

THE ROYAL EMPIRE SOCIETY

(FORMERLY THE ROYAL COLONIAL INSTITUTE)

INDIA COMMITTEE

(*Chairman*: SIR JOHN KERR, K.C.S.I., K.C.I.E.)

REPORT

TO THE

COUNCIL OF THE SOCIETY

ON THE

PROBABLE WORKING OF THE

SIMON COMMISSION'S

PROPOSALS

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FOREWORD

At a meeting of the Council of the Royal Empire Society held on April 14th, a memorandum by the Secretary advocating the formation of an India Committee having been submitted, the following Resolution was passed :

“ That authorization be and is hereby given for the formation of an India Committee which shall, in the first place, give critical and constructive consideration to the Simon Commission's Report and make recommendations thereon.”

In writing to Sir John Kerr, extending to him an invitation on the part of the Council to preside over the India Committee, the Secretary of the Society said : “ The Council held that it would be undesirable to have on the Committee any former administrator who had already become associated in the public mind with a definite point of view regarding Indian development. All were inclined to hold that it should be no part of the Committee's function to go behind the Simon Commission's Report and discuss what was or was not the British ideal in India in 1857 or 1914. Its function rather would be to examine the proposals point by point and give an answer to the question : ‘ As men with practical Indian experience, are we of opinion that this specific piece of machinery could and would work and could not and would not result in widespread injustice or other effects so harmful as to outweigh the hoped-for good ? ’ ”

The Committee sat fourteen times (apart from meetings of sub-committees), and its report was presented to Council and accepted unanimously, with thanks to the Committee for the practical and valuable outcome of their labours, on October 29th. It was ordered that copies be sent to the Prime Minister, the Secretary of State for India, and all members of the Indian Round Table Conference. The Report is now published for general information by order of the Council of the Society.

It should be added that Professor John Coatman, C.I.E., served as a member of the Committee until a late date. Duties connected with the Round Table Conference then necessitated his retirement. He has not signed the Report, nor is he responsible for its contents. The Council desire, however, to record their appreciation of his invaluable collaboration with the Committee.

GEORGE PILCHER,
Secretary, Royal Empire Society.

NORTHUMBERLAND AVENUE,
LONDON, W.C.
November 3, 1930.

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PREFATORY NOTE

WE have been asked by the Council of the Royal Empire Society to express our views in regard to the scheme for the future government of India set forth in the report of the Indian Statutory Commission, which was presented to Parliament last May. We have held fourteen meetings during the months of July, September, and October, in the course of which we have subjected the proposals in Volume II of the report to detailed and careful examination in the light of our experience of the country and in particular of the working of the present constitution.

We have purposely abstained from discussing one aspect of the case, namely how far the proposals made are likely to be acceptable to the various shades of Indian political opinion; not because we underrate its importance, but because we feel that it is not our function to assess the precise weight to be attached to political expediency in comparison with the other factors of the problem. But we hope that our report may be of use in indicating the practical results that are likely to ensue, when a line of action is urged mainly on account of its political advantages.

A summary of our recommendations will be found at the end of the report. We would invite particular attention to three points in connection with the constitution proposed for the provinces, to which we attach special importance :

(1) We consider it essential that the great advance in responsible government which the Commission propose for the provinces should be accompanied by a definite association of the mass of the people with the new system of administration. Adult suffrage is at present impossible, but we recommend that, while qualified voters should continue to exercise the direct franchise, a system of indirect elections should be established, whereby village groups would choose spokesmen who would vote on their behalf at the elections for the provincial legislature.

(2) We do not think it would be safe at present to entrust law and order to the control of the provincial legislatures subject

only to the safeguards proposed by the Commission, and we recommend that the Central Government should be enabled to exercise an influence over the standard of police administration through a system of grants in aid like that in force in England.

(3) Most of us are strongly in favour of the creation of Second Chambers in the provinces.

Where we agree with the Commission, we have not thought it necessary to state at length our reasons for preferring their proposals to others which they have fully discussed in their report.

Note.—The references to the report of the Indian Statutory Commission are to the Volumes and paragraphs. Thus I, 209, means that the reference will be found in paragraph 209 of Volume I.

THE GOVERNORS' PROVINCES

Volume II. Part II

(Simon Commission's Report)

The Commission's scheme for the Governors' provinces involves the substitution for dyarchy of a unitary government, responsible to the provincial legislature for the administration of all the subjects which fall within the provincial field, but subject to various checks and safeguards. The grave risks which must attend the introduction of this policy are candidly set forth in the Commission's report, but we are not satisfied that they can be sufficiently met by the safeguards which they propose.

Most of us feel that, as matters stand, there is no alternative to an advance towards full parliamentary government in the provinces, and we accept the Commission's scheme in principle. We think, however, that it is essential that it should be accompanied by a much greater broadening of the basis of the electorate, and by further safeguards for the adequate maintenance of law and order and of the efficiency of the police. Our suggestions on these points will be found below.

2. In discussing this matter, we have taken the various aspects of the problem in a different order from that adopted by the Commission. We feel that the feasibility of their scheme, and indeed of any scheme, must depend on the provision of a sound basis. We propose, therefore, to begin by considering the constituencies which will elect the members of the provincial legislatures: to consider secondly the legislatures to which the provincial governments will be responsible: and finally the functions of the provincial executives and of the Governors who will have to work with them.

FRANCHISE AND ELECTORATE

Increase in the Electorate 3. The Commission have not overlooked the danger that a further extension of responsible government may result in the transfer of authority from a bureaucracy responsible to the British Parliament to an oligarchy which, whatever may be its responsibility

to the people by whose votes it is elected, may lack a real sense of responsibility to the people as a whole. They point out that the present electorate in the provinces (excluding Burma) contains only 6,500,000 persons, of whom 268,000 are women, and that this number amounts to less than 3 per cent of the population of the areas returning members to the provincial Councils. It is proposed that this electorate should be more than trebled immediately, so as to enfranchise about 10 per cent of the population : of the increased electorate apparently some 13,000,000 would be men and 6,500,000 women. The Commission further recommend that steps should be taken steadily to increase the number of voters as education spreads, so that within the next fifteen years, at least 20 per cent of the population may be enfranchised.

Practical Difficulties 4. We are firmly of opinion that the advance towards full parliamentary government which the Commission recommend should be accompanied by the grant of representation in the Councils to the masses of the people. Hitherto only a limited section of the community has had any voice in the administration, which has been largely in the hands of the permanent officials. Now that the official element is to be withdrawn from the provincial governments, it is essential that the provincial rulers should be made to feel their responsibility to the people at large. The Commission's scheme for the wholesale manufacture of new voters on existing lines will have little effect in this direction, nor do we believe it to be practicable.

5. First as to the question of practicability, we observe that the majority of the Indian Central Committee recommended only an immediate doubling of the electorate, while the minority thought there should be no change for seven years. The Statutory Commission have themselves shown that the practical difficulties of handling a greatly increased electorate on existing lines would be insuperable. "There can be no doubt," they say, "that practical considerations of time and money make any very large and sudden extension of the franchise unworkable and administratively impossible" (I, 209); and again, with reference to the existing arrangements for the conduct of a general election, "experience shows that, even with the present restricted franchise, it is necessary to enlist for this purpose nearly all Government servants in the district, and even so elections are in some provinces spread over several days" (II, 105). We may recall also that the Montagu-Chelmsford Report (para. 226) contained

a warning against any such "inordinate or sudden extension" of the franchise as might lead to a "breakdown of the machinery through sheer weight of numbers." In our opinion, an immediate trebling of the electorate, including the admission to the electoral roll of 6,000,000 women for whom special arrangements would be necessary, could only result in a complete breakdown of the machinery.

