

A CONSTITUTIONAL HISTORY OF INDIA
1600-1935

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INDIA
1600-1935

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IMPERIAL CONFERENCE

SECOND EDITION (REVISED AND ENLARGED)



METHUEN & CO. LTD. LONDON
36 Essex Street W.C.

First Published April 16th 1936
Second Edition, Revised and Enlarged 1937

PRINTED IN GREAT BRITAIN

In Memoriam

**MARGARET STOBIE KEITH
AND
MARGARET BALFOUR KEITH**

PREFACE

It was the aim of the greatest among the early British administrators in India to train the peoples of India to govern and protect themselves, as Sir Thomas Munro wrote in 1824, rather than to establish the rule of a British bureaucracy. The method which they contemplated was doubtless that carried out with the most conspicuous success in Mysore, which, thanks in the main to the efforts of Sir Mark Cubbon as resident, was handed back to Indian rule in 1881 with the assurance that a tradition of sound government had been created which could be operated without detailed British supervision. Elsewhere this ideal proved impossible of accomplishment; the necessity of securing justice and order led to the progressive extension of direct British sovereignty and the evolution of that splendid instrument of government, the Indian Civil Service. That service, however, brought with it British political ideas and made English the official language of the higher functions of government. The result was inevitable; with steadily increasing strength the Indian intelligentsia has demanded the fulfilment of self-government, not in the form contemplated by Munro and his contemporaries, but in that of British Parliamentary institutions. To men deeply imbued with the fundamental principles of democracy, such as Lord Morley of Blackburn, these demands seemed inconsistent with the structure of Indian society, which is founded on the basis of social inequality and racial and religious diversity. But the services of India in the war elicited a formal declaration on August 20th 1917 of the policy of the British Government as involving steps to the gradual realization of responsible government in India as an integral part of the British Empire.

It is possible to condemn the declaration as an ill-considered piece of war propaganda; it seems clear at least that Lord Curzon did not realize that the pledge involved parliamentary government of the British type. But, whether the adoption of the policy was wise or not, it is clear that it had to be honoured,

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and the constitution of 1919 was the method suggested by Mr. Montagu and Lord Chelmsford to inaugurate the process of change. Whether the system of dyarchy on which it was based was workable may be doubted; the insight into it which I derived from membership of Lord Crewe's Committee on the Home Administration of India satisfied me that, for the reasons pointed out in my report (Cmd. 207) as a member, radical alterations in the principle of control would be essential if the principle of responsibility was to be tested. Naturally enough, considerations of caution prevailed, and the constitution as enacted and as operated effectively negated any real test of the capacity of Indian ministers to work responsible government. It is the essential merit of the Act of 1935 that it recognizes the failure of the Act of 1919 and presents, so far as Indian social conditions permit, the possibility in the provinces of true responsible government. It would, of course, be absurd to ignore the difficulties of operating the system under Indian conditions, which necessitate reserving large powers of intervention to the governors, but the task is at least not impossible as it was under the Act of 1919.

In the federal government also the semblance of responsible government is presented. But the reality is lacking, for the powers in defence and external affairs necessarily, as matters stand, given to the governor-general limit vitally the scope of ministerial activity, and the measure of representation given to the rulers of the Indian States negatives any possibility of even the beginnings of democratic control. It will be a matter of the utmost interest to watch the development of a form of government so unique; certainly, if it operates successfully, the highest credit will be due to the political capacity of Indian leaders, who have infinitely more serious difficulties to face than had the colonial statesmen who evolved the system of self-government which has now culminated in Dominion status.

In the original edition the work was carried on to February, 1936. Since that date the provincial scheme has come into full operation, and the central government is working under the transitional plan set forth in the Act, pending the coming into being of federation. I have accordingly added a chapter

which carries on the narrative to September, 1937. The period is essentially one of transition, but the working of responsible government in the provinces, after a false start mainly due to lack of appreciation of the situation by the India Office and the central government, is of singular promise for the future of India, provided that it is not thwarted by federal intervention.

For purposes of convenience the original Government of India Act, 1935 (25 & 26 Geo. V, c. 42) has been reprinted as the Government of India Act, 1935 (26 Geo. V, c. 2) and the Government of Burma Act, 1935 (26 Geo. V, c. 3), and the section references in this book refer to these Acts accordingly. The Government of India Act, without date, to which reference is occasionally made, is the Act of 1915 consolidating earlier legislation, as reprinted by direction of Parliament with alterations under amending legislation passed before the Act of 1935. When the latter Act takes full effect, the earlier legislation will pass away, together with the historic system which it represents. The vital change between the Act of 1935 and 1919 is thus formally attested; if it was possible to fit the changes then made as amendments into the substance of the old system that was out of the question with the Act of 1935.

In this sketch of the constitutional history I have necessarily concentrated attention on those matters which appeared to me of special significance as bearing on the evolution of self-government. After the earlier periods administrative and judicial details have, therefore, been passed over. Brevity also has dictated curtailment of discussion; otherwise I should have desired to deal fully with the views of the apologists for the action of Warren Hastings, and of the defenders of the remarkable and in my opinion quite untenable claims put forward by the rulers of the Indian States.

A. BERRIEDALE KEITH

THE UNIVERSITY OF EDINBURGH

September 25th, 1937

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