any of the colonies. So far as defence against internal disturbances was concerned, that no

Sir Siva-
swamy's
contention.

doubt was a condition which was pointed out to the colonies as essential some years after they were granted their self-governing status. But so far as defence against external aggression was concerned, I am not aware that the duty has been laid upon them even now. As regards naval defence, the obligation has not been laid upon them."

The Landholders desire to emphasise the fact that the position of India is peculiar and dissimilar to that of any other country. They however make bold to say that situated as India is, she is placed in a better and more fortunate position because an Indian Army, raised and maintained by India, has ever since the commencement of British rule, been in existence. The Indian taxpayer moreover to his credit provides for the upkeep of a large contingent of the British Forces. To her credit again, India also contributes to the Naval Defence. There is no reason therefore that the whole Military policy of India should be one of suspicion and mistrust and even of distrust to which Sir Henry Wilson in his diary bears testimony as that India exists for the military exigencies of Great Britain. By a policy of de-martialisation, the civil population is disarmed. Even the sober recommendation of the Peel Commission (in 1858-59) re: the composition of the Army, has been studiously ignored. "Indianisation of Army" is a phrase which constantly reminds one of British superiority. The Landholders of India regret that the Statutory Commission avoided the issue by diverting the attention on the need for the maintenance of British elements and British supremacy and focussing it on the Imperial aspect of the military problem. As a step towards Indianisation, they give no support to the Eight Unit Scheme, unencouraging and unsubstantial though it is. The Landholders feel very strongly on the point and without disputing the need for the retention of British elements, they opine that the

A policy of
suspicion
and distrust.

least, that the Indian Government can do, is to carry out and give effect to the recommendations of the Skeen Committee—a demand which has also been urged by the Indian Central Committee.

Racial prejudice—
an obstacle
to Indianisa-
tion.

The chief reason that stands in the way of the Indianisation of the Army is not the military inefficiency of the natives of India but the racial prejudice of the ruling power. Sir Valentine Chirol touched the real chord when he said :—“Though the Army Department may wish now to approach it (*i.e.* Indianisation) chiefly from the point of view of military efficiency, it has to reckon with the strong racial objections of British officers to being placed in the position of ever having to take orders from Indian officers. Nor can one ignore the danger of personal friction between British and Indian officers with their very different outlook and social habits, if they are made to rub shoulders in a common mess-room. But the feeling goes far deeper, and responsible and experienced British officers, not unnaturally proud of the confidence and even personal affection of their native officers as well as of their men, are found to declare that the Englishman’s prestige with the native troops themselves will be gone, if they are ever placed under other than British command. Indians whom education has trained to modern standards of self-respect resent deeply such a stigma of racial inferiority.”

Sir
Valentine
Chirol’s
confession.

Lord Rawlinson, before coming out to India to take up the Command of the Indian Army, wrote :—“People here are frightened of this talk of Indianisation and old officers say they won’t send their sons out to serve under natives. I agree that the new system must be allowed to take its course but it will want very careful watching and cannot be hurried. The only way to begin is to have certain regiments with native officers only.”

Lord
Rawlinson’s
admission.

The whole key, therefore, to the military policy of the Government is to be found in the following lines :—

“The Military Member (Sir George Chesney)

regarding this differential treatment as doomed, asked for the establishment of a military school for natives of good family. Roberts strongly dissented and reciting again the old lesson of the Mutiny dangled before the eyes of the Government the possibility of highly trained native commanders using their knowledge against, rather than for ourselves."

In the note justifying and supplementing the Congress-League Scheme of Reform in 1917, Sir Dinsha Wacha and nine other statesmen strongly criticised the military policy of the Britishers in India and we take the liberty of quoting them:—

"The Native Army," as it is called, it is well known, consists of Indian drawn mostly from that vast mass of the population which is agricultural. It is a matter of history that that army, when it was first founded by the British in India, was under Indian commandants, for the most part Mahomedans or high caste Rajput Hindus; and it was not then thought an offence to a European soldier to fight under a black commandant. "That black commandant was then a great man, in spite of his colour." But as British dominion extended, the European element increased and gradually "the black commandant" disappeared and "Native regiments" came to be officered and led by English officers. From that time the whole character of the Army changed. It ceased to be a profession for men of high position. "The Native service of the Company came down to a dead level of soldiering." The Army lost its attractions for the high and low. Military authorities like the late Lord Roberts regretted from time to time the increasing difficulty of attracting recruits and the inferior character of the material furnished for the Army by the Punjab, Oudh, and the Deccan."

How native
army
decreased.

So far as the army is concerned, said General Chesney "the Queen's Proclamation is a dead letter to a very large number of a most important

Queen's
Proclamation
—a dead
letter.

class of Indian gentlemen descended in many cases from ancestors who held high military office under former rulers, the only palatable and indeed the only form of public service practicable and possible for them is the military, and that is closed to them. While this is the case, it cannot be said that the promise held out in the Proclamation is fully acted upon. It may be replied, indeed, that the class in question is excluded from service by the condition of fitness laid down, that is by reason of their defective education. Yet men labouring under the same deficiency have carved out kingdoms for themselves. A man of this sort, thorough gentleman in manner and feeling, if illiterate, with all the pride and bearing of birth and high family tradition, leading his own kinsmen like the Highland chief of old, will by his chivalrous examples show his men the way to victory, and that, after all, is what has to be aimed at in choosing officers."

"The danger from one point of view," continues the Gallant General "may be freely admitted," but he gives an almost conclusive reply to this argument of distrust in the following words:—"When in almost every country of Europe, men are found plotting against their fellow-countrymen, with the experience of Ireland before us, it would be absurd to expect that loyalty in India should take a higher form than expediency—the recognition that our rule is the best available at present, and that it is too firmly established to be attacked without risk. But apart from any question of justice or good faith, it is surely safer as a matter of policy to have men of talent and ambition with you, their interests enlisted in our system as offering possibilities of high advancements, than that their only chance of escape from a life of obscurity and inaction should be felt to lie in subversion of our rule and that anarchy attendant on such a revolution. There can be little room for doubt on which side the choice should be taken. Too much time

has already been lost before entering on the course indicated by policy as well as good faith."

It will appear therefore that the policy of distrust of the people by the Government has been obvious in the military service even more than in the executive or judicial service. It is here that the doctrine of keeping India by the sword speaks in unmistakable action, if not in words. And the reproach is indelible against British rule in this respect; because in pre-British days in India though there were cases of foreign rule, the policy of excluding the people from high military posts of honour and emoluments was not carried to such an absurd pitch as it has been under the British Government. Under the Marathas the command of the entire artillery was entrusted to a Mahomedan, while under the Emperors Akbar and Aurangzeb, Hindu Rajas combined in themselves the offices of Civil Governors and Military Commanders-in-Chief over whole provinces. Even in Russia the non-Christian subjects are admitted to high military office. Says Sir Henry Cotton :

British
Policy and
Moghul
policy in
Army
question.

"The Mogul Emperors adopted heartily and completely the policy of trust; Akbar's greatest generals and most devoted adherents were children of the very men his grand-father had conquered. The British Government, on the contrary, has adopted a policy of suspicion. The Russians can get from the territories they have absorbed in Central Asia an Alikhanoff or a Loris Melikoff. We can only produce men who rise to the rank of a Naik, Havaldar or Resaldar."

The military policy therefore of England in India cannot escape the condemnation that never before the introduction of British rule in India was the sense of helplessness, that arises out of the consciousness of being a disarmed people, brought home to the people so vividly and strongly as during the last War. We cannot make even a show of resistance, if attacked. A people so helpless and dependent deserve to be despised

Military
policy
responsible
for India's
sense of
helplessness.

by the world. The War has made the Indian feel that as a British subject he is really a despicable creature entitled to no consideration at the hands of other people of the world. Even the Negroes, whether in Africa or America, are much better placed than he is. As Sir Dinsha said on a famous occasion:—"We all devoutly hope that profiting by this great War, Great Britain will not deny any further to the Indian people the exercise of arms, the want of which for so many years has led to their emasculation."

England has never availed of the opportunities and the materials to which her pointed attention was time and again drawn by those of her own men who had studied Indian conditions, Indian character and Indian problems and none so boldly and sympathetically as that acute observer Meredith Townsend who after long years of residence in India gave it as his deliberate opinion that, "the fighting peoples of India, whose males are as big as ourselves, as brave as ourselves, and more regardless of death than ourselves, number at least a hundred and twenty millions, equal to Gibbon's calculation of the population of the Roman Empire. There are 400,000 trained brown soldiers in native service and at least 2 millions of men who think their proper profession is arms, who would live by arms if they could, and of whom we in England never hear a word. If the Prussian conscription were applied in India, we should, without counting reserves or landwehr or any force not summoned in times of peace, have two and a half millions of soldiers actually in barracks, with 8,00,000 recruits coming up every year—a force with which not only Asia but the world might be subdued."

India—a
good field
for recruit-
ment.

In the march of Indianisation, the landholders are definitely of opinion that the Eight Unit Scheme, a small measure as it is, will not be of any great help to India and the Sken Committee's recommendation is the desideratum on the subject. With the rest of the people

of the country, the landholders are in agreement in thinking, that the proposal of increasing the number of Indian candidates for Sandhurst cannot and will not accelerate Indianisation appreciably, and an Indian Sandhurst, therefore, should be started without any loss of time. The recommendation of the Nehru Committee to impose statutory obligation on the Government to establish military training schools and colleges in India is, in the opinion of the landholders, a sound one and they fully endorse it. Every facility for rapid Indianisation of the Army should be provided, inasmuch as the people of the country are not pessimistic in their view that the Indian youths, no matter from what part they come, or what race they belong to, lack physical and mental courage and military spirit and ambition, so as not to avail of any opportunity that may be afforded for military training. The selection of armies from particular races of India, it appears to the landholders of India, has been sedulously pursued with a policy and not in recognition of facts.

Need of
Indianisa-
tion of
Army.

The recommendation of the Simon Commission that "the responsibility for the Army in India is to rest with the Imperial Government" is a bold bid for the perpetuation of the distrust and suspicion that exist in the mind of the authorities. As at present, the Army Budget is sacrosanct and under the Statute, it is not open to discussion, "unless the Governor-General otherwise directs." But a healthy convention has grown round it, in pursuance of which the Army Budget has been thrown open to discussion and criticism, though not subject to the vote of the legislature. In recommending to take away the valued privilege of offering suggestions and criticisms on the Army Budget and to the Army Department, the Statutory Commission, the landholders of India are compelled to observe, have given every ethical principle of Government the go by, and propose to return to the mediaeval state of adminis-

Army
Department
under
Imperial
Government
—a danger-
ous prin-
ciple.

tration obtaining in no part of the civilised world at the present moment. They have moreover opened themselves to a charge of having broken a constitution, not of having made one. And if the Commission's recommendation on this problem is acted upon, the Legislature will, for all times, stand as the mute spectator of the inefficiencies and misdeeds of the Army Department, their sense of irresponsibility having been placed beyond the reach of all. Such an arrangement, moreover, is calculated to cripple the power of the Legislature and strike at the cardinal principle of responsible self-Government and bring about an artificial and unhealthy state of affairs which should not be allowed to continue in the interest of the Government itself.

Queer
recommen-
dation on
the problem
of internal
defence.

The recommendation of the Simon Commission on the problem of internal defence is utterly untenable. In case of internal disorder, an application shall have to be made through the Governor for military aid, as Imperial Army for Civil purposes cannot otherwise be taken advantage of. Such a proposal takes away the modicum of self-Government that the Commission would have us believe is vouchsafed in other spheres of administration. The whole scheme is obstructive and retrograde for it admits of no development in the natural course of events which, as Prof. Keith observes, is inevitable from the grant of responsible Government, that the Imperial Government should cease "to be responsible for the military defence against internal disturbances of the Colonies to which responsible Government was accorded."

The landholders cannot subscribe to the plea that an expensive and highly trained British Army is necessary in India for controlling and checking the tide of communalism which occasionally breaks out in violent riots. Without denying the possibility of communal outbreaks, the landholders are of opinion that an Indian

army is sufficient to cope with the situation likely to be brought about by communal ill-feelings. Moreover, the high expensive ratio of the Defence in India cannot be justified by exaggerating the dangers of Frontier attacks. The Frontier problems are, in the opinion of the landholders, absolutely Imperial problems and the Indian tax-payer should not be made to pay for the upkeep of an efficient and expensive British army to guard the Frontiers in which the British Empire as a whole is vitally interested. The landlords are in agreement with the view that Great Britain should contribute handsomely to the defence of the Frontier which is a part of the British Imperial policy.

The Landholders look upon the recommendations of the Simon Commission relating to the problems of defence as thoroughly disappointing and unsatisfactory.

Coming closer to the daily life of the people as individuals, we see that the character of each man, woman or child is degraded and weakened by an administration, civil or military, which is not indigenous, and this is most keenly felt by the best Indians. Speaking on the employment of Indians in every batch of the public services, civil and military, the latter more than the former, the late Gopal Krishna Gokhale said: "A kind of dwarfing or stunting of the Indian race is going on under the present system. We must live all the days of our life in an atmosphere of inferiority, and the tallest of us must bend, in order that the exigencies of the system may be satisfied. The upward impulse, if I may use such an expression, which every schoolboy at Eton and Harrow may feel that he may one day be a Gladstone, a Nelson or a Wellington, and which may draw forth the best efforts of which he is capable, is denied to us. The full height to which our manhood is capable of rising can never be reached by us under the present system. The moral elevation which every self-governing people feel cannot be felt by us. Our

Frontier
question.

Stunting of
Indian race
under the
present
system.

administrative and military talents must gradually disappear owing to sheer disuse, till at last our lot, as hewers of wood and drawers of water in our own country, is stereotyped." There is no denial of the fact that a bureaucratic administration, undertaking all responsibility, has acted as a dead-weight on the soul of India, stifling in us all sense of initiative for the lack of which we are condemned, atrophying the nerves of action and what is most serious, necessarily dwarfing in us all feeling of self-respect and this dwarfing cannot be achieved more effectively and successfully than by the carrying into effect of military proposal of the Indian Statutory Commission.