The Voters 6. Apart from this point, the Commission in their first volume have given a striking account of the ignorance and superstition of the voter in many parts of the country, of his liability to be misled and intimidated, and of the lack of contact between the members of the provincial councils and their constituencies. They say, "We have given reasons for thinking that many of the present voters very imperfectly understand, if they understand at all, the full implications of enfranchisement or the constitutional functions of their representatives" (II, 103). It may be, as the Commission think, that the people below the present line of electoral qualification are in many cases fully as fit for the vote as many who have it, but it must be remembered that the vast majority of the new voters whom it is proposed to enfranchise within the next fifteen years would be entirely lacking in political sense and experience, and that several millions of them would be women who up to the present time have not had even the most meagre training or evinced the slightest desire for the exercise of the franchise. It is moreover noteworthy that the Commission's proposals, sweeping as they are, will do nothing to help those classes, who, in their view, ought to have the vote, such as the Punjab tenants, the undertenants in Bengal and the Central Provinces, and the tea-garden labourers in Assam (I, 203). It is, indeed, difficult to see how such people could be given a vote so long as any education or property qualification is in force.

7. Nevertheless we believe, as we have said, that it is essential that the mass of the people should be represented in the provincial councils if the measure of parliamentary government proposed by the Commission is brought into effect. It is the masses who will suffer if self-government degenerates into misgovernment, and it is only fair that the masses should be provided with some means of exercising such influence as is for them possible over the provincial legislature and the provincial executive. One of the chief pre-occupations of the British Government in India hitherto has been the protection of the peasant and the labourer, and if the British Government now relinquishes its power of intervention between the rich and the poor, and between the powerful and the weak, it is in duty bound to provide the poor and the weak with the means of defending themselves. They require the vote, not solely or even mainly

as "an instrument for political education," but as a weapon of self-defence.

Indirect Elections 8. The grant of complete adult suffrage being out of the question for the reasons already indicated, the solution of the problem must be sought on other lines, and we believe that the requirements of the case could, at least for the present and the next generation, be met by some system of indirect elections. What particular system is most suitable is a matter for further consideration, as the Commission have not developed this theme, but of one thing we are fairly certain—namely, that the solution is not to be found in a docile imitation of western systems of franchise. We venture to put forward one constructive suggestion. Representation by a headman (often known as the *mukhi*, or mouth-piece) is well known in many communities in various parts of India, and is capable of adaptation for the purpose of giving the illiterate millions some voice in the selection of the authority by whom they are to be governed. We do not suggest any restriction of the present individual franchise of the literate voter, but we hold that, in addition, the illiterate masses should be given the opportunity of voting through their chosen spokesmen. We agree with the Commission that the machinery for recording votes would break down if it were required to record 100,000,000 illiterate votes within a few days, but if the 100,000,000 illiterate voters were divided into groups of twenty, each of which would select its own spokesman, there would be only 5,000,000 voting spokesmen to deal with.

Group Representation 9. The number of persons to be allotted to each group and the other details of such a scheme would have to be worked out locally. We suggest that for every three or four districts or similar areas of suitable size, a registrar should be appointed, whose duty it would be in the first place to supervise the formation of all the male adults of the villages into groups. It would probably be convenient as a general rule that each group should consist of persons of the same caste or community; but this arrangement is not essential, and the villagers would in many cases be able and should be encouraged to form their own groups by agreement among themselves. After the groups had been formed, each group would proceed to select one of its members as its voting spokesman, and the registrar would enter his name in the voting register, after deciding any disputes that might arise. All the proceedings would be held either in the village or at a centre convenient to the village. The voting spokesmen would vote by ballot at polling centres as at the present elections. Similar arrangements could be made in most towns with the advice of ward or *mahalla* committees, though in a few large cities special measures might be required in congested localities with a fluctuating population.

Group Constituencies 10. For the present we think it would be advisable that the voting spokesmen of the groups should form constituencies entirely separate from the ordinary territorial constituencies. Our object is to get as near to male adult suffrage as is practicable under present conditions, by giving each male adult a vote in the election of his rulers either directly or indirectly. Those individuals who reached the prescribed standard of qualification for an individual vote would vote individually in a territorial constituency as at present. Those persons who were not qualified for an individual vote would be formed into groups, each of which would elect a spokesman to vote in a group constituency on its behalf. In due time and with the spread of education the two systems would tend to amalgamate. With each lowering of the individual electoral qualifications, the number of groups would diminish, until ultimately all qualifications disappeared and adult suffrage took their place. Or, in view of the difficulties of adult suffrage in a country like India, it might be found advisable to extend group representation throughout the electorates. It is possible also that group representation might be found more suitable than the present arrangements for securing adequate representation of the depressed classes. In any case, we believe that a group system of representation would be valuable immediately, not merely as an instrument of political education, but also as a means of securing for the vast masses of the population some measure of protection which they could not hope to obtain for many years to come under the piecemeal extensions of the franchise contemplated by the Commission.

Candidates 11. Some of us think it very desirable that in order to establish that close contact between a member and his constituency which is obviously desirable, but which the Commission find to be almost entirely lacking at present, there should be an extension of the Bombay rule that candidature should be restricted to residents of the constituency. If a group system of representation is adopted, we think it might be considered whether in group constituencies it should not be provided that candidature should be restricted to voting spokesmen. The main object of group representation will be frustrated unless genuine representatives of the masses can be secured. In any case, we feel that the conditions that have to be provided for in India are so different from those prevalent in western countries, that it is desirable to try any experiments which offer a reasonable prospect of stimulating the growth of a sense of responsibility throughout the political organism.

Electoral Qualifications 12. While we greatly prefer a group system of representation to any immediate and drastic lowering of the present franchise qualification, we are strongly of opinion that the existing qualifications should be modified where necessary in order to rectify inequalities

between the urban and the rural population. The Franchise Committee of 1919 deliberately set out to enfranchise a substantially higher proportion of the urban than of the rural population, but there are few who would now argue that such discrimination is justifiable. We are not opposed to the introduction of an additional qualification based on education, independently of property, but the standard suggested by the Commission is that reached by the ordinary schoolboy at 11 or 12 years of age, and seems hardly suitable or adequate as a qualification for admission to the electoral roll ten years later. Some of us doubt also whether adequate precautions against fraud would be feasible.

Women's Suffrage 13. It is convenient to consider here the question of women's suffrage. We fully recognize the growing influence in India of educated women, and we gladly bear testimony to the value of the public work they have done in recent years. But in numbers they form an insignificant proportion of the womanhood of India, and the figures of female illiteracy should daunt the most optimistic reformer. As the Commission say, with reference to recent activities of Indian women in the cause of educational and social progress, "the gallant determination of the pioneers is blazing the trail, but much more than a decade of enthusiasm is necessary to break through obstacles which centuries have helped to build up" (I, 448).

14. The Commission propose, if we have understood them aright, to increase the number of women voters from 268,000 to 6,500,000 straight away, and to some 13,000,000 within the next fifteen years. The number of literate females in the country is estimated at only a little over 2,000,000, and though there are hopeful signs that the number of educated women in the middle and upper classes is likely to increase more rapidly in future than it has done in the past, we can see no object, as matters stand, in enfranchising several million women, who have received no literary education of any kind, and who cannot be expected to have the slightest grasp of the political problems with which the country is likely to be faced during the next generation. They would either not use their votes at all or would use them at the bidding of the men to whose influence they are subject. There is no doubt that educated women are capable of playing a useful part in the legislatures, both provincial and central, but for the present there is little chance of their being elected to the Councils, even if women were enfranchised to the extent proposed by the Commission. They must rely on nomination, and we agree with the Commission that the provincial Governors should use their powers of nomination to ensure the adequate representation of women in the Councils, so far as practicable. If it

can be shown that any women or class of women capable of exercising a sound judgment upon public affairs are debarred from the exercise of the franchise by the present rules, we would alter the rules in order to let them in; but otherwise we are not in favour of any large extension of women's suffrage at the present time. The matter may well be left over to be dealt with by the governments and legislatures of the future. In particular, we do not think it advisable to admit women to the village elections which will be held if any system of group representation is established. There is no doubt that certain classes of the community contemplate with the strongest distaste any great extension of female suffrage, and the admission of women to village elections at present would be futile and dangerous.

Local Bodies 15. We may add that if the existing arrangements for election to the provincial Councils are substantially modified in the manner suggested by us or otherwise, corresponding changes will be necessary in the system of elections to local bodies. It would clearly be anomalous that the local government franchise should be more restricted than that prescribed for elections to the provincial Councils.

16. We have put this question of the franchise in the forefront because we believe it to be fundamental. In our judgment, there can be no successful advance in responsible government unless it can be arranged for all interests in the country to be represented in reasonable and vigilant electorates, capable of exercising a real freedom of choice upon a discrimination between policies rather than a preference for individuals.

THE PROVINCIAL LEGISLATURE

Size of the Councils 17. We now turn to the proposals affecting the provincial legislature. We agree with the Commission that the maximum life of the Councils should be extended to five years, but we are not convinced that it is desirable to increase the size of the Councils to the extent suggested by them. Until clear-cut issues emerge for the decision of the electorate and of the political groups which appeal for the support of the electorate, any considerable increase in the size of the Councils will not materially improve contact between members and their constituents in the things that matter. It is impossible in existing conditions, and would be impossible in the conditions contemplated by the Commission, to secure members who can speak from the standpoint of the vast majority of the population, and in these circumstances there is no object in multiplying members belonging to classes whose interests are already more than adequately represented. A

mere increase of members of the existing type can tend only to foster the growth of fluctuating groups, hampering, as in the past, the administration of ministers. Moreover, it must be remembered that minority communities already find it difficult to provide men to fill the seats allotted to them, and their difficulties in this respect will be greatly aggravated if the size of the Councils is considerably increased, with the inevitable result of more frequent and lengthier sittings. Even in other communities, the supply of political talent is not inexhaustible, and the development of political institutions both at the Centre and in the provinces is bound to make heavy demands upon the available supply, especially if Second Chambers are established. We think it would be a mistake, therefore, to increase the size of the Councils except for good and definite reasons, and if the only immediate change contemplated were the increase in the size of the electorates proposed by the Commission, we should be inclined to deprecate any material increase in the present size of the provincial Councils. The disappearance of the official *bloc* and the reduction in the number of Governor's nominations will leave a certain number of seats available for conversion into elected seats, and this margin would, we think, be ample to provide for any modification of detail required within the limits of the existing numbers. But if a measure of group representation is introduced, as we have suggested, new seats will be required for this new element, though even for this purpose an increase of 50 per cent in the size of the existing Councils would, we think, be ample. The increase proposed by the Commission would, in several provinces, amount to more than 100 per cent, and that we consider altogether excessive.

Composition 18. We agree generally with the Commission's proposals regarding the constitution of the Councils, subject to the following remarks. We agree that communal representation must be maintained for the Mohammedan and Sikh communities, as long as no agreement to waive it is reached, but the details of the existing arrangement will come under review if any measure of group representation is introduced. We do not consider the Commission's scheme for the reservation of seats for the depressed classes either practicable or necessary. It would apparently necessitate the creation of a number of plural or multimember constituencies, and it would impose upon the Governor the invidious duty of deciding whether individuals, not themselves members of the depressed classes, should be permitted to stand for election as representatives of these classes. We consider that it would be preferable for the present to continue the system under which the Governor nominates representatives of the depressed classes, after consultation with representative associations where they exist. We observe that the Commission advocate this method of selecting members to represent labour.

19. Similarly we doubt the advisability of the changes proposed in regard to the representation of Indian Christians. There seems to be no good reason for altering the existing arrangements in Madras, where the community returns five members from separate electorates ; and elsewhere the community is too small and scattered for the device of reserved seats, especially as the different denominations would be unlikely to agree upon a common representative. Outside Madras, therefore, we think that the community must continue to rely upon the Governor's nomination for such representation as it deserves.

20. We think that each recognized university should have a representative in the provincial legislature, but university members might suitably sit in a Second Chamber if one is constituted.

21. We strongly disagree with the Commission's proposal that the special representation of the great landholders should be abolished and that any under-representation of the class which may thereby ensue should be remedied by the Governor's nomination. While it is true that some persons who are technically qualified to vote in the landholders' constituencies have been elected to the Council by the general constituencies, they are not in many cases truly representative of the great landholders' class, and we consider it essential to retain separate constituencies for that class, if it is to have effective representation by men enjoying the confidence of their order.

Powers of the Councils 22. We agree generally with the Commission's proposals regarding the powers of the Councils in respect of constitutional amendment and legislation. We share the Commission's sympathy with the apprehensions expressed by certain minorities on the subject of discriminatory legislation and their fear that their rights may not always be respected by the majorities which are now to be invested with greatly increased powers. It is with reluctance that we accept the Commission's conclusion that it is impracticable to enact any statutory provision that would be a real safeguard. We suggest, however, that, in view of the reasonable apprehensions that are felt, it would be worth while to consider the formation of a Bills Examination Committee such as exists in the House of Commons, and that such a Committee should be empowered to disallow the introduction of any Bill which seemed to contemplate unfair discrimination against any minority. The question should also be dealt with in express terms in the Instrument of Instructions to be issued to the Governor-General and to the Governors of provinces, who should be directed to do all in their power to prevent unfair treatment of minorities and to veto any legislation offending against this canon.

SECOND CHAMBERS

Second Chambers 23. On the subject of Second Chambers in the provincial legislatures, the Commission's report reveals a marked conflict of view. Most of us are definitely in favour of the constitution of Second Chambers. We think that if they were small, as contemplated by the Commission, they could be formed without unduly depleting the political talent available for the supply of suitable persons to the provincial Councils and the Central Legislature. Moreover, it should be possible to find room in a Second Chamber for outstanding men and women who are not attracted by ordinary political activities and not bound by party or communal ties. We feel confident that a Second Chamber formed on these lines would be invaluable as supplying the cautionary and revisory functions which are essential to the proper exercise of the enlarged powers to be entrusted to the provincial legislatures. As Bagehot said, with an ideal House of Commons perfectly representing the nation, an Upper House would be unnecessary, but as things are, we feel no doubt that, in India, as elsewhere, a Second Chamber will be found to be an essential part of the legislative machine.

24. As regards the composition of the Second Chamber, we agree with the suggestion in the Commission's report that it should be small. We think that in most provinces it might consist of about forty members, of whom half should be elected, and the remainder nominated by the Governor. In place of the proposal that the election should be made by the members of the lower house or by voters of high qualification, we would prefer a system of indirect elections by district boards, municipalities, universities, and other special constituencies. We also suggest that of the members who will be nominated by the Governor, a small number should be nominated on the recommendation of the ministry or of the Chief Minister. These members would retain their seats only during the continuance of the ministry on whose recommendation they were appointed, and if a new ministry came into office during the lifetime of the Chamber, it would have a similar right to nominate a certain number of its supporters to sit in the Upper House. This arrangement would ensure the due representation of the ministry in the Second Chamber, and would tend to diminish the risks of conflict between the two houses.

25. We strongly support the Commission's proposal for the creation of a small expert body to examine the drafting of measures and to report on any points of conflict with existing legislative or administrative arrangements, before Bills are submitted to the Legislature for final approval.

THE PROVINCIAL EXECUTIVE

Official Ministers 26. The Commission's recommendation that all provincial subjects, including law and order, should be entrusted to a unitary Government has aroused many misgivings, in spite of the various safeguards which they have suggested for adoption. It is proposed in the first place that the Governor should be empowered to decide, subject to the superintendence and control of the Governor-General, whether the Cabinet should include one or more non-elected persons, who would on appointment become *ex officio* members of the Legislative Council, and would, like the other members of the Cabinet, accept joint responsibility for all the acts and policies of the Cabinet. It is suggested that this arrangement would enable the Governor to place the administration of the police in the hands of an official, if circumstances appeared to require this course. We apprehend, however, that where such circumstances existed, it would often be difficult to induce the Chief Minister and the other ministers to consent to the inclusion of an official in the Cabinet, or to his retention for any length of time, even if the appointment were made when the Cabinet was first formed. Another suggestion is that one or two places should be reserved by Statute for officials in provincial Cabinets, but even so, the position of an official minister, jointly responsible to the legislature with colleagues who were elected members of that body, would be one of extreme difficulty and delicacy for everybody concerned. It may indeed be doubted whether an official who could find himself at ease in such a situation would be of the type from which sound administration could be expected. In any case, if the department of law and order were placed in charge of an official minister, the experience of dyarchy would almost certainly be repeated. A stream of hostile criticism would be constantly directed against the police with a view to making the minister's post untenable, and the ministry as a whole would, not unreasonably, feel reluctant to accept joint responsibility for the acts of a colleague whose position was entirely different from their own. We cannot therefore regard the proposal for an official minister as sound in itself, or as affording any real or effective safeguard against the risks inherent in the transfer of law and order to the unrestricted control of the legislature.