SECTION IV.

GOVERNOR'S PROVINCES.

Coming to the question of constitutional re-adjustment in the Provinces, much confusion and vagueness has been brought about by the use of the words, "Provincial autonomy." It must be admitted that "Provincial Autonomy" is a loose phraseology which means the freedom of the Provincial Government from the control of the Central Government. Publicists in India have not desired to signify by that phrase anything other than "internal political condition of representative and responsible Government." Sir Frederick Whyte lays it down that "provincial autonomy does not of necessity tell us anything of the condition of domestic government prevailing in any province or State." In any event, by the phrase "Provincial autonomy," Indian publicists mean the freedom of the provincial Government from the external control by the Government of India and the existence of representative and responsible Government in the provinces themselves. And interpreted in that sense, we favour provincial autonomy which may give practical and tangible shape to the execution of the declared policy of August 20, of 1917. In the pre-Reform days India was a unitary State, pure and simple. Even with the introduction of the Reforms of 1919, India remains virtually unitary, though "provincial autonomy exists only in embryo." To do justice to the underlying principle of Federation, advocated in the report of the Simon Commission and warmly appreciated and supported by the Landholders of India, that autonomy must be complete, and a clearer definition of the respective functions of the provincial and Central Governments should be laid down. This is a fact which

"Provincial
Autonomy—
what it
means.

was emphasised by the Majority Report of the Reforms Enquiry Committee, otherwise known as the Muddiman Committee, that a "much clearer definition and a much closer examination of the relations between the Central and Local Governments would be an essential preliminary to any scheme of provincial autonomy in India." The Simon Commission have not defined those functions clearly. The Landholders beg to emphasise the importance and necessity of the fact that subjects of administration, whether by the Provincial or by the Central Government, should be clearly ear-marked so as not to raise any confusion in the mind of administrative authorities. Such an attempt has been made by the Nehru Committee. From a constitutional point of view, the ultimate power of veto exercised by the Governor General will not in any way impair provincial autonomy, because in all responsible constitutions a veto power is sparingly used and, as a matter of fact, with great caution. But in the circumstances such as prevail in India, we agree with the Minority Report of Reforms Enquiry Committee, that the residuary power like that of the Dominion of Canada and unlike that of the Commonwealth of Australia, should be vested in the Central Government. As regards the separation of finances between the Central and Provincial Governments, the Landholders note with satisfaction that Sir Walter Layton has made an attempt in the right direction in a scheme worthy of the best consideration of the authorities.

They find themselves in entire agreement with the recommendation of the Commissioners that dyarchy which has been the source of ceaseless irritation during the past ten years must be terminated and they are decidedly of opinion that the termination of the vexed institution of Dyarchy cannot but be conducive to the creation of a healthy atmosphere for the pursuit of beneficent legislative work. It is in the fitness of things that the constitution of the Provincial Cabinet has been

Extinction of
dyarchy
favoured.

recommended to be unitary and responsible to the Legislature. Nothing short of a Cabinet, responsible to and removable by the Legislature, is likely to satisfy the aspirations of the Provinces, a condition which the Landholders long since discovered to be of imperative necessity, if moderate nationalist opinion was not to be thrown into despair and upon which they insistently urged. The joint responsibility of the Ministers is indeed a valued principle but the appointment of official Ministers as suggested in the Simon Report is one to which we take serious exception. It will serve to administer a deep cut across the fundamental concept of Cabinet Government with collective responsibility. They stand amazed at the suggestion that joint responsibility could flourish where the Ministry is composed of elected members of the Legislatures and officials, who owe no allegiance to the Council. It is a hybrid combination under a novel and ingenious method of perpetuating dyarchy with a different but attractive appellation. On a careful consideration of the suggestion, we have definitely come to the conclusion that under no circumstances, should the appointment of official Ministers be permitted to be made. In the appointment of Ministers, no considerations, racial, creedal or communal, should outweigh worth and merit.

Joint responsibility
of Ministers.

The Landholders note with pain and disappointment the fact that wide discretionary and emergency powers have been recommended to be vested in the Governor, sufficient to impair and vitiate the entire fabric of the constitution. If a study of the parliamentary constitutions shows one thing more clearly than another, it is that discretionary powers are never used in any country except with great economy. Relying on the case of *Musgrave v. Pulido*, Prof. Keith makes a moot point of what the case decided which "would appear to be that attempt by the Governor to set himself up as a Viceroy failed." Prof. Keith is further of opinion that

Powers of
the
Governor.

“It also seems clearly established by the words in that case, following the case of *Cameron v. Kyte*, that the Governor has not the full power of the Crown and that even lawful acts done under the authority of the Governor may be illegal, if he has not the requisite delegation of power.” After discussing the powers of the Governor, the learned author concludes:—“The view that the Colonial Governor has the full executive authority needed for the government of the Colony has now received the support of Professor Harrison Moore and seems the only satisfactory theory of the Governor’s position and attributes.” We feel therefore convinced that the overriding powers of the Governor should not exceed beyond problems affecting peace, tranquillity and the protection of minorities. And where these are not involved, there should be full Ministerial responsibility. No doubt the Governor shall remain the executive head but it is fondly expected that the personality of the Governor will make the exercise of the overriding powers rare. They are in agreement with Prof. Keith in his verdict:—“The popularity of the Crown is only borne out by absolute ministerial responsibility; the loyalty of the country to the Crown must depend in political matters on the feeling that whatever is done not as a royal whim but at the will of a Ministry commanding influence in the country. Any other theory, however specious, is sure in the long run to lead to the degradation of the Crown, which owes its absolute security, as Lord John Russel pointed out in 1839, to its standing apart from all political strife.”

Prof. Keith’s
verdict.

It is a most unfortunate recommendation that the Commissioners have thought fit to make that the Secretary will have free access to the Governor and provide him with all possible informations about Cabinet meetings. It is in effect an expression of want of confidence in the Premier or the Chief Minister who, if he is worth anything and has got the legislature at his back, will never allow his self-respect to be compromised by the suggested

procedure. No honourable man will suffer himself to be spied upon by his Secretary, whoever he may be. All that the carrying out of this objectionable recommendation may do is to accentuate bad feelings between the Governor and the Cabinet, in place of the happy and harmonious relation that should exist between the Governor and his Ministry. Their relations should be regulated on the lines laid down by eminent authorities and not the least among them by Prof. Keith who states :—

Relations
between the
Governor
and Cabinet.

“But the Governor ought to be on such terms with the Premier that he will normally discuss with him his legislative plans and projects: he need not discuss his party politics with the Governor, but he should keep him well informed of all public matters of any importance. He may obtain from a Governor with whom he is in close touch much useful advice: there are many Governors who have experience far exceeding that of their Premiers, and in any case a first-hand knowledge of what is going on is essential to the discharge of the duty of the Governor as an Imperial Officer. But while in these matters the question is, in the end, one of courtesy and the co-operation which is essential between the head of the Government and the representative of the Sovereign, the matter is different when the Governor is called upon to perform any official act whatever: he is then entitled to the fullest information which he can desire.”

SECTION V.

SECOND CHAMBERS.

The necessity for a Second Chamber is justified both on historical and *a priori* grounds. It has been a lesson of history that unicameral Legislature has failed and that the bicameral form has grown out of necessity. The Upper House can accommodate people of sober views, statesmen of proved political sagacity, veterans of calm judgment, personages of high social standing, jurists of great experience, publicists of mature thinking and men of personal distinction. "The necessity of a Second Chamber," to quote Mr. Lecky, "has acquired almost the position of an axiom." In the continent of Europe, the principle of bicameral Legislature has been pursued and no constitutional deadlock has resulted therefrom. The ingenious remark of Abbe Sieyes that "if the Upper House assents to the Lower House, it is superfluous and if the Upper House differs, it is dangerous," is not the verdict of History. The ethics of the bicameral form is as old as history. In advocating the cause of an Upper House, John Stuart Mill gave it as his considered opinion that:—"A majority in a single assembly when it has assumed a permanent character, when composed of the same persons habitually acting together and always assured of victory in their own House, easily becomes despotic and overweening, if released from the necessity of considering whether its acts will be concurred in another constituted authority. The same reasons which induced the Roman to have two consuls make it desirable that there should be two chambers; that neither of them may be exposed to the corrupting influence of undivided power even for the space of a single year." Accordingly bicameralism in Legislature has been the guiding principle of the parliamentary governments of

Bicameral forms as old as history.

the Dominions and the British Constitution has always been a model to them. The genius of Earl Grey not only devised for the greater colonies a system of Government which reproduces as nearly as possible the external features of the English system but breathed into the copy the inner essence of the original possibility of silent constitutional growth. As against that the Simon Commission, for reasons best known to them, have often reminded the Indians that the British model is not suited to them.

In India, there had been a single chamber both in the Centre and in Provinces. The Montagu-Chelmsford Report for the first time introduced the element of bicameral legislation in the Government of India. The importance of the Upper House is that it acts as a brake and revises the hasty decision and checks the tendency of the Lower House to autocratic self-regard. The Landholders beg to point out, in the language of Bagehot, that "a revising and leisured Legislature is extremely useful, if not quite necessary."

The Landholders note with satisfaction that the Simon Commission have recommended a Second Chamber with revisionary powers in the Government of India. It also falls in with the recommendation that the Second Chamber should be mainly elected, the qualification for both candidates and electorates being high—a formula endorsed by no less a person than Henry Sidgwick whose observation is worth quoting here :—

Second Chamber to be mainly elected.

"The Second Chamber in order to be able to maintain a real co-ordinate position against the pressure of the popularly elected assembly must itself be also in some way, perhaps indirectly, the result of popular election in order to get the full advantage of the system of two chambers with co-ordinate powers it seems desirable they should be elected on the different plans in respect both of extent, renewal, operation and power, so that while the primary representative Chamber being

chosen for a comparatively short period may more frequently represent the opinions and sentiments of the majority of the electorate, the Senate elected for a considerably longer period and on the system of partial renewal may be able to withstand the influence of transient gust of popular passion or sentiment."

The Landholders of India also favour the idea that there should be a proportion of Life Members and they are in thorough agreement with the method of election, as suggested by the Commission and the Nehru Report, that the Second Chamber in the centre should represent the States like the American and Australian Senates. This method of election which is called "indirect election" is a sound one, as it brings in men of personal distinction who would reflect lustre on the body in the eyes of the nation and help to form in its members habits of decorum and gravity as well as to set a high intellectual standard in its debates.

The reasons which necessitate the creation of a Second Chamber in the centre apply with equal—if not greater—force to a Second Chamber in the provinces. Second Chambers in the provinces will serve to place opportunities in the way of men of sterling merit whose services would not otherwise be available as they would not face the hustles of a ballot box, inevitable in seeking the suffrage of the Electorate for the Lower House. Furthermore, they would be free from the turmoil of party and communal politics and be able to give the best thoughts to the problems before the country on their merits. And it is always the case that safety lies in "sober second thoughts." The Landholders therefore recommend Second Chambers in the provinces and cannot and do not support the finding that there is a lack of suitable material in the provinces for Second Chamber which, as Sir Henry Maine put it, "is not a rival infallibility, but an additional security" and "it is hardly too much to say that, in this view, almost any Second

Second
Chamber in
the
Provinces.

Chamber is better than none" which in dominions under His Majesty's rule such as India, entrusted with the powers of local Self-Government, has the approval of political philosophers of the type of Alpheus Todd as a counterpoise to democratic ascendancy in the popular and most powerful Assembly, affording at the same time some protection against hasty and ill-considered legislation and action, and serving to elicit the sober second thought of the people, in contradistinction to the impulsive first thought of the Lower House.

Historically viewed the experience of the past abundantly corroborates the views of those who dread Government by a single Chamber. Indeed in the English Commonwealth such a system did prevail for a short time; but the abolition of the House of Lords was soon followed by the expulsion of the Commons, and when Cromwell resolved to restore some measure of parliamentary Government, he clearly saw that two Chambers were indispensable, and he revived on another basis the House of Lords. In America, Benjamin Franklin had strongly advocated a single Chamber; and in the American confederation, which was formally adopted by the thirteen States in 1781, and which represented the United States in the first years of their independent existence, the Congress consisted of only one branch. It was invested with very small powers, and was almost as completely overshadowed by the State rights of its constituents as the Cromwellian House of Commons had been by the military power of the Commonwealth. But the very first article in the American Constitution, which was framed in 1787, divided the Congress into a Senate and a House of Representatives. In all the separate States the bicameral system exists, and it also exists in all the British Colonies which have self-governing powers. In France, Targot and Sieges advocated a single Chamber, and in the French Constitution of 1791 all powers were placed in the

Single chamber—a failure everywhere.

hands of such a body, the result being one of the most appalling tyrannies in the history of mankind. In 1848 the same experiment was once more tried, and it once more conducted France through anarchy to despotism.

The Commissioners apprehend that the Upper House may combine with the Lower House against the Governor and make his task impossible. In the first place, if the two legislatures combine, could there be a better ground for the Governor to yield to the popular wishes? It will be unreasonable for Governor to resist the combined wisdom and verdict of the two Chambers. To doubt the utility of the Second Chamber on this ground is to betray a lamentable state of mentality. But, it must be remembered that the chief function of the Second Chamber is to act as a check on the giddy pace of the Lower House which is at times liable to be swept off its feet by the impulse of the moment. It will thus supplement the efforts of the Governor to ensure that the Lower House proceeds onward in its career with cautious and measured steps. It will reduce the chances of the Governor's intervention with his power of Veto to minimum and relieve him of his rather unenviable task.

SECTION VI.

PROBLEMS OF MINORITY.