Cabinet Secretary 27. The Commission further propose the appointment of an official as Secretary to the Cabinet, who would be present at Cabinet meetings to record Cabinet decisions and who would also have direct access to the Governor, and would be expected to keep the Governor fully and impartially informed of the course of Cabinet business. The utility of such an appointment is obvious, and we agree that it should be made, but it would in itself provide little safeguard against bad administration, except in so far as it might enable the Governor to intervene at an early stage,

before it became necessary formally to overrule a minister or the Cabinet.

Stability of the Ministry 28. We heartily approve the proposals of the Commission for increasing the stability of the ministry and protecting it and individual ministers from the factious attacks which have been too frequent in the past. By strengthening their position and assisting them to present a united front to the Legislative Council and the electorate, these measures should tend to encourage sound administration. But so long as acute communal differences persist, joint ministerial responsibility will in practice be difficult of attainment in many provinces, and in any case the measures designed to secure it will do little of themselves to ensure sound administration or to protect ministers from the pressure of a Council which desires measures prejudicial to sound administration. The Commission's proposals under this head do not therefore go very far to lessen the risks involved in transferring the whole provincial administration to the hands of ministers.

The Governor's Position 29. The Commission have in fact little to offer to those who feel that the risks of establishing a unitary Government are excessive, beyond reliance on the Governor's power of overruling his ministers, if he considers that their action would be prejudicial to the safety and tranquillity of the province or to one or more sections of the community as compared with other sections. Statutory directions such as the Commission propose would no doubt justify a Governor in intervening before any obvious damage was done, but the possibility of insidious and continuous deterioration should not be overlooked. It will not always be easy to decide at what point intervention is appropriate. Again, if, as we believe, the "official minister" is an impracticable monstrosity, the Governor of the future will have no official colleagues. Official advice will come only from subordinates. The natural tendency of the Governor will be to support his ministers whenever he can and to refrain as long as possible from interfering with them; he will be apt, especially if he has had no previous experience of India, to pay scant attention to official misgivings or to warnings received from his officers regarding coming dangers. The emergency powers of ousting the Cabinet and vesting entire authority in the Governor, which the Commission contemplate as an ultimate safeguard, will of course always be in the background, but it will be the general desire to avoid recourse to this extreme measure, which cannot be regarded as a safeguard against maladministration in normal times.

Law and Order 30. Our main concern in this connection is with the question of law and order, as was that of the Commission and of most of the bodies and persons which appeared before them. We observe that the

transfer of the police to the administration of ministers responsible to the legislature is opposed not only by officials but also by large bodies of non-official Indian opinion. The Indian Central Committee recommended that it should continue to be a reserved subject in Bengal. Since the Commission left India, the importance of maintaining the moral of the police force has been made manifest for all the world to see. If in the face of the present troubles, the loyalty and discipline of the police force are undermined, the consequences must be of the gravest kind. We admit all that the Commission urge regarding the strong objections to reserving the police, if all other provincial subjects are transferred to ministers, but the welfare of the country is more important than any political device, and in our view the first essential is that the police should be assured of firm support and fair treatment by the executive Government so long as they continue to do their duty. Whatever changes may come now, Great Britain must for many years be in fact ultimately responsible for maintaining authority in India, and authority cannot be maintained without a loyal and efficient police force. Great Britain is therefore not justified in relinquishing control of the administration to any degree without securing adequate safeguards for the maintenance of the present high standards of the force. Failing such safeguards, there is no security for law and order, and without law and order there is no hope of any sort of political advance.

31. As we have indicated, the Commission's scheme does not seem to us to offer sufficient safeguards for the proper administration of the police by ministers responsible to a Legislative Council elected by less than 10 per cent of the population. Some of us believe that in view of the present troubles, the risks of transfer are too great to be overcome, and that for the present, in spite of the drawbacks to that course, the police should continue to be reserved to some form of official administration outside the control of the Legislative Council. The majority of us, however, feel that, if all the other functions of the provincial government are to be transferred to a unitary government responsible to the legislature, the objections to reservation of the police are so serious from many points of view, and not least from the point of view of the police administration itself, that every effort must be made to find an alternative. We think it should be possible by means of temporary safeguards to devise a system of administration suitable for tiding over the transition period, until the police, like the other branches of the administration, can be handed over unreservedly to ministerial control.

32. We believe that if by means of group representation in some such form as that suggested by us, the mass of the people can be placed in a position to exercise some influence on administration, even though it may be indirect and not very effective

at first, it will not be long before they give ministers to understand that the first duty of the Government is to maintain law and order so that men may be free to carry on their daily business in peace and security. The existence of a Second Chamber should influence ministers in a similar way, but it will be some time before general confidence can be established that the affairs of the country will be ordered to this end. In the meantime we believe that many of those who will be the ministers of the future would welcome measures which would strengthen their hands in maintaining the present high standard of police administration and which would protect them from unwise pressure and uninstructed criticism.

Police 33. It is clear that the regular Army will not
Finance be available in the future to the same extent
 as in the past for the purpose of quelling civil
disturbances, and it seems necessary in the first place to decide on the strength of the police forces which will be required in the new conditions for internal security in the different provinces. We suggest that this matter should be examined by a strong Committee acting in consultation with the local Governments, and that on the basis of these inquiries, a sum should be fixed in each province as obligatory expenditure on the police, which for the next ten years the Council would not be required to vote and would therefore have no power to reduce. This arrangement is similar to that proposed for the treatment by the Federal Assembly of India's share of the expenditure on the Army ; and the maintenance of adequate forces to defend India from civil commotion is not less important than the defence of the frontiers from foreign invasion.

Central 34. In the second place, we suggest that it
Grants in Aid is desirable that the Government of India and the Secretary of State should be able in this matter to exercise some influence over local governments, so as to secure some uniformity among the different provincial establishments and some minimum standard of efficiency. Any legal control is obviously incompatible with the principle of provincial autonomy and would result in conflict, but we believe that the object could be attained if some portion of the cost of provincial police forces were defrayed from central funds in the form of grants in aid, payment of which would be conditional upon the Central Government being satisfied as to the size and efficiency of the provincial police force. A system of this kind is in force in England, where a large number of independent county and municipal bodies, which maintain independent police forces, are subsidized by subventions from the State to the extent of half of the expenditure, contingently on the report of His Majesty's Inspectors that the forces are efficiently staffed, maintained, and equipped.

**The Governor's
Responsibility
for law and
order**

35. Finally, we consider that the Governor's responsibility for the subjects of law and order and police administration should be made unmistakably clear and definite. In the provisions of the law giving him statutory power to overrule his ministers, matters directly or specially affecting the due maintenance of law and order and the administration of the police should be expressly included as a definite addition to heads (1) and (2) in paragraph 50, Volume II, of the Commission's report. His direct responsibility in the matter should also be laid down in explicit mandatory terms in the Instrument of Instructions, and Governors should be required to furnish the Governor-General and the Secretary of State with periodical reports on the efficiency of the police forces of their provinces, and with special reports on any changes made or contemplated. It should in short be made clear in every possible way that the Governor has a special personal responsibility in this matter, and that he is expected to enforce it without faltering or hesitation. It will of course be recognized that not less important than an efficient and loyal police force is an independent and reliable magistracy, and the magistracy must be no less an object of the Governor's care and solicitude than the police.

**Deputy
Governor**

36. The duties and responsibilities of the Governor under the new constitution postulate the existence of outstanding virtues in the holder of that post. Ability, tact, and discretion will be needed in carrying out his day to day duties, while at any moment an emergency may arise calling for the exercise of courage, resource, and statesmanship of the highest order. A Governor appointed to his post without previous experience of India will find himself in a position of peculiar difficulty. His task will be much harder than that of his predecessors, while he will not have at his immediate disposal the sources of experience, advice, and assistance which have been available in the past. The officials with whom he comes in contact will be his subordinates and not his colleagues, and they will be the subordinates also of the ministers. The Governor will often be sorely in need of the unprejudiced view of an experienced administrator standing outside the hurly-burly of politics, but it will not always be easy for heads of departments and other high officers to express their opinions frankly without an uncomfortable feeling that they are being disloyal to their ministerial chiefs. It is necessary also to make some provision for filling an acting vacancy, when a Governor falls ill or goes on short leave. It would obviously be unsuitable that either the Chief Minister or the Chief Secretary should act as Governor even for a short time. In view of these considerations, we venture to suggest that provision should be made in the constitution for the appointment of a deputy Governor, who should be an official appointed by the Governor. He would of course have no

authority over the ministry, but he could relieve the Governor of a good many routine duties in ordinary times ; he would be of enormous assistance when the whole burden of the administration fell on the Governor in a time of emergency ; and he would be available to act as Governor during temporary vacancies in the Governorship. The deputy Governor might also serve as President of the Second Chamber, just as the Vice-President of the United States is President of the Senate. Every sound business concern has an understudy capable of taking the place of the principal, but in the constitution put forward by the Statutory Commission no understudy for the Governor is apparent, either among the ministers who will be his colleagues or among the officials who will be his subordinates. A suitable understudy is essential to complete the scheme.

37. Our view of the constitution devised by the Statutory Commission for the provinces is in brief that the electoral basis which they provide is not strong enough or wide enough for the superstructure, and that their props and supports would not stand the strain which they will have to bear. But we believe it possible to widen the basis and to strengthen the foundations without altering materially their main design.

REDISTRIBUTION OF PROVINCES

38. We agree with what the Commission say as to the unsuitability of some of the existing provinces to be treated as units of the political federation which they contemplate, but we feel considerable apprehension as to the possibility of effecting any satisfactory redistribution. We suggest that the investigations of the proposed Boundaries Commission should be confined to outstanding cases like those of Orissa and Sind. It is true that the present provincial boundaries have in many cases none of the characteristics of a natural frontier, but in the greater part of the plains of India there are no natural boundaries, and the search for better boundaries is likely to lead to little but contention and strife. We feel, too, that any considerable multiplication of provinces would increase the cost and diminish the efficiency of administration, while fostering a local and particularist spirit which would gravely hamper the political advancement of the country.

THE CHIEF COMMISSIONERS' PROVINCES

Volume II. Part III

The North-West Frontier Province 39. We accept the Commission's proposals in regard to the North-West Frontier Province. In view of the special conditions which prevail in that area, it is clearly impossible to give it the same measure of responsible government as the Governors' provinces, but we think that every effort should be made to include in the Legislative Council representatives of all classes of the population, including the agricultural landholders, other than the Khans, and the younger generation who have received a more liberal education than their forefathers. The Council will be largely concerned with subjects relating to education, medical relief, and agriculture, and it is important that it should contain as far as possible people who are best qualified to advise on such matters.

40. We think also that it may be found desirable to give the province a larger representation in the Central legislature than is proposed by the Commission. It is necessary, in the interests of the country as a whole, to subject the province to special measures of central control, but there is probably no part of India where surviving indigenous institutions give better promise of ultimate development into a democratic form of government, and it is essential that it should be afforded adequate opportunities of making its views known to the authorities at the Centre.

Minor Provinces 41. We have no suggestions or criticisms to offer in respect of the proposals regarding Baluchistan and the other minor provinces.

THE BACKWARD TRACTS

42. The Commission's proposals regarding the backward tracts are the outcome of careful consideration and in some cases of personal inquiries in the districts concerned. They seem to us generally sound. It is clearly impossible to place the administration of these areas under the control of legislatures in which they are not represented and which cannot be expected to display any real interest in them. It is necessary, therefore, to entrust the backward tracts to the care of the Central Government which must use the Provincial Governors as agents for their administration. The Commission's scheme, however, obviously requires further definition before it can be applied to particular localities. It is impossible to go into details here, but we wish to emphasize the importance of finance. As the Commission say, "the development of a consistent policy towards these tracts, based on a wide

knowledge and experience of their conditions, as well as the provision of funds adequate to implement it, are matters of the greatest importance" (II, 131). In future, the funds required for the administration of these tracts, as well as for their development where necessary, will have to be provided from central revenues, and there is always a temptation in times of financial stringency to economize at the expense of distant localities, which are unable to raise any effective protest. Retrenchments of this character often prove very expensive in the end, and invariably have a most unsettling and disturbing effect on backward and ignorant people, who are entirely unable to comprehend the vagaries of administration imposed by the necessities of high finance. We suggest, therefore, that each backward tract should be entrusted to the Governor under a mandate which should specify, not merely the policy which the Central Government desires to see followed in regard to it, but also the terms of a financial settlement which will for a definite period of years provide funds adequate to secure efficient administration and orderly advancement.

THE CENTRE

Volume II. Part IV

The Central Executive 43. The Commission's scheme for the Centre involves a continuance, in essentials, of the existing arrangement, under which the executive is responsive, but not responsible to the legislature or removable by it. The contrast between this part of the Commission's plan and their provincial scheme is very striking. The Commission have, as they say, in the provincial sphere endeavoured to give a full opportunity for an experiment in the application of the British parliamentary system, subject to certain restrictions and qualifications designed for such purposes as the protection of minorities and the preservation of order (II, 29). They state, however, in the same paragraph that it is on the strength of the central administration that the peace and safety of India ultimately depend. They insist in more than one passage on the necessity for a stable government at the centre (cf. II, 172), and it is apparently for this reason, and also because it is impossible to forecast the ultimate form which the Government of India will take (II, 173), that they have refrained from proposing any formal recognition of responsibility to the legislature on the part of that Government. We agree entirely with the Commission as to the desirability of a strong and stable government at the Centre, but we are by no means confident that their scheme will produce what they want.

Relations with the Legislature 44. The Commission show (and it is indeed common knowledge) that since the introduction of the Montagu-Chelmsford Reforms, the legislative programme of the Government has been framed with a constant regard to the state of opinion in the legislature, and that in fiscal and financial matters the Assembly has profoundly influenced the executive. It is inevitable, if the existing constitution at the Centre is substantially retained, that the influence of the legislature should tend to increase, and so far as the functions of the Central Government itself are concerned, there is perhaps no reason for serious disquiet on this account. If conditions are favourable and if a reasonable spirit is shown by those responsible for working the constitution—a somewhat large assumption—a gradual extension of the powers of the legislature may lead in time, without any serious disturbance, to the establishment of definite responsibility on the part of the executive towards the legislature. But, under the scheme of the Statutory Commission, the provinces will be subject to the superintendence, direction, and control of the central executive over a field which, however it may be defined and limited, will still be very considerable, and will often include matters of the utmost difficulty and delicacy. The Central executive contemplated by the Commission will be a collection of persons appointed by the Governor-General, constantly criticized for their action or inaction by a strong legislative body to which they are not responsible and which has no power to remove them. The history of the last ten years suggests strong reasons for doubting the possibility of obtaining firm and consistent administration from an irremovable executive working in conjunction with a large elected legislature, and the Assembly proposed by the Commission will be larger and more powerful than the present Assembly. The Central executive, functioning under these conditions, with no vocal following in the country, and unable to rely upon the Central legislature for support, will find it no easy task effectively to control and guide and co-ordinate the acts of powerful provincial executives responsible to, and deriving their authority from, popularly elected legislatures.