The problem of the minorities in India, the landholders regret to think, has taken a communal turn and Indian politics has unfortunately become the breeding ground of communal dissensions and narrow parochial nationalism. In British India, the Mussalmans are a minority but they are a majority in Bengal and in the Punjab. By a process of reasoning, the logic of which is difficult to discover, they have demanded communal electorate everywhere, even in places where they form a majority. The lessons of history do not and cannot support the claims of those who, in their narrow outlook and pursuit of self-interest, do not realise the harm they are inflicting on the best interests of the community, to which they should be proud to belong, and of the country, of which they are the children as much as any other community, whether in a majority or in a minority.

Lord Durham in his celebrated despatch, the most widely read of State Documents, referred to the bitter hostility that existed between the British and French subjects in Canada. In Canada things were no better before the grant of responsible Government to that colony. In his report Lord Durham says that he found there "a struggle not of principles but of races." He found "two nations warring in the bosom of a single State." "It is scarcely possible," he says further in his report, "to conceive descendants of any of the great European nations more unlike each other in character and temperament, more totally separated from each other by language, laws and modes of life, or placed in circumstances, more calculated to produce natural misunderstanding, jealousy or hatred than the English and the French."

Communal rivalry—no bar to self-rule.

Again if we turn to the history of the United States of America we find that the colonists there, before the War of Independence, were not of one race. We have it on the authority of no less a man than William Edward Hartpool Lecky that "Great bodies of Dutch, Germans, French, Swedes, Scots and Irish, scattered among the descendants of the English, contributed to the heterogeneous character of the colonies, and they comprised so many varieties of Government, belief, commercial interest and social type that their union appeared to many incredible on the very eve of the revolution," so that as Otes said in 1765, that "were these colonies left to themselves to-morrow, America would be a mere shambles of blood and confusion, before little petty states could be settled." With much force it has been pointedly remarked (Burnaby) that fire and water are not more heterogeneous than the different colonies of North America, and yet in spite of all these differences, the colonies could win and have ever since been enjoying full self-government.

The Landholders have such unshakable and abiding faith and confidence in the ability of the Indian people that, given the chance and left to themselves to solve their own problems and difficulties, they look upon President Wilson's observations about the Swiss confederacy as a sure and effective solvent. In his great work *The State*, Woodrow Wilson remarks that the "Swiss Confederacy has, by slow processes of cautious federation drawn together into a real union, communities the most diverse, in point of race, of language and of institutions without destroying their individuality. They (the Swiss) went on to show the world how Germans, Frenchmen and Italians, if only they respect each other's liberties, as they would have their own respected, may by mutual helpfulness and forbearance build up a union, at once stable and free. A variety of races was embraced within the dominion of the Dual monarchy. First and most prominent was the three-sided contrast between

German, Slav and Magyr. A Slav differs from a Slav as a Hindu differs from a Hindu in India by reason of many sharp divergences of history, of speech, and of religion; and outside this classification there is added a miscellany of Italians, Croats, Serbs, Roumanians, Jews—men of almost every race and people of eastern Europe''. And yet they were one and are one within their respective territorial units.

The enemies of Indian Self-Government who are fond of harping upon the so-called diversity of races and religions in India may take a lesson from this. Those people are unable to conceive that such a vast territory and population as in India can really be united in a common national feeling. We are familiar with what Metternich, that Prince among Despots, used to say so contemptuously, that Italy was a mere geographical expression. History has given proofs of the facts that even among apparently different communities, complete unity is and can be effected as soon as communities begin to feel that they are at liberty to do whatever they like with themselves, and that their lot is cast in one boat. Enjoying the gift of responsible Government, French and British, despite all historical quarrels and differences of religious beliefs, language and social structure, have fused into the natives of Canada. India is, notwithstanding her castes, certainly a more real nation.

Canada has provided a constitution based on common electorate, reducing the hostility to a faint echo of past history. In the United States of America, there were nineteen conflicting races but a common constitution and a common electorate organised them into a harmonious whole. In South Africa, the hostility between the Boers and the British is wellknown but a joint electorate is working well in the South African constitution. In New Zealand, the Maoris are in conflict with the Whites but separate electorate has not been conceived there. Thus it is found that history records

Common
electorate
reduces
hostility.

its verdict against the wisdom of separate electorate which, if anything, serves to widen the gulf, not to bridge it. The distinguished authors of Montagu-Chelmsford Report deprecated communal electorates in no measured language:—

“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 power 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. We regard any system of communal electorates, therefore, as a very serious hindrance to the development of the Self-governing principle”.

Montagu-
Chelmsford
Report
against
communal
electorate.

Lord Donoughmore's Committee on Ceylon Constitutional Reforms was not slow to pronounce its latest anathema on the bogey:—“It is interesting to note the disintegrating effect of Communal representation on the Community itself as illustrated by the case of the Muslims in Ceylon. Their merging in the general electorate will link them up more definitely with the other communities of Ceylon as an element in a population which, though diverse in character, has yet a common country and should possess a common national consciousness”. The proposal of communal representation has also received condemnation at the hands of Sir John Simon and his colleagues but they have not had the courage to recommend its abolition as a thing detrimental to the growth of a nation and as one which they themselves deprecate strongly. The Landholders of India

are no believers in communal representation and deplore the continuance of separate electorate. They fear that it is calculated to vitiate the whole constitutional fabric with communal virus and the creation of a privileged section, unable to protect itself and therefore a standing block to the growth of solidarism in a nation and a drag on nationalism.

The Landholders appreciate and support the claim for reservation of seats in places where the Mahammadans are a minority. But they do not realise the ethics and equity of a majority community, such as the Muhammadans in Bengal and in the Punjab, agitating for protection. The Nehru Committee rightly observed —“Reservation for a majority is indefensible in theory. It is an artificial restriction on the growth both of the majority and the minority and must necessarily retard national process. It is, we feel, specially injurious to the majority itself for it makes it rely on legislative provision to keep up its position and not on its own inherent strength.”

Reservation
for majority
indefensible
in theory.

It is an established maxim that the minority communities should have the privilege of claiming their representation through the joint electorate, if they so desire. If this is a privilege granted to the minorities in other provinces, why should not the Hindus of Bengal, a minority Community, have the privilege of claiming separate or joint electorate as they desire. The Hindus of Bengal, as much as the Sikhs and Hindus of the Punjab though individually minority communities, are prepared to face the risk of a joint electorate, all for the growth of national solidarity. Moreover, the Mussalmans of Bengal, as of the Punjab, a majority community in both, have nothing to fear from the joint electorate as is evident from the elections of District Boards in Bengal. In the face of their numerical strength, they have nothing to fear and everything to gain from joint electorate. The Landholders, therefore, are in favour of joint elec-

torate as a necessary accompaniment of good government and disapprove of the recommendation for the perpetuation of separate and communal electorates.

Governor's
discretionary
power for
protection of
minorities.

It has already been pointed out that the Governor should be vested with the discretionary power of protecting the minorities, whenever there should be an attempt to curb their rights and privileges. In this connection, it may not perhaps be out of place to mention that the landholders, whose contributions to the state-exchequer and for the welfare of the public are considerable, have a claim to be recognised as a minority community in the event of an attempt, legislative or administrative, being made from any quarter to encroach on their rights and privileges. In insisting upon such claim, the landholders do not feel that they are putting their case too high. It is only fair, politically expedient, and administratively sound, that the Governor in exercise of his discretionary powers vested in him, should arrest the progress of any attempt at encroachment upon their rights and privileges meant to annoy, harass, or handicap them.

Need of
check
against dis-
criminatory
legislation.

The Landholders are of opinion that in the future constitution of India, the minorities shall have full play of their rights and privileges and with a view to insure them against probable onslaughts, there should be an article in the constitution that discriminatory legislation should be checked. The Nehru Report recommends that in the future constitution of India, there should be no room for discriminating legislation and it emphatically asserts that "it is inconceivable that there can be any discriminating legislation against any community doing business lawfully in India". In this connection, the landholders draw particular attention to the fact that any legislation encroaching on the rights, privileges and interests of the landlords as a class should be considered discriminatory and treated as a legislation against the minorities. This is a view, born of the appreciation of

the existing status of the landlords, and they, the landlords, urge it with all the emphasis at their command.

The landholders feel that there is no difficulty in treating them as a distinct minority community, for classifications of communities are not necessarily based on religious faiths as are seen in the creations of three different minority communities, namely, Europeans, Anglo-Indians and Native Christians from persons professing the same religious faith. It may also be pointed out that the depressed classes also have been recommended to be treated as a distinct community for the purposes of representation and protection. There is no reason why landholders should not be treated as a minority community.

The landholders tender their strongest support to the recommendation made by Sir John Simon and his colleagues that the Lucknow Pact, in the absence of a Lucknow Pact. general electorate, should be maintained as sacrosanct. In the alternative however of a general electorate, they approve of the scheme recently given by an eminent Mahomedan, himself a recognised leader of his community, Sir Abdur Rahim, as follows:—

“If you do not accept common electorates, even upon a lowered franchise as the Commissioners would evidently like you to do, then you must consider whether Sir Abdur Rahim's scheme. there is any other alternative but the Lucknow Pact, which, however, I cannot recommend from any point of view. I wish to place before you two other suggestions, by way of compromise, for your consideration; firstly that 40 per cent. of the seats be reserved for the Mussalmans and a similar proportion of seats for the Hindus, to be filled by separate electorates, and let the remaining 20 per cent. of the seats be properly distributed over the province, and thrown open for general contest. In that way, a beginning will have been made for the development of joint electorates and one may

hope that the results after a few years will justify separate electorates being discarded altogether.”

And in view of the fact that the difference in the percentage of Hindu and Moslem population in Bengal is so small and negligible, they fully appreciate the determination of the Statutory Commission not to allow the present *status quo* to be disturbed on any account.

SECTION VII.

SPECIAL REPRESENTATION IN THE LEGISLATURES—CENTRAL AND PROVINCIAL.

For their special representation in the Legislatures, the Landholders adhere to what they said in their Address presented to His Excellency the Viceroy on the 29th of July, 1930, at Simla. They take the liberty of repeating what they said on that occasion in this document.

The recommendation of the Simon Commission in respect of representation of the landed interest in the legislatures, Central and Provincial, is a matter to which the landholders take serious objection. It is a matter which has greatly alarmed the community. The landholders are not prepared to accept the verdict of the Simon Commission as the final word upon the subject of the special representation to which they have now for nearly a quarter of a century been entitled. The landholders fear that the Indian Statutory Commission arrived at their conclusion, without realising the fact that the community to which we belong, is an asset upon which the Government of the country has always drawn and which can be relied on as being at its service upon any occasion. Having regard moreover to the fact, that the landholders of India have, in the new dispensation of administrative arrangements, not been found wanting to do justice to themselves in any responsible position to which they have often been invited, whether in the provincial Executive Councils, or in other activities, they feel that they have a claim which cannot be lightly set aside. We are aware that Lords Morley and Minto recognised the distinguishing feature of our position as a matter of sheer justice which was reiterated by Mr. Montagu and Lord Chelmsford.

Landholders' claim based upon sheer justice.

We desire moreover, to draw particular attention to the fact, that should the recommendations of the Simon Commission be acted upon and the landholders of India be left to take their chance in the general electorate, for their legitimate representation, it will be tantamount to asking them to prove untrue to themselves, for, since coming in through the general electorate, as they have been advised to do, they are in honour bound to look after the interest of the general body of electors, in preference to the landholding interest which legitimately they have a right to represent, and, as members of the landholding community it is incumbent upon them to do so. Such a state of affairs is calculated to bring about the clashing of interest between that of the people of the country and the landholders of India, the effects of which might in the long run be deleterious to both, and not a little to the Government itself.

The Commissioners have withdrawn the separate representation of the Zemindars on the plea that a number of them have been able to enter the legislature through general constituencies. Here they forget the cardinal fact that the Zemindar members, so returned, do not and cannot truly represent their own community. The Zemindars have looked with poignant anxiety this metamorphosis in their rank and file, and it is rightly apprehended that the tendency on their part to humour the extremists in politics will be on the increase. We express our apprehension on this score because we respect our old traditions which combine conservative instincts with an urge for steady evolution.

Need of
special pro-
tection.

But if the Zemindars have secured seats in the legislature through the general electorate, it can not be gainsaid that these are not commensurate with the influence and stake that they have in this country. This is chiefly on account of their conservative instincts. Their unpopularity on account of this fact is bound to increase in the age of catch-words and slogans which govern men's

minds to the exclusion of logic and reasons. In the province of Behar & Orissa itself two Maharajas with their long purse and influence were defeated in the last General Elections, and it requires no prophet to say that Zemindars are bound to lose ground every day in future.

The Commissioners have signally failed to pay due regard to the structure of the Indian society inasmuch as the landholders by virtue of traditions, public service and benefactions for the welfare of their tenantry have occupied a position of respect and eminence. These considerations should go a long way towards establishing the importance of the landholding class in the body politic of India. The members of the Commission in their solicitude to recommend for India a democratic constitution were oblivious of the fact, that in England and other democratic countries, the constitution evolved through several centuries, adjusting all conflicting interests including those of the landlords and tenants. But in India, the constitution will not be of natural growth but a ready made structure to be planted on the eastern soil.

The root of the civilisation of India lies embedded in the bosom of our society whose protection, ministrations and welfare are the look-out of the aristocracy, represented as it is in India by her landlords. The landholders of India with a full sense of their responsibility desire to point out that the social and economic arrangement of the country should not be radically disturbed during a period of transition. While we say this, we do not for one moment wish to indicate that any constitutional advance for which the people of the country may be found to be fit and which they may be anxious to secure should be put off. In administrative politics, as in social adjustment, evolution more than revolution should be aimed at and looked for.

The land system of India has brought about the existence of a separate class, such as ourselves, as dis-

Their importance.