45. Two members of the Committee are much impressed by this view. They feel that the main body of Indian politicians would not consent to work a constitution in which the cabinet was not responsible to the legislature, and that if the attempt were made to work the constitution without them, a speedy breakdown would be inevitable; that riots and disorders would follow, and that after this deplorable development had occurred and been dealt with, world opinion would still ensure that the political problem was settled in the way they are now suggesting. Those who take this view consider it essential that the Central Government should be in some measure based upon popular support if it is to deal successfully with provincial governments

responsible to the provincial legislatures, and that the strong feeling of Indians of all shades of opinion, that they should be given the right to conduct their own financial affairs without dictation from government officials, should be recognized. They would, therefore, make the Central executive definitely responsible to the Central legislature, either immediately or after a short interval designed to allow of the establishment of political parties in the country and in the Assembly. They would transfer to the Governor-General responsibility for the Army, foreign affairs, and the control of relations with the Indian States, but otherwise the Government of India would be a unitary body, every member of which would take responsibility for the acts of the whole, and would accept responsibility to the legislature. The members would accordingly be selected from among persons who had a following in the Assembly, and would have to vacate office if they failed to command the support or incurred the censure of a majority in the Assembly.

46. The advocates of this policy feel, however, that it could not safely be put into operation at once unless the Assembly were so reconstituted as to secure the predominance of caution and experience in its composition. The members of the provincial councils might constitute a part of the electorate for the Central legislature, but to them should be added electors with a high property or academical qualification. In addition, it would be desirable that a certain proportion of the seats in the Assembly should be filled by nomination, and that officials should not be excluded.

47. Another section of our members shares the view set forth above as to the dangers involved in entrusting the Central authority, particularly in its relation to the provinces, to an irremovable executive working in conjunction with a powerful legislature, but they consider that disaster would follow any immediate introduction of formal responsibility to the legislature on the part of the Government of India. They contend that the history of the past ten years and the present position show that the first essential is the strong and stable Central government desiderated by the Statutory Commission, and that there is no hope of securing such a government unless the Central authority can be placed, *vis-à-vis* of the legislature in a position less weak than it holds under the present constitution, and *a fortiori* less weak than that which it would hold under the Commission's scheme. They would therefore favour the reconstitution of the Assembly on the lines suggested by the advocates of the extension of formal responsibility.

48. Most of us, having given careful consideration to the views set forth by our colleagues, consider that the time has not yet arrived when the Government of India can be made formally responsible to the legislature even if the reconstitution of the

Assembly on the lines suggested above could be secured. Nor are we disposed towards action which might lead to the definite creation of an oligarchy. On the contrary, we think that any extension of control by the legislature of the executive, whether at the Centre or in the provinces, should be accompanied by a widening and not by a narrowing of the basis of the electorate. We admit that the Central executive, under the Commission's scheme, though it may in a sense be regarded as stable, is not likely to be as strong as the Commission apparently anticipated, but the introduction of dyarchy would not strengthen it; and in any case we agree with the Commission that dyarchy at the Centre, or any system of divided responsibility resembling dyarchy, is impossible. Full parliamentary government at the Centre is in our view impracticable at the present stage, and we see no present alternative to the Commission's scheme of government by a Cabinet appointed by the Governor-General and not definitely responsible to the legislature. Like the Commission, we are unable to forecast the lines on which responsible government is likely to develop, but the Commission's scheme affords ample scope for development, and we agree that it would be premature to lay down the lines of development before the results of the application of the British parliamentary system in the provinces are known. Meanwhile we believe that the first essential is to foster co-operation between the executive and the legislature in every possible way, and we cordially support the Commission's suggestion that some of the seats on the Governor-General's Council should be filled by leading members of the legislature. It is with the object of assisting the development of definite responsibility that we put forward our constructive criticisms of the details of the Commission's scheme.

THE CENTRAL LEGISLATURE

Size of the Federal Assembly 49. We approve of the Commission's proposal for the election of the Federal Assembly by the provincial Councils, it being understood that the existing proportion between the numbers of the representatives of the various communities will be approximately maintained. We have, however, some suggestions to offer in regard to points of detail. In the first place, we think it unnecessary and undesirable to increase the membership of the Assembly from 145 to 250 or 280 as proposed by the Commission. An Assembly of this size is open to the objection pointed out by the Commission themselves that it might tend to deplete the provincial Councils of experienced public men or might result in a lower standard of ability in the Assembly (II, 140). Under the Commission's proposal that the Assembly

should contain roughly one seat per million inhabitants of British India, Madras, Bengal, and the United Provinces would have to send to Delhi more than twice as many members as at present, while the representation of Bihar and Orissa would be increased from fourteen to thirty-four. A further drawback to an allocation of seats in the Assembly on the basis of population is that it would leave the Punjab and Bombay very much under-represented in comparison with the other large provinces with which they are at present more or less on terms of equality, so far as numbers in the Assembly are concerned. In view of Bombay's wealth and business enterprise and of the fact that the Punjab supplies nearly two-thirds of the recruits for the Indian Army, this result cannot be regarded as satisfactory. On the other hand, so far as we are aware, there is no existing grievance regarding the present allocation of seats in the Assembly, and on the whole we see no good reason either for greatly increasing the present number of elected members in the Assembly or for altering materially the proportion of representation that now exists as between different provinces. The increase proposed by the Commission would tend to aggravate the weakness of the central government in the manner we have already indicated. If, however, the provincial Councils are augmented under the group system of representation proposed by us, the question of the size of the Assembly will require further consideration.

Officials in the Assembly 50. The Commission propose that the Assembly should include twelve officials nominated by the Governor-General and chosen because of their connection with departments of the Central Government. We think that in some cases at least elected members of the Assembly acting as Parliamentary Under Secretaries might usefully be substituted for Secretaries to the Government of India in the Assembly, and we suggest that a trial should be given to this arrangement. We also consider it very desirable that the Assembly should contain a small number of officials capable of interpreting in the Assembly the views of the various provincial administrations. Many questions of primary importance to the provinces are bound to come up in the Assembly, particularly in connection with the Provincial Fund, and we think that the members who will be elected by the provincial Councils to the Assembly would often find it useful to have the help of an official colleague in putting forward their point of view. We recommend, therefore, that a regulation should be made permitting of the nomination of an official from each Governor's province to the Assembly.

Representation of Commerce 51. The Commission, following the present arrangement, provide for the representation of commerce in the Council of State, but not in the Assembly. It is in the Assembly that questions with an important commercial bearing, like tariffs, import duties, and income tax,

are mainly thrashed out, and we think it is important, in the interests both of commerce and of the Assembly itself, that commerce should be adequately represented there. We recognize the difficulty presented by the fact that the Assembly is to be constituted on a federal basis, but it might be met by giving the Governor-General power to nominate three European and three Indian members to the Assembly on the recommendation of the Chambers of Commerce and similar bodies in the commercial centres.

Election of the Assembly 52. The arrangements proposed by the Commission for the election by the provincial Councils of members of the Assembly are open to the objection that they subordinate provincial interests to the supposed necessity of synchronizing the quinquennial elections to the Assembly with the election of new Councils in the provinces. Apparently in some cases the life of a provincial Council might be extended up to seven years, while in others it might be necessary to have two general elections—the second entirely unnecessary for provincial purposes—within little more than two years, in order that a new provincial Council might come into being at the time appointed for the general election to the Assembly. This complication seems to us entirely unnecessary as a general rule, and not unlikely to lead to unforeseen and undesirable reactions on provincial politics. The question of the dissolution of a provincial Council is a matter for the Governor and should ordinarily depend mainly on provincial considerations, though it might occasionally happen that the Governor would think it desirable to dissolve a Council shortly before the time fixed for a general election to the Assembly in order that the election might be made by a Council fresh from its own constituents. Subject to the Governor's decision on this point, we would leave the general elections to the Assembly to be made by the provincial Councils which happened to be in office at the time they were held.

Casual Vacancies 53. The Commission propose that casual vacancies in the case of representatives of the provinces on the Assembly should be filled by the Governor nominating a person who will in his opinion best take the place left vacant. It is a comparatively small matter in itself but likely on occasions to give rise to considerable personal feeling, and we are unwilling to burden the Governor with this somewhat invidious duty. We suggest that the vacancy might be filled by a small standing committee of the provincial Council, comprising representatives of the main parties or communities, under the chairmanship of the President, it being understood that the vacancy should be filled, if possible, by a representative of the community or party to which the late member belonged.