Landholders —repositories of ancient wisdom.

tinct from that into which it is the intention of the Commission to throw us, without realising the fact that, as natural leaders, the landholders have a supreme interest in the maintenance of good Government, compatible with, and promotive of tranquility throughout His Majesty's Dominion in India. In their mental constitution, the landholders are a conservative class and by instinct they are cautious. These are qualities which we submit are essentially necessary in any readjustment of a well-conceived and well-formed legislative system. Situated as they are, they have more means and leisure at their disposal, the utilisation whereof is a matter which should not be overlooked in the interest of the State. And here, we are reminded by that generous spirit, Edwin Samuel Montagu who, in conjunction with a most sympathetic Viceroy produced a Report on Constitutional Reforms in India, the like of which India has not had the good fortune to see within British history. They stated that:—

“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 mediaeval 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 stand upon a conception of social order which is not easily reconcilable with the hustings and the ballot box.”

“Acknow-
ledged
leaders.”

The picture that the distinguished authors of the Report draw here is one which goes to prove that equity and justice demand that the landholders of India should not be dislodged from the position which they have hitherto enjoyed and occupied ever since the days of Moghul rule and thereafter right through the rule of Britain. Not unnaturally have the landholders wondered

how they have merited being penalised in the way suggested in the Simon Report, in the matter of their special representation as in matters of financial readjustment which aims at hitting them harder than anybody else.

And if it is the purpose and policy of His Majesty's Government to protect the interest of the minority communities and classes with sufficient stake in the country, we claim that we cannot, in bare justice, be debarred from our legitimate share of representation in all legislative bodies.

Special protection not to be withdrawn.

We claim that we are entitled to a legitimate share in all legislative arrangements commensurate with our importance and stake in the country to fulfil new requirements of an altered constitution.

Should special representation of any interest in the Legislatures be withdrawn from the constitutional creed of India as a matter of policy or principle, the landholders can assure the Government and the public that they will not urge their claims, however strong, for any special treatment and thereby invite complication and discord.

Their viewpoint.

SECTION VIII.

ELECTORAL COLLEGES FOR DEPRESSED CLASSES.

How to facilitate the representation of the depressed classes is a problem which has considerably agitated the minds of the landholders of India. They want to make it clear at the out-set that they are in entire sympathy with the aspirations of the classes, called depressed, but they feel that their proper representation is a matter which ought not to be lightly decided. We therefore propose to offer a suggestion, which we have no doubt will be acceptable to all. It is the introduction of a system of indirect election through "Electoral Colleges."

SECTION IX.

PUBLIC SERVICE.

If provincial autonomy is to be a reality, provincialisation of services is the logical finality, for it is only in the fitness of things that the self-governing provinces should be left free to recruit their own services. The landholders appreciate the wise memorandum of the Madras Government on the point. It hits on the right attitude—"Responsible Self-Government, if it implies anything, implies that the province must be free to recruit its own servants as and when it likes. There can be no imposing upon it a body of men recruited under regulations, from sources and at rates of pay prescribed by some outside authority."

Under the existing circumstances, the landholders are of opinion that the recruitment of I. C. S. and I. P. S. should be made by the Government of India but in each case, the landholders point out, the requirements of every province should be consulted and the progress of Indianisation must be as rapid as circumstances should permit.

I. C. S. and
I. P. S. to be
recruited by
India Gov-
ernment.

The landholders are emphatically of opinion that in making appointments, the prime factor of efficiency should on no account be sacrificed to communal or class claims and interests. It may be urged that 33% of services should be ear-marked for the adjustment of communal inequalities. To this they offer no opposition but they urge that the rule shall on no account be relaxed. In the circumstances in which India is placed, it is but fair that all classes and communities should have the chance of being brought forward to give of their best to the administrative system but much circumspection should be observed in watching that efficiency is not displaced either by favouritism or communalism. With

Public
Service
Commission.

that end in view, the landholders urge the establishment of a Public Service Commission in each province to carry out the principle of the distribution of 66% of the appointments on consideration of merit alone and 33% for adjustment of communal inequalities.

SECTION X.

JUDICIARY.

The Landholders of India agree with the ideal of a Supreme Court for India—an ideal which has found eager acceptance in the British Colonies. Both the Nehru Report and the Indian Central Committee report support that ideal. The major colonies of England, such as Canada, Australia and South Africa have each a Supreme Court. No well-formed scheme of Federal Government is complete without a Supreme Court of its own. History bears testimony to that fact. The landholders, therefore, cannot urge the establishment of a Supreme Court of India as a Court of appeal and as one, vested with the power of upholding and interpreting the Constitution too strongly. "It is idle to deny", says Prof. Keith, "that the taking of appeals to the Privy Council is a mark of inferior status and partial servitude. That a suppliant should be at liberty to beg the King to do him Justice which the Dominion Courts have refused to him, far from being an idea likely to bind together the Empire, is one calculated to stamp the Dominion Courts as inferior and vicious while in practice it means that wealthy litigants have a very unfair advantage over poor suitors".

The necessity of a Supreme Court also arises from the fact that under the present Constitution, all matters of dispute between the Executive and the Legislature are left to be decided by the Executive. This is a mediaeval conception of the authority of the State, to say the least, and in the absence of an impartial tribunal, possessed of authority over the whole of India, as the final arbiter in all constitutional disputes, the present arrangement would remain an anachronism. Therefore, the only satisfactory solution for the interpretation of the consti-

Supreme
Court for
interpretation
of the
constitution.

tution, the need of which is sure to arise from time to time, and more frequently hereafter than ever, is the establishment of a Supreme Court, vested with necessary powers and jurisdiction.

Centralisation of High Courts.

The landholders appreciate the finding of the Statutory Commission that with a view to achieving uniformity of treatment, the High Courts should be centralised and that the charges of all High Courts should be put upon Central revenues. "It involves no denial of the principles of Provincial Self-Government for, of course, the High Court, whether in Calcutta or elsewhere, in carrying on its judicial work is entirely independent of the Executive and is equally outside the range of criticism by the Legislatures." To the list of High Courts, the landholders desire to add the Chief Court of Oudh and the judicial Commissioner's Courts in India.

In this connection, the landholders think that the Central Government may well delegate its administrative control over the High Courts to the Supreme Court, thereby making the judiciary more independent of the Executive. That the judiciary should be absolutely free from the interference by the Executive is a valued principle, admitted by sound political sense. The absence of it, especially in the subordinate judiciary of the provinces, is a slur on British rule in India. It is moreover a danger. It is interesting to find that Sir John Simon and his colleagues have studiously avoided these questions, without the proper solution of which, the confidence of the people in the constitution cannot be secured.

SECTION XI.

THE LAYTON SCHEME.

The landholders find themselves at variance in several matters with the recommendations of Sir Walter Layton with which Sir John Simon and his colleagues are in entire agreement. They are of course thankful to him for the immense trouble that he has taken in putting up an optimistic scheme for the future management of Indian Finance. There are certain suggestions in his scheme which, if put into effect, would place Indian Finance on a sounder basis. The landholders give their wholehearted support to Sir Walter for the admirable plan in which he has taken pains to rescue Indian Finance from the Meston Chaos. They cannot but appreciate the Federal character of the future financial machinery of this country. There are certain qualities latent in the scheme which, though possibly unworkable as long as the Federal Assembly remains irresponsible, will be a highly efficient machinery when, after the period of transition, a full responsible Government is established in the centre. The landholders do not suggest any scheme of their own for any alteration in this machinery because they hope that this period of transition will only be limited to a few years. They fully realise the necessity for establishing an Inter-Provincial Finance Council consisting of the provincial Finance Ministers and Finance Minister of the Central Government. As there is no doubt that "a spendthrift" province might seriously affect the standing of all classes of Indian Securities and prejudice India's borrowing power," it is very desirable to support also the Layton Proposal for establishing an all-India Provincial Loan Council, consisting of the Finance Member of the Government of India and the Finance Ministers of the provinces. The Landholders sincerely hope that this financial machinery should be

Need of
Inter-Pro-
vincial
Finance
Council

given a fair trial, but they suggest that a Federal Economic Advisory Board consisting of experts drawn from different provinces should be established more or less on the same lines as the Economic Advisory Board that has been recently established in Great Britain. It is perhaps also very desirable to have similar Economic Advisory Boards consisting of experts for the different provinces to assist the Finance Ministers in drawing up plans for the rapid development of the resources of the provinces.

Financial
machinery
on federal
idea.

The whole structure of the financial machinery of British India is essentially based on a federal idea, and this of course would specially suit the Federal constitution, provided a full responsible government be established in the centre in the near future; otherwise the benefits to be derived from such a scheme would be completely swallowed by an irresponsible government in the centre which, although superficially resembling the Federal type of Government, is bound to be highly centralised in its very nature. The autonomous provinces with full responsible government would in no circumstances tolerate the wastage and also the high-handed policies of an irresponsible central government and the result would be a constant friction between the centre and the provinces which would make the whole scheme unworkable. Moreover, in these circumstances, there is every possibility that an irresponsible central government might frequently play one province against another in financial matters, which is of course most undesirable because it would lead to provincial jealousies and frictions; and this would be a great source of constant trouble for the ultimate fusion and solidarity of all the various peoples of the different provinces of India—a kind of fusion which underlies the very principle of Federation.

As regards the separation of the Provincial Fund from the Central Budget, the Landlords have no objec-

tion to it. They, on the other hand, would welcome such a separation; because there would be less chance of a raid by the Finance Member of the Central Government in a year of deficit. A raid to the Provincial Fund would necessarily starve "nation-building" services for which the Fund would be created. So the landlords fully agree with Sir Walter's proposal for the separation of the Provincial Fund. Let the Finance Member of the Central Government balance his budget by any other means in years of deficits, but he should not have a free hand to raid the Fund without the consent of the Inter-Provincial Finance Council. Herein lies the necessity for the separation of the Provincial Fund from the Central Budget.

Separation
of the
Provincial
Fund from
the Central
Budget
approved.

With regard to an equitable distribution of the Provincial Fund, centrally collected, the landlords agree with the principles on which Sir Walter has founded his scheme. They do not question the fact that the existing provinces are unsuitable fiscal units. So the distribution of the Provincial Fund becomes a very complicated matter and it might lead to frictions and jealousies among different provinces, as suggested before. In order to avoid such complications the landlords, had it been possible, would have suggested a regrouping of the provinces of India on a better economic basis, but it seems that it would lead to still greater complications. So in these circumstances, Sir Walter's principles of distribution according to origin and partly according to population, are on the whole admirable. Such methods of distribution would however penalise certain prosperous provinces, but the landlords extremely desirous of the general welfare of the country would wholly approve of this scheme, because they fully realise that it is not statesmanship to leave certain parts of the country in a much more backward state of development than others. The benefits derived from such distributions should be general and not particularly provincial as far as possible without

Provincial
Fund—its
distribution.

much penalising the comparatively prosperous provinces. In short the distribution of the Provincial Fund must be completely free from any Central control, specially as long as the Central Government remains irresponsible. Otherwise a direct control of the Finance Member over the Fund would transform provincial autonomy into mere fiction. The estimated surplus of $4\frac{1}{2}$ crores in the Central Budget within the next decade should be allocated to the Provincial Fund, but the landlords do not think that such a surplus will ever be available and they will point out the reason later while discussing the central Budget estimate of Sir Walter for the next decade. What the landlords want to put clearly before the public is that there is hardly any chance of the Provincial Fund being enriched as long as the Central Government is not brought under popular control. The hypothetical estimate of Sir Walter is purely fictitious and this will be pointed out a little later.

The landlords would oppose the scheme proposed for the raising of fresh revenue for the Provincial Fund on various grounds. The new scheme of taxation is grossly iniquitous and totally unsound not only from the landlords' point of view but also from that of the general welfare of the country. Let it be definitely noted that public opinion in this country would not tolerate any fresh taxation proposed on the following lines:—

The proposed reduction by the Central Government of customs duty to the standard luxury rate of 30% is totally indefensible. In no civilised country the customs duty on imported liquor is so little and in this connection the case of Great Britain should be mentioned. The right to be given to the Provinces of imposing further duties on foreign liquor in the form of excises seems quite fair at the first sight, but a little deliberation proves otherwise. Sir Walter suggests that "If the provinces levied excise rates equivalent to the balance of the duties now collected

Foreign
liquor—
higher duty
favoured.

in excess of 30%, they would gain Rs. 1½ crores." The landlords do not agree that there is going to be a good surplus in the central Budget in the near future, and the loss of one crore and a half to the Central Budget would mean fresh taxation for the purposes of the Federal Government. In this connection, the landlords suggest an alternate scheme. If the Central Government can afford to lose a crore and a half in course of the next ten years (which is a very hypothetical proposition), this sum should be raised by the Central Govt. and allocated to the Provincial Fund. This scheme would be more effective because it would render impossible all possibilities of evasions in the provinces. As a matter of fact, a duty on such goods at the source rather than at the end would be more desirable, because it would save a good amount of collection charges in the provinces.

Moreover, the landlords advocate the necessity of increasing the duty on Foreign liquor as high as possible and that it should be brought at least to the same level as existing in Great Britain, if not to a higher level. This will be a heavy tax on the rich and it will no doubt reduce the high consumption of foreign liquor, a luxury which a poor country like India can hardly afford. Moreover, it is essentially necessary that the heavy consumption of liquor, whether foreign or home-made, should be reduced as low as possible. There is no doubt that a total prohibition as suggested by the Congress leaders is desired by all classes and communities in India for the general welfare of the Indian people. If for revenue purposes such a policy of prohibition cannot be put into effect, at least a partial prohibition involving no loss to the exchequer should be advocated. The loss due to the reduced consumption should be made up by a higher rate of excise duty on the home-made liquor. This rate of excise should be calculated in such a way as to afford a maximum revenue from a minimum consumption of

liquor. In short, the landlords suggest a higher rate of provincial excise on home-made liquor and intoxicating stuffs and also advocate that a similar excise duty, (preferably a much higher one) should also be levied on foreign liquor over and above the increased customs duty imposed by the Central Government. The excise on imported liquor should be collected with the customs duty and should be allocated to the provincial Fund.

The advantages of such a scheme are many. First, the higher customs duty will bring in a greater revenue and at the same time will reduce consumption of foreign liquor. Moreover, this increased taxation will be realised from the rich only, as they are the only people who can afford to have such imported luxuries. Again, the increases of excise duties on home-made liquor and other intoxicating stuffs would diminish consumption and increase revenue or at least would keep it stationery and would at the same time promote social welfare. It appears that the idea which guided Sir Walter to advocate his own scheme was to keep the import of foreign liquor as steady as before and thus to benefit foreign countries at the cost of India. The reduction of the customs duty to 30% and an imposition of excise duty on all liquor, imported or home-made, would certainly increase the price of home-made liquor which would diminish the difference between the two prices and thus would probably stimulate the importation of foreign liquor. This is indeed a bit of Imperial economics which goes against all the fair principles of taxation.

Commercial
stamps.

The landlords however appreciate the necessity for transferring the revenue from commercial stamps to the centre, so that the important problems as the extension and improvement of banking and money market could be more easily solved. They are also confident that this source of revenue would grow steadily with the gradual development of the resources of the country. But they

insist that this revenue should only be transferred to the Centre on the definite understanding that the Central Government would immediately establish a Reserve Bank under popular control and would do all that is possible in reorganising the money-market, so that there would be a better circulation of credit not only for industrial enterprises but also for the rapid mechanisation of the agricultural industry which is so essential for the general prosperity of India.

The landlords agree to the principle that a separate provincial fund should be created for nation-building departments which had been so long starved by an alien government to the benefit of the police and the military. But the question is whether fresh taxation in any form or other would be conducive to public welfare in the present economic condition of the country? Sir Walter's admission at the very beginning of his report that "the mass of the people are extremely poor" gives his whole case away completely. He admits that there is a great deal of scope for retrenchment of expenditure on defence and he advocates an immediate reduction of the army expenses. The landlords are fully cognizant of the appalling waste of public money by irresponsible governments both in the centre and the provinces. There is no doubt that apart from the army expenditure, every item of government expenditure, whether civil or military, could be cut down effectively without lowering the efficiency of the various departments of the government and thus a considerable amount of public money would be spared for nation-building services. In fact there is no reason why India should spend 66% more for defence than the pre-war level while Great Britain and other parts of the Empire are only spending 48.9% and 33% more. When every other country has obtained relief more or less from the greater sense of world security which has succeeded the world War, India's burden also should be relieved at least proportionately. The

Need of
retrenchment
in Army
estimate.

Armament Expenditure of India should be brought down to a reasonable figure and if Burma be separated at all from the Indian Empire, the total army estimate in course of the next decade according to Sir Walter would be 45 crores. The landlords insist on this figure being accepted as the maximum for the next ten years and also advocate the rapid Indianisation of the officers as well as the army units, so that a further retrenchment would be possible without impairing the efficiency of the Indian army. Indeed the country as a whole is grateful to Sir Walter for his recommendation to reduce the army estimate.

Sir Walter remarks that "As to the cost of general administration, it is commonly said and with justice, that the Indian Government is expensive, owing to the level of salaries in the upper grades of the Indian Services, which have had to be fixed on a standard high enough to induce British members to leave their home country and to work for the best part of their lives in an uncongenial climate. So long as British personnel is still required, these standards must continue." The landlords are fully aware of the fact that the civil administration of the Government of India is extremely top-heavy, and the salaries and the overseas allowance of the upper grade services must be reduced to a normal level so that a considerable portion of the public money could be utilised for better purposes. Taking a general view of the Civil administration of this country, the landlords do not think that the country derives any tangible benefit proportionate to the extra amount of public money that is spent on salaries and overseas allowance in the higher grade Indian services. In this connection, the landlords have a few suggestions to make. First, they would demand, knowing it very definitely that they would thereby get the wholehearted support of the people, that Retrenchment Boards should be immediately set up in the provinces with such members as would have the full confidence of the people and the provincial legislatures.

Civil
administra-
tion top
heavy.

Secondly, they would demand that a similar board should be set up for a general reduction of the Civil expenditure of the Central Government. As regards the British personnel in the Indian services, the landlords would insist on a definite time-table being fixed according to which the British personnel from such services would be rapidly withdrawn. No body would ever question the fact that without the rapid Indianisation of the services there is hardly any chance of a considerable portion of the public revenue being saved for nation-building services. Further, the landlords approve of the scheme of lowering standard salaries throughout the service and of paying overseas allowance to the British members just enough to induce them to accept services in this country, but in that case, the British personnel, in the service must be extremely limited. As this problem affects the provincial budgets much more than the Central Budget, all savings that would be made in this connection could be utilised for nation-building services.

Similarly all other items of Provincial expenditure including the Police should be severely cut down. In fact, in no other civilised country the percentage of the expenditure on Police is so high as it is in India. Therefore the autonomous provincial governments should use their power to bring the Police expenditure to a normal level. In short, if a definite policy of strict retrenchment is carried out by the Provincial Governments as well by the Central, a considerable amount of public revenue would be saved which would diminish to a large extent the necessity of fresh taxation in the provinces for social services. In that case it would not be necessary "to increase the revenues of the provinces by something like 50%, in order to provide 40-50 crores within the next ten years," a fabulous sum impossible to collect under any fair scheme of taxation.

Reduction of
police
expenditure.

Moreover, the landlords demand an immediate alteration of the Exchange ratio which has been fixed

Ratio
Exchange to
be altered.

not on proper parity, but most arbitrarily for definite reasons in order to facilitate imports at the cost of Indian exports. The enormous damage that it has done to Indian industries has drawn the attention of all Indian economists. The manufacturers of this country, one and all, are shouting against the present unfair stabilisation of the Foreign exchange. The landholders and the peasants have suffered most, because of the fact that export prices of Indian raw materials are considerably below what it should be even during the present economic depression all over the world, and this can only be attributed not to the Civil Disobedience movement so much, but to the dangerous policy of deflation that the Central Government has hitherto pursued, a policy which is a necessary corollary to the most arbitrary stabilisation of the Foreign exchange. The result has been that within a very short time the price level in this country has gone down proportionately much below what it has in other countries even during the present world crisis. The excessively high Bank rate even during the present world depression proves the fact. As long as such a state of affairs is allowed to exist, there will hardly be any chance of a recovery of trade in India in the near future. The landlords are painfully astonished to find that not a word about the ratio has been mentioned by Sir Walter in his all-comprehensive report. The most iniquitous manipulation of the Foreign Exchange that has done such a havoc to Indian welfare should have attracted the notice of an eminent economist like Sir Walter. Before any scheme of fresh taxation in the shape of an increased Income-Tax or Agricultural income tax is considered by the landlords, they would first insist on the immediate stabilisation of the Foreign Exchange on its proper parity. Without it and without a happy recovery of trade in this country, there would be no justification on the part of the Government to ask for more money in the shape of increased income-

tax or agricultural tax. This is, in short, the unanimous opinion of the landlords of India and they are fully confident that thereby they are voicing the general feeling of the whole people of India.

Now discussing about the yield of the income-tax in this country, Sir Walter remarks that "The rate of income-tax in India is light compared with that in force in Western countries." Sir Walter's comment that "It should now be possible to increase the yield substantially by lowering the limits, which are undoubtedly high, particularly for Indian conditions" cannot be justified by any body who has the general welfare of the people in his mind. The chronic unemployment among the middle class people has sapped the vitality of the society to a very great extent, and moreover, has added fuel to the fire of political unrest in the country. The lowering of the exemption limit below Rs. 2,000/- would bring ruination to many Hindu and Mahomedan families consisting generally of a few earning members but supporting in each case many dependants, male and female, who are constantly facing chronic unemployment and have hardly any chance of eking out even a meagre living by their own labour. By lowering the exemption limit not only will the earning members be penalised but also the whole family (not consisting of wife and children, but other dependants only as in Europe) will have to face very great hardship with the only possible result that it will bring greater disaffection to the people and will give a greater stimulus to the serious political unrest in the country. On these grounds, the landlords would not agree to any proposal for lowering the exemption limit in the near future. They have no hesitation to make it clear to the public that such a scheme has been put forward by a British economist wholly ignorant of the miserable conditions of a poor middle class Indian family.

Rate of
Income-tax
not to be
lowered.

The most disappointing and unfortunate recommendation of Sir Walter Layton is the imposition of income

Tax on agricultural income unsound.

tax on agricultural incomes. The advocates of income tax on agricultural incomes argue on and from the hypothesis, that a large profit is intercepted by the landlords, that land revenue is a rent and there is no reason that agricultural incomes should be freed from taxation, and the burden of taxation borne by the agriculturists is not equal to that paid by the non-agriculturists. All these propositions are either fallacious or un-sound.

Little profit to landlord.

There is an impression abroad that the landlords intercept a very large share of agricultural income and that they are rolling in wealth without any corresponding obligation on them to pay their quota to the state exchequer, adequate to their income. It is true that there has been a large increase in the rent-roll but the increased income is divided amongst a very large number of middlemen or petty tenure-holders. And in calculating the portion of revenue and profit, one must take into account, "the great loss suffered by the landholders in the first 50 years of the Permanent Settlement, the enormous sums spent in the reclamation of waste lands and value paid by the purchasers of permanently-settled estates and big tenures at the auction sales because 90 per cent of these have changed hands since 1793 and they have been purchased by thrifty people who desired to invest their hard earned money in land fetching an average income of not more than 5 per cent." How the boon of the Permanent Settlement worked in the case of the landholders is testified to by a Lieutenant Governor of Bengal:—

"There was widespread default in the payment of Government dues and extensive consequent sales of estate or parts of estate for recovery of arrears under the unbending system introduced in 1793. In 1796-97 lands bearing a total revenue of sikka rupees 14,18,756 were sold for arrears of revenue, and in 1797-98 the revenue lands so sold amounted to sikka rupees 22,74,076. By the end of the century the greater por-

tion of the estates of Nadia, Rajshahi, Bishnupur and Dinajpur Rajas had been alienated. The Burdwan Estate was seriously crippled; and the Birbhum Zemindari was completely ruined. A host of smaller Zemindars shared the same fate. In fact, it is scarcely too much to say that within the ten years that immediately followed the Permanent Settlement a complete revolution took place in the constitution and ownership of the estate which formed the subject of the Settlement."

To fully appreciate "the large profit intercepted by the landholders", one may look at the list of voters of the landholders electorate for the Legislative Assembly which shows that in 1923 there were only about 600 voters in the whole of Bengal while the total number of rent-receivers in Bengal is 38,00,000. It may be safely calculated that the minimum income of those who are qualified to vote for the Assembly is about Rs. 6,000/- a year and out of 38,00,000 of rent receivers, not more than 600 have an income of about Rs. 500/- a month. Those who are familiar with the conditions of Bengal know that the estates of most of these 600 landlords are more or less encumbered due to partition, sub-infeudation, litigation and protracted and costly procedure incidental to the realisation of rent from the tenant through the Civil Courts according to the provisions of the Bengal Tenancy Act. The Census Report of 1921 says "the landlord and the middleman class of Bengal are by no means well-to-do". And if this is true of Bengal we make bold to say it is truer of other provinces where anything like a fixity of tenure does not prevail.

Rich land-
lords very
few in
number.

The following remarks of Prof. Kale about the Ryotwari system will bear quotation in support of the contention of the landholders :—

"Most of the holdings in the Ryotwari provinces are notoriously uneconomic and the cultivator has to supplement his scanty agricultural income by work elsewhere. Yet he must pay the land tax. The indebtedness of

Poverty in
Ryotwari
provinces.

the Ryot is very heavy and the land-tax has to be very often paid out of borrowings and not out of the agricultural profits actually realised, while the money-lender may not pay an income-tax at all."

U. P. land-
lords
equally poor.

The condition of the United Provinces landlords tells the same tale as is evident from the following statement:—"It is remarkable that Agra is pre-eminently a province of small landlords, who deserve protection even more than the tenants. The following figures will not startle those who are in direct touch with the rural population of this Province:—Number of Agra landlords paying land revenue between

	R 1 & R 24,	R 25 & R 49,	R 50 & R 99, R 100 & over	
	368,	559	161,	060
	<hr/>			Total
	72,	688	95,	477
	<hr/>			697, 784.

Thus the number of landlords paying a land revenue of between R 1 and Rs. 24 is 56 per cent. of the total number and the number of all the landlords paying a land revenue between R 1 and Rs. 99 is 86½ of the total number; in fact the landlords who are in affluent circumstances are practically very few and far between. Any one, therefore, who has the welfare of the country at heart, cannot possibly allow the bulk of the unfortunate Agra landlords, who are practically living on the verge of starvation and who are fast drifting into the hands of the village Shylock, to perish by reason of ill considered laws."

Low condi-
tion of
Oudh and
Agra land-
lords.

The low condition of the landlords of Oudh and Agra is reflected in the difficulties, which the Government feels in realising its land revenue as will appear from the following quinquennial statement of the coercive processes adopted for the realisation of the arrears of land revenue:—

COERCIVE PROCESSES FOR RECOVERY OF ARREARS OF LAND REVENUE.

Year.	Provinces.	Writ of demand.	Citations to appear.	Warrants of arrest.	Attachments of moveable properties.	Attachments of immoveable properties.	Arrears for which processes were issued.
1	2	3	4	5	6	7	8
1921-22	Agra	27,239	1,06,157	14,625	26,118	153	1,33,24,521
	Oudh	3,526	17,571	1,840	6,912	55	31,69,537
	Total	30,765	1,23,728	16,465	33,030	208	1,64,94,058
1922-23	Agra	24,007	1,10,521	15,476	27,666	259	1,31,76,294
	Oudh	9,283	17,624	2,122	8,279	57	31,74,357
	Total	33,290	1,28,145	17,598	35,945	316	1,63,50,651
1923-24	Agra	27,350	1,08,400	13,598	32,578	173	1,37,15,221
	Oudh	10,029	16,947	1,975	10,841	82	32,57,221
	Total	37,379	1,25,347	15,568	43,419	255	1,69,72,442
1924-25	Agra	22,949	98,292	12,317	23,619	179	1,11,39,322
	Oudh	6,403	16,806	2,262	10,272	73	25,16,221
	Total	29,352	1,15,098	14,579	33,891	252	1,36,55,543
1925-26	Agra	27,588	1,04,156	13,685	26,602	230	1,36,19,073
	Oudh	5,156	18,125	2,345	11,763	41	31,60,218
	Total	32,744	1,22,281	16,030	38,365	271	1,67,29,241

Land
revenue—a
tax.