Council of State 54. We agree with the Commission that the Council of State should be retained, and that the representatives of the provinces on the Council should be selected by the provincial Second Chambers, if such bodies are constituted. We do not, however, agree that in the absence of Second Chambers, the members of the Council of State should be elected by the members of the provincial Councils. It might happen that a provincial Council contained no person eligible for membership of the Council of State, and election by a provincial Council would offer little guarantee that persons with the desired qualifications of distinction, authority, and experience would be chosen. If, therefore, Second Chambers are not established in the provinces, we think that elections to the Council of State should continue to be made by a restricted electorate with such modifications of the present franchise as the experience of the past ten years may have shown to be desirable.

55. As regards the nominated element in the Council of State, we think that it should contain a senior official from each Governor's province, but that the Government of India should be represented by the members of the Governor-General's Council in person and that the only other permanent officials on the Council of State should be representatives of the Army and of the Foreign and Political Departments, if those departments are in the Viceroy's charge. The practice of nominating headquarters officials for brief periods to the Council of State should be abandoned.

THE CENTRE AND THE PROVINCES

56. We accept the main principles laid down by the Commission regarding the relations between the Centre and the provinces and have little to add. The proposed division of resources between the Centre and the provinces is based on sound lines, but its practicability depends to a large extent on the willingness of the new legislative bodies to vote the necessary taxation. We agree that in such matters as agriculture, education, and public health, central bureaux are likely to be useful, but we question the advisability of an attempt by a central body to exercise influence over recruitment for the higher personnel of the provincial services by the provision of financial assistance (II, 187). The allocation of funds by the bureaux should, we think, be confined to special objects and should rarely, if ever, take the form of additions to the remuneration of particular officers or particular posts. Except possibly in the case of an expert engaged temporarily for a specific purpose, no useful purpose would be served by inducing a province to employ an officer whose salary it was unable or unwilling to meet from its own resources.

**Central
Relations
with the
Police**

57. We strongly support the Commission's proposal that the Governor-General in Council should be empowered to take special measures to maintain the essential liaison between the Central Government and the provinces in respect of that branch of the provincial police which works in concert with the Central Intelligence Department, and in dealing with the question of law and order in the provinces we have suggested an extension of this principle, whereby the Central Government would be enabled by a system of grants in aid, coupled with supervisory inspection, to secure both some measure of uniformity among the different provincial police establishments and the maintenance of a minimum standard of efficiency.

Publicity 58. We venture to express our cordial agreement with the views expressed by Lord Burnham in his note on means of publicity. We think this question should receive serious consideration from both the Central and the provincial governments.

THE ARMY

Volume II. Part V

**British
Control over
the Army**

59. We do not propose to discuss many of the complex questions which arise out of the Commission's proposals for the future control of the military forces in India, but we put forward a few suggestions based mainly upon our experience of the civil administration. The Commission say rightly that the transfer of the Army in India to ministers responsible to an elected legislature could only take place when no part of the Army consists of British officers or troops recruited by the Imperial Government. In the Commission's judgment there is no prospect of that event happening for "very many years" (II, 197). In our opinion, the prospect of complete Indianization of the Army in India is so remote, that, though it should be kept in view as a far-off ideal, it can afford little or no guidance as to immediate action. Even if it were possible within some measurable period to dispense with the presence in India of British units, and to officer the Indian units entirely with Indians, it is not easy to visualize an Army, of which 70 per cent is recruited from the Punjab and the adjacent districts of the United Provinces, being placed under the control of a Federal Assembly containing an overwhelming majority of representatives of the non-martial provinces. Any disagreement between the Army and such an Assembly could have only one end. Moreover, it would be

impossible, in view of the treaty obligations with the Indian States, for the British Government to relinquish control of the Army for the upkeep of which many of the States have ceded large tracts of territory. In view of these considerations, the retention of British control over the Army must for the present be regarded as essential, whatever its implications on the constitutional position may be. Meanwhile we agree that it is necessary to push on vigorously any scheme of Indianization which offers a reasonable prospect of success. We suggest that, as Indianization proceeds, it may be found advisable at some period to introduce an organization similar to that of the former Egyptian Army, whereby officers of the British service would be seconded for definite periods to serve with the Indian Army and to hold the higher regimental appointments, until Indians have obtained the requisite amount of training and experience. The ultimate aim would of course be to dispense with the services of the British officers entirely, except possibly in an advisory capacity, as in the case of the Imperial Service troops.

Duplication of Armed Forces 60. The Commission's proposals regarding future developments are, perhaps necessarily, somewhat vague, but the multiplicity of armed forces which they seem to contemplate is somewhat disquieting. There would be, in the first place, the regular Army, comprising both British and Indian units, which must for many years to come remain under the control of the British Government. The primary duty of this Army would be the defence of India against external attack, though it would be available also, under certain conditions, for the maintenance of internal security, and could be so used at the request of a provincial government made through or endorsed by the Governor, provided the provincial government were willing to make a financial payment on account of its use. It is suggested further that the Government of India, in co-operation with the Central legislature, might encourage the organization, training, and equipment of certain military, and it may be naval forces of its own, independently paid for and controlled, which would contain no British element. This Army would apparently have its own commander-in-chief and its own staff. In view of possible future developments of the civil administration of the country, it seems to us that the deliberate creation of independent military forces owing allegiance to different authorities would be an act of doubtful wisdom. We notice also that the Commission appear to have made no reference to the existing territorial and auxiliary forces, or to the existing functions of the armed police.

BURMA

Volume II. Part VI

61. We accept the general view that the time has come to sever the connection of Burma with the Government of India, and we do not think it necessary to offer any suggestions as to the future constitution of Burma. We would point out that, in addition to the military and financial problems mentioned by the Commission, the separation of Burma will raise a number of other difficult questions. The Commission recognize the importance of the preservation to the fullest extent of the advantages flowing from the ties between India and Burma, and the interests built upon the prospect of their continuance, but do not develop that theme. It should, however, be remembered that some of the most important commercial enterprises both in India and in Burma are established on the assumption of reciprocal free trade between the two countries. In Burma several of these interests are based on concessions or leases granted, under a system of royalty, by the Secretary of State for India, the terms of which will have inevitably to be reconsidered if an import duty on those products is imposed in India: while those industries in India which now look to Government for a measure of protection will be entitled to further consideration if an important part of their area of protection is alienated. Considerations of this kind strengthen the Commission's recommendation as to the necessity of securing some co-ordination of Indian and Burman affairs in London, and we suggest that the simplest course would be for the Secretary of State for India to retain the functions of Secretary of State for Burma. It would probably also be convenient that the High Commissioner for India should continue to act in a similar capacity for Burma after the separation takes place.

THE INDIAN STATES

Volume II. Part VII

62. The Commission's views as to the future of the Indian States seem to us to be generally sound, but they are of necessity largely of a conjectural character, and it would not be profitable to undertake any detailed examination of this question until it is known how the States themselves regard the matter.

FINANCE

Volume II. Part VIII

63. We cordially support the proposal for the creation of a Provincial Fund, and we anticipate that it will prove of the greatest advantage to the nation-building departments in the provinces. The suggestions contained in Sir Walter Layton's masterly report are doubtless intended for the consideration of the governments of the future—which in the provinces will be responsible to the legislature—and it would serve no useful purpose to comment on them from the point of view of the bureaucratic governments of the past. We may, however, say that, in our opinion, the objections to the imposition of terminal taxes far outweigh any advantages that would be derived from them, and we should be sorry to see any general resort to this method of taxation.

64. In view of the growing complications of Indian finance and its international aspects, we think it is essential that for some time to come, the finance portfolio of the Governor-General's Council should be entrusted to a financier of established reputation in England. Those of us who recommend the early establishment of some measure of responsibility to the legislature on the part of the Government of India consider that in that event a recognized financial authority should be employed as an adviser to the Government.