Secondly, land-revenue is a tax and not a rent, as conclusively proved by Mr. R. C. Dutt in his "Economic History of British India" and also by Baden Powell. There is no use entering into an academic discussion of whether land revenue is a rent or a tax. It is admitted that even if it should be regarded as rent, it is other and higher than economic rent and an imposition of tax will be unjust and unfair. The 90 per cent. that was fixed as the proportion of assessment in 1793 could certainly not be described as an "economic rent" in the permanently settled area. The most vulnerable point in this theory is that the rent taken by the Government is not an economic rent. Land revenue in India is a share of the agricultural profit. There cannot therefore be any such thing as economic rent specially where a number of tenures exist and the estate holds the absolute monopoly of land with a complicated system of tenancy laws. Land revenue must be considered as tax and not rent.

Burden of
taxation on
agriculturists

Thirdly, the argument that the burden of taxation borne by the agriculturists is not equal to that paid by non-agriculturists. By the rise of the Income Tax and Custom duties, the balance of contributions is now believed to be inclined in favour of non-agriculturists but right up to the beginning of the 20th Century, the contributions of the people dependant on agriculture were extremely high and the state-exchequer was filled by the owners of land and tillers of soil. "If the two are to be compared then, one must find out the average of the last 40 years at least, and if such a comparison be made the balance will certainly be in favour of the agriculturist. There is another very palpable fallacy in this argument; people do not live in water-tight compartments. In society there is no such division as agricultural and non-agricultural and a large portion of the Income Tax, Salt Tax, Duty on Opium and Customs are contributed by the agriculturists. Almost all the big and solvent zemindars and tenure holders pay Income

Tax on the income of their investments in Government securities etc. Out of the high receipts from the Salt Tax, certainly more than three-fourth is paid by the people living on agriculture who form over 70 per cent. of the total population; of the Custom duties which amount to 45 crores taking 5 : 3 as the proportion between import and export, the income from export which mainly consists of raw materials jute, cotton, tea seeds etc., is about 15 crores of rupees. The export duty is not directly paid by the agriculturists but they do it indirectly because the value of their produce is proportionately reduced and the agriculturist becomes a loser. In import duty the contribution of the agriculturist and the rent receiver is overwhelmingly large as apart from other reasons they form the bulk of the population and consumer." In the permanently settled area it must be pointed out, that the imposition of income-tax on agricultural incomes will be a contravention of the Regulations of 1793 whereby the Government demand on land is fixed for ever. Immediately before the Permanent Settlement, the Court of Directors sent the following instructions to the Government of India :—

"In order to leave no room for our intentions being at any time misunderstood we direct you to be accurate in terms in which our determination is announced.....
.....you will in a particular manner, be cautious to express yourselves to leave no ambiguity as to our right to interfere from time to time as it may be necessary for the protection of the raiyats and subordinate landholders, it being our intention in the whole of this measure, effectually to limit our demands, but not to depart from our inherent right as sovereigns, being the guardians and protectors of every class of persons living under our Government."

The Court of Directors in sanctioning the proposals of Lord Cornwallis wrote on the 19th of September 1792, "We therefore wish to have it distinctly understood that

while we confirm the landholders to the possessions of the districts subject only to the revenue now settled, and while we disclaim any interference with respect to the situation of the raiyats or sums paid by them without any addition of revenue to ourselves we expressly reserve the right which belong to us as sovereigns of interposing our authority in making from time to time all such regulations as may be necessary to prevent the raiyats being improperly disturbed in their possession or loaded with unwarrantable exactions." From the analysis of the Articles of Regulation I. of 1793, it would appear that the Jama was definitely fixed for ever. That was a solemn contract whereby they forfeited the right of assessing the land further on any pretext whatsoever.

What the
Permanent
Settlement
Regulations
say.

Article II.—The Marquis Cornwallis Knight of the most noble order of the Garter, Governor-General in Council, now notifies to all Zemindars, independent talukdars and other actual proprietors of land paying revenue to Government, in the provinces of Bengal, Behar and Orissa, that he has been empowered by the Hon'ble Court of Directors for the affairs of the East India Company to declare the Jama which has been or may be assessed upon their lands under the Regulations above mentioned fixed for ever.

Article III.—The Governor-General in Council accordingly declares to the zemindars, independent talukdars and other actual proprietors of land with or on behalf of whom a settlement has been concluded under the Regulations above mentioned, that at the expiration of the term of settlement no alteration will be made in the assessment which they have respectively engaged to pay, but that they, and their heirs and lawful successors, will be allowed to hold their estates at such assessment for ever.

Article V.—In the event of the proprietary right in the land that are or may become the property of the Government being transferred to individuals, such indi-

viduals and their heirs and lawful successors shall be permitted to hold the lands at the assessment at which they may be transferred for ever.

Article VI.—The Hon'ble Court of Directors considering these usages and measures to be detrimental to the prosperity of the country, had, with a view to promote the future ease and happiness of the people authorised the foregoing declarations; and the zemindars, independent talukdars and other actual proprietors of land with or on behalf of whom a settlement has been or may be concluded are to consider those orders fixing the amount of the assessment as irrevocable and not liable to alterations by any persons whom the Court of Directors may hereafter appoint to the administration of their affairs in this country.

The Governor-General in Council trusts, that the proprietors of land sensible of the benefits conferred upon them by the public assessment being fixed for ever will exert themselves in the cultivation of their lands, under the certainty that they will enjoy exclusively the fruits of their own good management and industry, and that no demand will ever be made upon them or their heirs or successors, by the present or any future Government for an augmentation of the public assessment in consequence of the improvement of their respective estates.

Article VII.—First. It being the duty of the ruling power to protect all classes of people and more particularly those who from their situation are most helpless the Governor General in Council will whenever he may deem it proper, enact such Regulations as he may think it necessary for the protection and welfare of the dependant talukdars, raiyats and other cultivators of the soil; and no zemindar, independent talukdar and actual proprietor of land shall be entitled on this account to make any objection to the discharge of the fixed assessment which they have respectively agreed to pay.

Second. The Governor-General in Council having

on the 28th July 1790 directed the *sayer* collections to be abolished if full compensation was granted to the proprietors of land for the loss of revenue sustained by them in consequence of this abolition; and he now declares that if he should hereinafter think it proper to re-establish the *sayer* collections or any other internal duties and to appoint officers on the part of the Government to collect them, no proprietor of the land will be admitted to any participation thereof or be entitled to make any claims to the remission of assessment on that account.

Fourth. The Jama of the zemindars, independent talukdars and other actual proprietors of land which is declared fixed in the foregoing Articles is to be considered entirely unconnected with and exclusive of, any allowances which have been made to them in adjustment of the jama for keeping up thanas or police establishments and also of the produce of any lands which they may have been permitted to appropriate for the same purpose; and the Governor-General in Council reserves to himself the option of resuming the whole or part of such allowances or to produce such lands according as he may think proper, in consequence of his having exonerated the proprietors of land from the charge of keeping the peace and appointed officers on the part of the Government to superintend the police of the country. The Governor-General in Council however declares that the allowances or produce of the lands which may be resumed will be appropriated to no other purpose but that of defraying the expense of police and the instructions will be sent to the Collectors not to add such allowances or the produce of such lands to the Jama of the proprietors of land but to collect the amount from them separately.

Article IX.—From the limitation of the public demand upon the lands, the net income, and consequently the value (independent of increase of rent obtainable by improvements) of any landed property, for the assess-

ment on which a distinct engagement has been, or may be entered into between Government and the proprietor or that may be separately assessed although included in one engagement with the other estates belonging to the same proprietor and which may be offered for private sale entire, will always be ascertainable by a comparison of the amount of the fixed Jama assessed upon it (which agreeable to the foregoing declarations is to be made unalterable for ever, to whomsoever the property may be transferred), with the whole of its produce, allowing for the charges of management. . . .

Mr. R. C. Dutt, one of the most eminent authorities on land questions says :

“The Indian Government have tried to persuade themselves, and to persuade others, that the permanent settlement is a useless and a hurtful institution. English landed proprietors, who themselves enjoy and appreciate the benefits of a permanent settlement in England under Pitt’s Act of 1798, learn to repeat, when they arrive in India, that what is good for themselves is not good for the people of India. Young men, fresh from schools, when they come out as administrators to India, learn to sneer at the opinions of Cornwallis and Sir Thomas Munro, of Wellesly and Lord Hastings, of Canning and Lawrence, of Lord Halifax and Sir Stafford Northcote, as the “school of thought” of an earlier period which is now out of date and out of fashion. And the people of India are asked to believe, with all the eloquence of official persuasion, that the grapes which are now placed beyond their reach are sour, and that they will thrive best under a continuous increase of the State demand from the soil. All this is very intelligible, however sad. But the impartial student of history will occasionally turn from the made-to-order opinions of modern times to the freer discussions of past generations; to the opinions of men who watched the operation of the permanent settlement from the earliest period, judged its merit from the

R. C. Dutt’s
view.

highest stand-point, viz. that of the happiness of the people of India, and recommended its extension with greater freedom than has been enjoyed by any Viceroy since 1883."

Industrial developments have also been crippled by the loss of purchasing power of the agricultural people owing to the continuously oppressive drain on agricultural incomes by sinister schemes of fresh taxation. The export cesses on jute, rice etc. and the various local cesses have been ruining the cause of agricultural developments.

In the report of the Taxation Enquiry Committee it has been suggested that the maximum pitch of standard assessment all over India should not be more than 25%. "In so far as the materials before the Committee afford any indication, they point to a standard rate of not more than 25 per cent as desirable." Unfortunately, in the permanently settled areas of Bengal and other parts of India, the present rate of assessment varies from a very low figure to an extremely high figure which means that the incidence of taxation though borne at the rate of 90% at the time of the Permanent Settlement has proved to be highly unequal by subsequent developments of certain lands and also by natural play of economic forces. Moreover in recent years, there have been many unfair encroachments on the contractual rights of the landlords by the British Government with the regrettable result that the contract of the Permanent Settlement has not been honoured. Even now most of the landlords of Bengal derive practically no benefit from the Permanent Settlement, because of the fact that they have been paying by way of land revenues and cesses much more than the maximum standard of 25% which should be paid as land revenue according to the recommendation of the Taxation Enquiry Committee. In fact in other countries the maximum assessment is hardly more than 25%. So the supposed boon of the Permanent Settlement to most

Taxation
Enquiry
Committee's
admission.

of the landlords in Bengal is wholly fictitious as can be proved from the following figures put before the Taxation Enquiry Committee for the ten districts of Bengal. The percentage of the assessment varies from 6·5 to 57·7 with an average of 21 and of course these figures do not include the numerous cesses and other indirect taxes that the landed interests of this province are paying. So the supposed heavy loss to the Government owing to the Permanent Settlement could not have been more than 4% of the total revenue, a sum which has been undoubtedly more than enough compensated by the numerous cesses levied directly or indirectly on agricultural incomes. So any new taxation on agricultural income would impose very great hardship on the majority of the landlords and if levied on the cultivators and poor middlemen according to the income-tax basis would bring untold misery to the whole province. The landlords could not entertain any scheme of an agricultural income tax.

Thus the imposition of income tax on agricultural incomes cannot be introduced without making a breach of the solemn pledge given to landlords by Parliament in the name, on behalf and under the authority of the British nation. In other provinces where the system is of direct settlement with the tenant or a temporary settlement with the landlord, land revenue has already exceeded the equitable limits, sometimes over 50% of the gross produce or of the rental according to the area. Mr. R. C. Dutt and other great authorities on land revenue questions have attributed the chronic recurrence of famines to this exorbitant rate of Government demand.

Over-taxed
land in
India.

The Road and Public Works Cesses on land payable roughly half and half by the zemindar and the tenant, are an increasing charge on the agricultural income because it is rising at every revaluation of Cesses, and they were imposed in Bengal in 1871, and that was one of the reasons why agricultural income was not included

in the Income Tax Act of 1885. To be consistent with that principle, the Government must either give up Public Works and Road Cess or Income Tax on agricultural income; they cannot claim both. Chowkidari tax is another direct tax on people dependant on agriculture.

That the land-revenue receipts are proportionately considerable will be evident from the following table:—

Povinces.	Total Provincial receipts (actuals) 1926-27, excluding debt heads.	Land Revenue receipts (actuals) 1926-27.	Percentage of Land Revenue to receipts.
Madras	... 168369	75432	44.78
Bombay	... 148607	46694	31.42
United Provinces	128970	68797	53.35
Punjab	... 117143	32126	27.77
Burma	... 105627	52293	49.52
Bengal	... 105036	31118	30.42
Bihar & Orissa	... 57397	16921	29.48
Central Provinces	52951	23288	43.98
Assam	... 25849	10672	41.28

(Note:—The above figures are in thousands.)

The advocates of income tax on agricultural incomes should also note that the amount of land revenue in India is 35 crores of rupees. To this should be added 9,14,08,000 the tolls of the District Boards which are paid by the agriculturists; the total sum will then amount to 45 crores or more than one-third of the revenue of the Government of India, whereas in England the total revenue is £14,26,924,000 and the land tax only £650,000—a fact which adequately proves that our land revenue includes within itself economic rent, Income Tax and also Land Tax.

Considering the low taxable capacity of the over-taxed tenant, the landholders feel that income tax on agricultural income will be ruinous to them and bring about serious complications which will be highly deleterious to the economic and productive power of the nation.

The Landholders are definitely of opinion that an amalgamated death-duty will be unpopular and unjustifiable and would lead to serious complications. The following deterrent factors should be closely examined; (1) the violation of inherent rights as enjoined by the Hindu Law of inheritance and survivorship, especially relating to the Mitakshara schools (2) The intricacies of the Muhammadan Law of Succession; (3) Probate duties, expenses of succession certificates or taking out of Letters of Administration.

Imposition
of death
duty unwise.

For the following amongst other reasons the imposition of an universal death duty in India specially in Bengal will be very unjust and unwise.

Reasons stated: (a) As there is no law of primogeniture except in a limited number of families partition means that each of the sons will have to struggle to maintain the position and status of their father with only a fraction of his income. Imposition of heavy death-duty will in many cases mean the sale of a portion of the estate for which often no ready market will be found with the result that most estates will pass into the hands of money-lenders.

(b) Absence of primogeniture means division, litigation and deterioration of the estate resulting from partition.

(c) Partition of Zemindary estates specially means that at each stage property tends to become uneconomic. Imposition of heavy death-duty will render the estates still more so.

(d) In the present position of India, conservation of capital is of utmost necessity. Capital levy in the shape of death-duty will retard increase and improvement of national wealth and will consequently affect the reproduction of wealth and for that reason death-duties are to be specially deprecated.

(e) It is well-known that as compared with the European countries where there are death-duties India is

a very poor country. Its taxable capacity, as compared with England, is very limited. For the development of public life it is desirable to encourage a leisured class of education and culture; such a class is practically non-existent in India.

(f) Opportunities of employment in a province like Bengal are extremely limited. We turn out here more than 26,000 under-graduates every year with a literary or theoretical scientific education without the opportunities of employment which are open to youths in a country like England with its 70 per cent. urban population but which are wholly non-existent in this country. Imposition of death duty will press very heavy on middle class men who have to struggle hard for their existence.

(g) The average life in India and specially in unhealthy Bengal is very much lower than the average life in England. This coupled with the fact of partition will mean greater frequency in the levy of death duties and its imposition will therefore be very oppressive.

(h) Sradh and funeral expenses are enjoined by religious and social observances of the country and it is a factor which cannot be and ought not to be ignored.

(i) When we compare the average income of the British or other European countries where death-duties exist and when we take into account the fact that the India of the present day has to depend largely on imported articles for which heavy import duties have to be paid, we can only come to the reasonable conclusion that it will be extremely unjust to impose death duties in India.

The proposal to levy a terminal tax at a low rate for provincial purposes at every railway station subject to the approval of the Government of India should be carefully considered. Sir Walter himself admits that there are serious objections to such a tax. This tax being an indirect tax will be borne unequally by the rich and the poor and as usual will hit the poor most. Moreover, it will be extremely difficult to impose a tax of

this nature without putting a heavy burden upon short distance traffic, a difficulty which has been admitted by Sir Walter himself. The only justification for the imposition of such an iniquitous tax is that it will be highly productive for revenue purposes and also could be easily collected. His estimate of the yield of this tax is at least 6 crores and "if the proceeds were utilised for beneficent purposes, the economic benefits should considerably outweigh its disadvantages"—a remark which should be challenged by any student of economics. If a long period is taken into consideration, there can be no doubt that the country would get certain benefits from the careful spending of such a tax but an economist should consider also the immediate effect of such a tax both on the producers and the consumers. It will hit them both very severely even if the duty be kept at an exceedingly low figure. There would be a definite tendency for a rise in prices of all classes of commodities and in that case the poor consumers will suffer most. A tax of such a nature means a higher rate of railway freight, and as railway freight in India is already high in comparison with that of other countries this is likely to prove a great obstacle to trade and industry.

The Railway administration in India is also extremely top-heavy and there is every possibility of a considerable amount of reduction in railway expenses if a Retrenchment Board is set up by the Central Government so as to command the confidence and support of the elected members of the legislature. A considerable saving can be made by a rapid scheme of Indianisation of the higher grades of services and by the standard salaries of such services being brought down to a reasonably lower level in conformity with that in other countries. The landlords are of opinion that any saving that can be made in this direction could be better employed for nation-building services, or if a reduction of freight is possible it would stimulate production of wealth and would lead India to

Need of
retrenchment
in Railway
administra-
tion.

prosperity. That the immediate effect of such a terminal tax would be extremely harmful over and above the high charges for freight is pretty obvious, because both the producers and the consumers will suffer heavily, and in a poor country like India it may prove to be a severe burden on the free movement of goods. One can hardly doubt the fact that in that case production of wealth would be considerably diminished and whatever benefits may be secured in the long run by a careful spending of this revenue would in no circumstances render any immediate assistance to the production of wealth. On the other hand, it would prove to be a great hindrance to the internal trade of the country, with the result that the poor people will suffer most. Therefore, the landlords can in no circumstances approve of such a scheme.

Excise duty
on
cigarettes.

As regards the excise duty on cigarettes locally manufactured the landlords are of opinion that if excise duty is levied on locally manufactured cigarettes a similar duty or preferably larger should be put on the imported cigarettes and cigars, over and above the present rate of duty so that the growing infant industry of India may not be wholly penalised to or sacrificed for the benefit of the foreign manufacturers. Moreover, as suggested in the Report of the Taxation Enquiry Committee, a licensing system for wholesale and retail dealers of tobacco should not prove to be "so unproductive of revenue as it has hitherto been expected to be." In certain States e.g. in Patiala the tobacco tax yields a considerable amount of revenue. So if the administrative difficulties which are however not totally insuperable, can be overcome, a very huge amount can be collected from the excise duty on manufactured tobacco coupled with a license fee on the wholesale and retail dealers of tobacco. Sir Walter's estimate of the yield of this duty is expected to amount to 5 crores at the end of ten years, provided the cigarette

habit continues to spread as it is doing at present, but if an additional license fee is charged, the revenue would expand considerably. Smoking in any form is considered to be a luxury in this country, so it would be just to collect as much as possible from this source without overburdening the consumers.

Little need be said about taxing the match industry for revenue purposes, but the great care must be taken to fix up such a rate of excise as would not permit the manufacturers to increase the retail price proportionately, so that the excise duty should fall mainly on the manufacturers and not on the consumers. Everybody is aware of the fact that the development of the match industry is due to the protection given by the Government of India against foreign manufacturers, and so this particular industry has received benefits of protection for a good many years. It is high time now for the match manufacturers to come forward and share a portion of the national burden of taxation.

While discussing the revenue prospects for the Central Budget, Sir Walter tentatively remarks "It might be worth while, even from the purely revenue point of view, to lower duties even at the risk of losing revenue at the moment, for the sake of encouraging the general economic development of the Country. On the other hand, a policy of high protection, though it might stimulate the creation of particular industries in India, would be a charge on the existing economic activities of India, and would prevent the expansion of revenue which is here contemplated." The landlords cannot agree to the more or less free trade policy of Sir Walter at the present stage of economic development of India. If India with all her immense resources had been as much industrialised as any other progressive country, the policy of Free Trade would have been universally accepted by politicians, landlords and the people. A Free Trade policy may be applicable to a highly indus-

trialised country like England, but it would make the rapid industrialisation of India impossible for very definite reasons and it would kill infant industries with bright prospects as it has undoubtedly done in the past. A policy of discriminate protection for the fixed periods would divert the flow of capital and labour to desirable channels and would promote the rapid growth of industries which would be able to stand on their own legs when the protection would be withdrawn, the landlords are in complete agreement with the representative political leaders of the country that the future fiscal policy of India for a long period of economic reconstruction should be based on high protective tariffs.

Lest this statement should become unweildy, the Landholders do not think it advisable to discuss in detail any scheme of financial reconstruction and readjustment which may profitably be made to replace the scheme, otherwise excellent in parts, suggested by Sir Walter Layton. In the foregoing pages, however, they have been at pains to lay bare the weak and impracticable nature of that scheme and to draw attention to the salient features of how a financial reconstruction could be undertaken upon a truly national basis and for a truly national purpose without disorganising Indian social and domestic economy and arrangement by far too much. Sir Walter Layton has signally failed in his appreciation of the taxable capacity of India. He proceeds upon the assumption that it is inexhaustible and may yet be made to yeild a deficit of 40 crores for the utilisation of an administration which is top-heavy or over-weighted and neither national nor measured according to the competence of a country, ninety per cent. of whose population live on the plough and according to the most authoritative computation, 40 millions of whose population do not know from year's end to year's end what it is to have two meals a day. They realise that taxation in India has reached its safety limit and any further charges

on it on the lines suggested by Sir W. Layton may result in consequences, the magnitude of which is difficult, perhaps uncomfortable, to conceive. They, however, reserve their right to suggest alternative schemes in addition to what they have indicated in this statement, should that occasion arise.

SECTION XII.

CHOTANAGPUR PROBLEM.

The Landholders of India greatly deplore the fact that it is seriously proposed by the Indian Statutory Commission that Chotanagpur should be excluded from the suggested reforms, and placed along with some other portions of the country under the Governor of Behar and Orissa with power to administer it as Agent to the Governor-General. A form of administration akin to this was what obtained in the province of Chotanagpur nearly a century ago, in 1833. It was however brought to a termination in 1854, solely for the purpose of helping the province of Chotanagpur to bring itself on a line with the rest of the country, so that, ever since, this division has been in the enjoyment of the benefits of the same progressive administration as Bengal, Behar and Orissa. All important enactments both of the Government of India and of the Local Government have their application to these districts. There is really, as matters stand, no difference in the enjoyment of the privileges of those laws in common with other parts of the administrative province of Behar and Orissa.

Nothing can be more disappointing and painful for the people of this division than to be put back by nearly a century and feel that they have been condemned unheard to a state of backwardness which is more irritating than deserving. The representation that is promised as a consolation to this division in the Provincial Council of Behar and Orissa is nominal and absolutely ineffectual, to say the least of it. And to make matters worse, the Chotanagpur division has been asked to go without a representation in the Federal Assembly in the centre. It is true that, as a mere annexure to the other component parts of the province,

this division does not receive the attention it deserves, though its contribution to the revenues of the province does not compare unfavourably with those of the other partners. It will still be a high price to pay to be deprived of the advanced and progressive forms of administration for the mere chance of obtaining good Government from autocratic rule. The people feel that such a course instead of enabling this division to make rapid progress so as to come into line with other parts of the country will tend to retard their progress towards self-Government and increase the distance by which they are left behind. The autocratic form of Government which is proposed for them may not prove unlike what prevails in the political States where the will (which is often synonymous with whim) of some particular official is the law and where the liberty and security of property of every individual depend on it. The Landholders of India feel that their brothers in Chotanagpur have been unjustly judged and treated in the Report and they regret that they cannot be reconciled to a reversion to the form of administration under which the law will be the creature of the person in authority.

SECTION XIII.

THE TRANSFER OF THE DISTRICT OF GOALPARA FROM ASSAM TO BENGAL.

Apart from the fact that the district of Goalpara in the province of Assam continued to enjoy the status and powers it had enjoyed under the Moghul rule even after the acquisition of the Dewany by the East India Company, the District in its administrative career formed a part of the district of Rangpur in North Bengal for over half a century during the years 1768 to 1822. Needless to say that Goalpara came under the Bengal Regulations also. In 1822, the district was taken away from Rangpur and tacked on to the Garo Hills, though not removed from the operations of the Bengal Regulations. In its chequered career, it came to be reunited with Bengal in 1867 with the constitution of a commissionership at Cooch Behar. The Province of Assam was constituted as a separate unit of local administration in 1874. The district of Goalpara was re-transferred to Assam. In 1905 when the Province of Eastern Bengal and Assam was formed, Goalpara became a part of the new Province only to revert to Assam after seven years in 1912 with the annulment of the partition of Bengal. It is manifest from this brief resume that the district has since its acquisition by the British Raj been a victim of administrative necessity and expediency to the neglect of the special needs and requirements of the District.

When further it is pointed out that the landholders and people of the District of Goalpara have, ever since the days of Lord Northbrook, been respectfully protesting against the decision of the Government to sever them from the laws and language to which they have belonged for generations past, and include them in what is or are not their own, it may be hoped, that a careful examina-

tion of the problem would be undertaken without delay. And this is rendered all the more necessary by reason of the fact that neither autonomy nor democracy, both of which bid fair to come sooner than expected will be tempted to respect or preserve the distinctive features which have prevailed in the district of Goalpara in common with the northern districts of Bengal.

Having regard moreover, to the fact that the permanently settled Estates of the District of Goalpara which comprise an area of about 3,000 sq. miles originally forming part of Bengal under the Moghul Emperors and governed ever since 1869 by the regulations relating to land tenure of Bengal, and that the people of the district who have more in common with the people of Rangpur, Dinajpur, Bogra, Jalpaiguri and Cooch Behar than with the Assamese, it is not improper that the landholders should invite the attention of the Government to the re-inclusion of Goalpara into Bengal so as to afford the people of the district freer scope of development along with their own peoples speaking the same language, respecting the same traditions, obeying the same laws of land tenure, and following the same manners and customs as in the neighbouring districts of North Bengal—a principle by which the wisest Statesmen of Europe and America were influenced, actuated and guided at the Peace Conference at Versailles. Districts like territories owe their moral growth, mental development and material prosperity to happy grouping, stimulating association and to being thrown in environments congenial and conducive to their aptitude. To decree otherwise for administrative reasons is a deliberate attempt to put a curb upon their possibilities, dwarf their capabilities and deny them the opportunities of National uplift.

SECTION XIV.

CONCLUSION.

In 150 years of British rule the progress in India has been less than the progress in Germany or Japan in 50 years. Indians have as much intelligence and capacity as the Germans or the Japanese. The rapid strides of Japan in Commerce and Industry have made her one of the greatest workshops in the world. India, with her unrivalled resources is still in industrial swaddling clothes. A century ago the percentage of literates in India was about the same as in England. To-day 95 per cent can read and write in England, while in India scarcely 6 per cent. can do so. It is unnecessary for us to specify other grave defects. As a tree cannot grow in the shade so a nation cannot really prosper under an over-shadowing trusteeship. But the Indian Statutory Commission would still cling to their "ideal of trusteeship."