THE SERVICES

Volume II. Part IX

The Security Services 65. We strongly support the recommendation of the Commission that recruitment for the Indian Civil Service and the Indian Police Service should continue to be made by the Secretary of State on an all India basis, and we think that in view of the vital importance of forests and irrigation works to the well-being of many parts of the country, recruitment for at least a certain number of posts in the forest and irrigation services should also be made by the Secretary of State.

Security of Pay and Pensions 66. The safeguards proposed by the Commission in respect of the position of existing all India officers are in our opinion essential and the least that can be applied, but we think that further consideration of the security of pensionary prospects is necessary. The Lee Commission recorded its view that "if any statutory change is made hereafter involving the transfer of

control in this regard now exercised by the Secretary of State in Council, adequate provision would at the same time be made for safeguarding service pensions." The Simon Commission say (II, 332), " We are not in fact proposing any change which would bring these pensions into jeopardy, but we wish expressly to adopt and confirm this recommendation for the future." As far as we know, the pronouncement of the Lee Commission has never been endorsed or confirmed by any one in authority on behalf of the British Government. While it is no doubt true that no change has yet been made or is in immediate contemplation in the statutory provisions which make pensions a liability on Indian revenues, recent statements by certain leading Indian politicians seem to indicate that they would repudiate the liability if they were in a position to do so. Uncertainty as to the security of pensions is bound to affect recruitment adversely and it also has a most depressing effect on officers who are working in India often in circumstances of extreme difficulty and discouragement. We would strongly urge that the time has come for Government to end the unnecessary uncertainty which prevails by a pronouncement which will place the security of pensionary prospects beyond doubt.

67. We would further urge that care should be taken to secure beyond the possibility of doubt the pay that will be due from the various governments in India to the officers of the all India Services working under them. It is presumed that it will be treated as a non-voted item which will not be submitted to the Legislative Council under any of the voted budget heads ; but in regard to non-voted heads the Commission remark in one passage (II, 98) that they " will, as now, be authorized by the decision of the provincial Government." This observation, however, is not strictly correct in its application to the provision required to meet the pay of officers of the all India Services. The Secretary of State will direct that a certain number of such officers shall be employed in each of the different provinces, and it will then automatically become the duty of the provincial governments to make provision for the pay of the officers assigned to them. The point should be made clear in the statute.

The Anglo-Indian Community 68. We strongly support the Commission's recommendation that some special consideration should be shown to the Anglo-Indian community in recruiting for the Central Services with which it has a traditional connection (II, 340). We desire to add, with reference to this point, that we are impressed with the dangers to European and Anglo-Indian education which are referred to in the first volume of the Commission's report, but for which no remedy has been proposed in the second volume. The comparatively high average cost of educating a child in a European school has often been the subject of criticism in the provincial Councils, and there are solid grounds for the disquiet

felt by the domiciled European and Anglo-Indian community in regard to the future of their schools. The problem is an all-India one, and the members of the community are largely employed in the railways, postal, and telegraph departments of the central government. In view of these circumstances, we think that the Central authority might well assume some responsibility, by means of grants in aid coupled with inspection, for the maintenance of adequate educational standards in the European schools. Central intervention in this case would also be justified by the fact that many of the schools serve the needs of more than one province.

69. The Commission's proposals regarding the establishment of Public Service Commissions in the provinces have our full support.

THE HIGH COURTS

Volume II. Part X

70. We approve of the Commission's proposal that the various High Courts in India should be placed under the Government of India for administrative purposes.

THE INDIA OFFICE

Volume II. Part XI

71. We have no suggestions to add to the Commission's proposals regarding the Secretary of State and the High Commissioner for India.

SUMMARY

72. Our main recommendations may be summarized briefly as follows :

GOVERNORS' PROVINCES

(1) The majority of us accept the Commission's scheme for the transfer of the provincial administration to ministries responsible to the legislature, but consider that it should be accompanied by a genuine effort to give the masses of the people a voice in the selection of their rulers. Adult suffrage or anything

approaching to it being out of the question, we suggest a scheme of indirect elections whereby village groups would elect representatives who would vote on their behalf at the elections to the provincial Councils.

(2) We recommend the nomination to the legislature of educated women capable of playing a useful part in public life, but do not consider any large extension of women's suffrage feasible or desirable at present.

(3) The increase proposed by the Commission in the size of the Councils is excessive, and it seems unnecessary materially to alter the present composition of the Councils except to the extent required to provide for group representation if it is introduced.

(4) The special representation of great landholders should not be abolished.

(5) Second Chambers should be established and should include a certain number of nominees of the ministry who should hold their seats while the ministry which nominated them retains office.

(6) We think the Commission's proposal that one of the ministers might, at the option of the Governor, be a person who was not an elected member of the legislative Council is unsound and should not be adopted.

(7) As safeguards for the maintenance of law and order and the efficiency of the police force, we recommend the following measures :

(a) The minimum sum required for the police administration annually should be fixed after inquiry, and for a period of ten years should be treated as a non-voted item not to be submitted to the legislature.

(b) In order to secure some degree of uniformity among the different provincial establishments and some minimum standard of efficiency, the provincial police forces should be in part financed by grants in aid payable from Central Funds upon the report of an Inspector appointed by the Central Government that the forces were being properly maintained and adequately equipped.

(c) The Governor should be given definite power to overrule his ministers in regard to any matters directly or specially affecting the due maintenance of law and order and the administration of the police, and his special responsibilities in this respect should be emphasized both in the Statute and in the Instrument of Instructions.

(8) A deputy Governor should be appointed who would have no control over the ministry but would assist the Governor in routine matters, and would be available to act as Governor in

short vacancies. He might also be President of the Second Chamber.

(9) The administration of the Backward Tracts in a province should be entrusted to the Governor under a mandate specifying the policy to be followed and the terms of a financial settlement securing the necessary funds for a definite period.

THE CENTRE

(10) We are divided in our opinion as to the immediate policy to be followed in regard to the Centre, but the majority of us support the Commission's views. A minority would establish the responsibility of the executive to the Assembly in all matters except the Army, foreign policy, and the Indian States, which would be reserved to the Viceroy. They would alter the existing and proposed constitution of the Assembly, so as to secure the predominance of an element of caution and experience in that body.

(11) We think the Federal Assembly proposed by the Commission is unduly large, and consider that the proportion of representation of the different provinces in the present Assembly should not be materially altered.

THE ARMY

(12) In order to assist the Indianization of the Army we suggest a trial of the former Egyptian system, under which a few British officers would be seconded for service in regiments otherwise officered by Indians.

FINANCE AND TAXATION

(13) We regard Sir Walter Layton's taxation proposals as matters for the consideration of the governments of the future, but we think it would be unwise to levy terminal taxes.

THE SERVICES

(14) We consider that definite steps should now be taken to guarantee the payment of pensions and to secure beyond the possibility of doubt the pay that will be due from the various governments in India to the officers of the all India services working under them.

CONCLUSION

73. We have now finished what we have to say. We have not discussed the question how far our recommendations lead towards that often mentioned but very indefinite form of constitution known as Dominion status. We refrain from forecasting the future. We have made many friends in India, and we have a warm affection for the people among whom we have spent the best part of our lives. We wish that we could have ended on a more cheerful note, but it is no use prophesying smooth things. Most of us have had actual experience in one form or another of the working of the scheme of constitutional reform which was brought into effect ten years ago, and all of us have had opportunities of observing its results. Some of us regarded that scheme from the first with actual disapproval, and in all of us it aroused serious misgivings which the experiences of the last ten years have done little to allay. We feel that grave risks were, and are, being incurred by the premature introduction of the principle of responsible government, in anticipation of the evolution of a popular electorate, adequate not merely in numbers, but also in education and intelligence, to discharge its essential function in a political system of that character. We recognize that, as matters stand, there is no alternative to a further advance on the lines that have been adopted, but we are anxious that our willing participation in the constructive criticism of the Commission's scheme should not be understood to imply approval of the particular type of constitutional advance which has been imposed on India.

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