They have not realised the deep wound inflicted on Indian sensitiveness by insisting on such trusteeship. Trustees are appointed for minors. India is not an infant nation, not a primitive people, but the eldest brother in the family of man, noted for her philosophy and for being the home of religions that console half of mankind. Trustees are in Civil law appointed during the period of minority, so that trusteeship comes to an end by the efflux of time. Having regard to the frailty of man one shudders to think what would be the state of the society if self-made trusteeships could come to an end only when the trustees thought their wards capable. No trustee would renounce his trust voluntarily under such circumstances unless the trust estate proved to be a sort of *damnosa hereditas*. Political trustees in the same way would find countless excuses to prolong their trusteeship

Trusteeship
—an-exploded
theory.

'*ad infinitum*.' Trusteeship is opposed to Self-Determination, Liberty, Self-Government and Democracy. It is much better that people should govern themselves, even if they blunder in the process. Left to themselves, Indians will solve their problems as effectively as Japan has done in the short space of 40 years. No alien, even supposing that he is perfectly selfless, can do it in hundreds of years, for he is incapable of really understanding the needs and aspirations of the people. No foreign Governor can train the governed for Self-Government. Even the apologists of Bureaucracy admit that it has failed to prepare Indians for Self-Government, and profess to believe that they are now about to make an earnest beginning in training them for responsible Government. But a foreign agency is not the proper method. Indigenous agency is the right way. Sir Henry Maine rightly observes:—"To hold in political bondage a nation possessing so ancient, complex and deep-rooted civilization, to fetter it from free development on its own lines and free solution of its own problems, is not merely a political blunder of the first magnitude, but a treason against humanity." Under these circumstances the least that the Round Table Conference can do is to fix a time limit for the termination of trusteeship, which America proposes to do in the Philippines. Without such a time limit British trusteeship is only another name for *patria postestas*, from which Rome escaped after long travail by the efforts of liberal jurists. India hopes, that the period shall not be needlessly long under any circumstances whatever.

Sir Henry
Maine's
observation.

When we talk of a time limit, we imply a beginning. The Government of India is an exceedingly centralised autocracy. India expects that the first instalment shall be laid down by the Round Table Conference. The Simon Commission proposes to maintain intact autocracy in the Government of India, and to convert only the subordinate Provincial Governments into a purer form of

Autocracy
to go.

diarchy, placing the people on the lowest rung of the administrative ladder, and contemplating progress step by step towards the goal of Self-Government, if at all. This is no place to discuss the details, but the landholders resent the implied slur on the patriotism, intelligence and capacity of the people of India. The people of India are admittedly as shrewd, law-abiding and intelligent as the people of Europe. The venerable civilization of India has moulded their character and made them fit for citizenship in any civilized State. The only argument against their capacity is that a large majority of them cannot read and write. But this is no fault of theirs. It is a grievance against the Government. It was their duty to teach them to read and write during the past 150 years of their rule. All other countries have done so during this period including Great Britain and Japan. Lala Lajpat Rai was not wrong when he exclaimed that "The British Government of India cannot 'go in for universal elementary education,' as there is danger of even greater disaffection resulting therefrom; they cannot give technical education of a high order, as that might interfere with British Industries; they cannot protect Indian industries for the same reason; they cannot provide for real high-class commercial education with a teaching of foreign languages and a knowledge of sea-faring and navigation, as they do not want the Indians to directly engage in oversea trade and contract relations with other nations. They cannot protect and subsidise Indian Industries, as that is opposed to free trade and detrimental to British industries. Yet they want the Indians to believe that the British Government in India is primarily conducted in the interests of India." "The Government of India cannot even provide for high-class education in Sciences, in Engineering, and in Medicine, for the simple reason that the higher positions in these professions they want to reserve for their own people."

Educational
policy of
Government
criticised.

Moreover there is another aspect of the question that

educational backwardness is no bar to self-rule. Sir Surendra Nath Banerjee the prophet of modern Nationalism in India had a clear vision of what oppressed his countrymen. He said in his Oxford Union debate in opposition to Lord Hugh Cecil "Our educational backwardness was the deadliest arrow in his quiver. I pointed out in reply that the number of schools in England in 1821 was only 18,467 and the scholars 650,000, and it was not until 1881 that they reached the number of schools and scholars in India. And yet in 1881, England had full-fledged parliamentary institutions, and we were asking for much less."

Educational backwardness—no bar to self-rule.

Under these circumstances, to urge illiteracy as an excuse for withholding political rights is to add insult to injury. But apart from this insult, the scheme does not realise that the first requisite of progress is liberty for self-development. Left to themselves there can therefore be no doubt that Indians are quite capable of solving their Domestic Problems on democratic principles within a short time. It must not be easily assumed that Orientals are wedded to autocracy. The truth is that Democracy is older than Autocracy in India. Our ancestors were fully accustomed to democratic institutions. The great epic of India not only mentions, but describes Indian democracies, and the Buddhist literature fully testifies to their existence in those early days. The Greeks found village republics in full force. For over 2,000 years, five hundred thousand (500,000) Village republics, composed of all castes in the village, flourished in India from Megasthenes to Munro, till exterminated by Anglo-Indian centralisation. The vigorous caste Panchayet of to-day contains the germs of republicanism. No people in the world have had wider or longer experience in working popular institutions. Says Sir Surendra Nath Banerjee in the Oxford debate alluded to above:—"The statement has been made in the course of this debate that the Indians before the

Representative institutions in India.

Sir Surendra-
nath meets
criticism.

advent of the English were a pack of barbarians or semi-barbarians; I believe that was the language that was used. Let me remind this House that they come—the Hindus of India the race to which I have the honour to belong—(loud cheers)—they come from a great and ancient stock; that at a time when the ancestors of the most enlightened European nations were roaming in their native woods and forests, our fathers had founded great empires, established noble cities, and cultivated a system of ethics, a system of religion, and a noble language which at the present moment excites the admiration of the civilized world. (Loud cheers). You have only to walk across the way, and place yourselves in the Bodleian library, to witness the ancient records of Indian industry, Indian culture, and Indian ethics; therefore it seems to me the remark is somewhat out of place. (Cheers). If the remark was made to prejudice the claim which we have now the honour to put forward, to prejudice our claim for representative institutions, never was it more misplaced, for the simple reason that self-governing institutions formed an essential feature of the civilization of the Aryan race, and we come from the Aryan stock. (Cheers). The Hon. Opposser of the motion is pleased to refer to the authority of Sir Henry Maine in reference to certain quotations he has made. I am prepared to bow to that authority, and accept him as an authority in Indian matters. What does he say he in reference to India? “The first practical illustrations of self-governing institutions are to be found in the early records of India. Their village communities are as old as the hills.” (Cheers). When we ask for representative institutions, or a partial concession of representative institutions, we ask for something which is in entire accord with the genius and the temper of the people of India, in entire accord with the traditions of their history, and in entire accord with the tenour of British rule in India.”

Freedom for self-development would enable India to advance as Japan did, by leaps and bounds, thereby becoming a valued contributor to the civilization of mankind. India is anxious to restore her pristine glory. Of this there is no doubt. Liberty will infuse a new soul into her. It is therefore hoped that the high-minded statemanship of England will rise to the occasion and support this demand of India at the Round Table Conference, Congress of Peace, and give her the longed for opportunity of working, on her own lines, democratic institutions, and thereby becoming a source of strength to the British Commonwealth.

Free India
—a source
of strength
to Great
Britain.

SECTION XV.

SUMMARY OF THE SUGGESTIONS.

The following is a brief summary of the suggestions made in the foregoing pages:—

- (1) Readjustment of the constitution on federal basis.
- (2) An adequate element of responsibility in the Centre. Except in matters which have reference to the defence of India and foreign and political relations, the Government of India should be entrusted to the Central Cabinet which should be unitary and responsible to the Legislature.
- (3) Indirect election to the Central Legislature.
- (4) Rapid Indianisation of the Army. Recommendations of the Skeen Committee to be carried out. Responsibility for the Army in India is to rest with the Government of India.
- (5) Provincial Cabinet to be unitary and responsible to the Legislature. Governor's discretionary power for the protection of minorities. No discriminatory legislation.
- (6) Second Chamber, both in the Centre and Provinces.
- (7) Joint electorate with reservation of seats for the minority communities. Lucknow Pact supported.
- (8) Special representation of landlords in the legislatures, Central and provincial.
- (9) Electoral Colleges for depressed classes.
- (10) Provincialisation of the services as far as possible. Recruitment of I. C. S. and I. P. S. by the Government of India.

Thirty-three per cent of services to be ear-marked for adjustment of communal inequalities.

(11) Centralisation of the High Courts. Supreme Court in India as a Court of Appeal and as one vested with the power of interpreting the constitution. Separation of the Judiciary from the Executive.

(12) Financial machinery on Federal basis. Separation of the Provincial Fund from the Central Budget. Higher duty on foreign liquor. Need of retrenchment in military and civil administrations. Ratio of exchange to be altered. Rate of Income Tax not to be lowered. Imposition of income tax on agricultural income opposed. Terminal tax and death duty not favoured. Economic reconstruction based on protective tariffs.

APPENDICES.

FEDERAL TYPE. V. UNITARY TYPE.

The Madras Landholders' Association states:—

“It may be of a composite type taking in some of the elements obtaining in the different constitutions suited to the complexities of the Indian conditions. It may be also that the constitutional relations that may be evolved between the native States of India and the Central Government even when the native States decide upon entering into constitutional relation with and become part of Greater India, may not be exactly the constitutional relationship subsisting between the Provinces on the one hand and the Central Government on the other. In the circumstances we feel that it would be much better for us to express ourselves in concrete terms, that we are for full Responsible Government being introduced into the Provinces and for responsibility being introduced into the Central Government on the lines suggested in the Memorandum. The question as to how far the spheres of legislation and of administration ought to be kept entirely distinct and separate as if in water-tight compartments, whether the Provincial and Central Legislatures must continue to have concurrent powers of legislation in any and if so, in what spheres, whether the Central Government or the Governor General is to have any powers of supervision or control over provincial Governments at least in well-defined matters, may be taken up at a later stage.”

The Landholders' Association, Mymensingh, states:—

“A Unitary system of Government at the centre responsible to directly elected Central Legislature will fully meet all the requirements of Self-Government, particularly as a clear-cut demarcation of Central and Provincial subjects has been recommended. Such a system of Central Government is in certain respects preferable to a federal constitution with its consequent disintegrating tendencies. Native States also may have an adequate representation in such a system as in a federal system.”

INDIRECT ELECTION.

The Madras Landholders' Association states :—

"We notice that the Memorandum is in favour of indirect election to the Central legislature. It is well known that in almost every federal constitution there are two houses, one elected directly by the nation and another House representing the different units that compose the federal composite state. The lower House is the living symbol of the peoples composing the union just as the other House connotes the idea of compact or union among the different units. If the future Indian constitution is not to typify merely a sort of union or compact among competing or co-ordinate units but is to be the living expression of the nationhood of India, there is absolutely no reason to deny to the Indian constitution a feature common to all other federal states. If the only constitutional machinery is to be a chamber which is the result of indirect election, there would be absolutely no opportunity for the average citizen to express his will on the problems confronting the nation as a whole by means of his vote. The voter going to the polls at a provincial election cannot be expected to accord his vote in favour of a candidate on the footing that that candidate when elected will serve as a useful member of an electoral college to the Central legislature. The voter is likely to think of and address himself to provincial issues when going to the polls and not to national questions. The ballot box will cease to serve as an instrument of national education and expression of citizenship in regard to the nation as a whole. In the scheme proposed by Sir John Simon, there is also the danger of the person elected to the Central legislature being responsible to nobody. The person elected has not to look to the legislature as a body as he comes in on the proportional representation ticket. And again there is no guarantee that the same member of the Provincial legislature will be elected in the next election and serve as voter at the next election to the Central legislature. While it is necessary to have a House to express the Provincial view-point, we cannot too much emphasise the necessity of another House to express the national stand-point. A single House merely representative of the Provinces will encourage pestiferous tendencies."

The Landholders' Association, Mymensingh, states :—

"Zemindars should ask for direct representation in the Central Legislature as they cannot expect any seats in them through a method of indirect election made by the Provincial Legislatures. It is a common principle of democracy that representation should be as direct as possible.

This certainly applies with great force to the case of representation in the Central Legislature in which high politics of state are dealt with as it is desirable that people should have direct control over such matters through a direct vote. During the short period in which direct election has been in vogue after the introduction of the Reforms of 1919, it has tremendously roused political consciousness among the masses and it is not thought desirable to put an end to a system which has given rise to such beneficial results. Further, the risk entertained in quarters that Federalism will have disintegrating tendencies and will ultimately weaken the growing nationalism of India will also be obviated by direct elections which will keep the people in direct touch with matters of All-India concern and which will keep the interest of India as a whole always uppermost in the minds of the Electorate."

The Landholders' Association, Mymensingh, does not also favour indirect election to the Second Chamber for the Centre:—

"We are of opinion that there should be Second Chambers in the Provinces and qualifications for elections to those Chambers should also include definite property qualifications. The members of the Council of State for the Central Legislature also should, in our opinion, be taken by direct election where also the property qualification should have its legitimate share. The object of the Second Chamber will be entirely frustrated by indirect election through lower popular houses as has been alternatively suggested by the Simon Commission."

A SEPARATE PROVINCE FOR URIYA-SPEAKING TRACTS.

The Orissa Landholders' Association adopted the following resolution unanimously :—

“That the Orissa Landholders while expressing their grateful appreciation of the recommendation made in the Simon Commission Report regarding the formation of a separate Province of Uriya speaking tracts would record their disapproval of the proposed exclusion of Singbhum and the majority of Oriya speaking tracts in the Central Provinces, Bengal and Madras.