

NON-CO-OPERATION  
IN CONGRESS WEEK

WITH A FOREWORD  
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## THE CONGRESS-LEAGUE SCHEME AN EXPOSITION

### FUNDAMENTALS OF THE SCHEME

The fundamental ideas of the Congress-League scheme of post-war reforms may be summarised under a few heads:—

1. The voice of the duly elected representatives of the people should prevail both in the Indian and in the provincial legislative councils, and for this purpose these elected representatives should be in a substantial majority.

2. These legislative councils should in their respective spheres enjoy complete freedom of legislation, subject of course to certain exclusions and to the veto first of the head of the province concerned and then of the Governor-General, and to disallowance by the Crown.

3. The legislative councils should have full control of the finances of the country. This includes the power of regulating the taxation and expenditure of the State, omitting certain specified heads, and also the power of fixing the tariff, not only for the purposes of revenue, but, if it be deemed necessary, for encouraging indigenous manufactures and industries and thus utilising to the full the economic resources of the land.

4. The councils should have the power of controlling the executive, though not of turning them out of office.

5. To ensure that the representatives voice the real needs and wishes of the people, they should be elected by ballot on a direct and wide franchise.

6. To safeguard the constitutional rights of the subject in respect of person and property, freedom of movement and expression of opinion, etc., as well as to administer justice between subject and subject, the courts of the land should be manned by a judiciary, independent of the executive and controlled by the high courts of the several provinces.

Each of these reforms is a wide departure from existing conditions. At present the executive Government, which is almost exclusively British, monopolises all power. The elected members of the legislative councils have some opportunities of criticising the administration and suggesting improvements; but the executive have everywhere the power of getting such laws passed as they desire and employing the financial and economic resources of the country in ways that seem to them proper, while the judiciary in some ranks do not enjoy the complete independence of the executive that they should, and are precluded by law in certain classes of cases from protecting the citizen against the encroachments of the executive. The ruling class who wield these vast powers are generally unwilling to yield them even in part, and the European community in India, who get certain benefits from the existing state of things, likewise resist all proposals that tend to transfer civil authority to the hands of popular representatives. Such resistance is natural, however indefensible on grounds of justice. It is difficult to see how the leaders of the Indian political

#### BRITISH SUZERAINTY GUARANTEED

movement of the day can show any tenderness to this practical British monopoly of civil power without betraying the interests of posterity, which they are bound to regard as a sacred trust. One of the few wise things that Lord Sydenham has said recently is that Indians have abundant opportunities for expression of opinion in the counsels of Government. No reforms which merely multiply such opportunities will answer the needs of the hour. Our European friends, who offer co-operation in a reasonable and moderate programme—and it is quite welcome—may have their own ideas. But they should understand clearly—and it needs frequent iteration—that the most vital part of the Congress-League scheme is the vesting of political power and responsibility for internal affairs in a legislature in which the popular representatives should be in a majority. Adequate and even liberal representation shall be given to all interests, certainly the European interest will be amply safeguarded; but the dominant voice in the future must be that of the natural leaders of the people.

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##### UNFOUNDED FEARS

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pect of military charges for the defence of the country." The prerogatives of the British Crown are untouched. The posts of the highest power and distinction will still remain in the gift of the authorities in England. The sovereignty of King and Parliament in legislation is intact. It is true that the Indian legislative council will under the scheme make laws governing the constitution and character of the civil services, and the Government of India will control all the appointments thereto. But as vested interests are to be scrupulously preserved, the personnel of these services, even in the highly improbable contingency of drastic changes coming into early operation, will remain largely European for another generation. The regard for vested interests in the region of commerce and industries will be no less tender. The alarm of British capitalists that self-government in India will imperil their money and destroy the railways and factories is a grotesque survival of primitive tribal distrust. Let them understand that Indians have a keen sense of national honour, and if they were to have far more independence than the Congress-League scheme seeks, they would scorn to repudiate the lawful claims of any community or decree a general spoliation of the property of foreigners. In any case it is a ridiculous idea that western people, who have long practised the arts of economic and political aggression in the east and know how to exact reprisals and indemnities out of proportion to the damages suffered, will be without the means of making good their just claims in their own dependency, held down by an army under their undivided control. Another fear that has been expressed is that the transfer of power suggested



by the Congress-League scheme would be followed by a revival of the anarchy and disorder of pre-British days, when, if we are to believe the common text-books of history in our schools, thuggee and dacoity were regular and profitable occupations, journeys were perilous, and property and even life were insecure. Now, there is abundant testimony to the fact that, beneath the disturbances and movements of warrior bands of that time, the life of the common people ran smooth in the usual channels, and the operations of agriculture and trade were seldom brought to a standstill. Peace and civil order are not conceptions new to India; and in the hundred odd years of British rule they have struck their roots deep in the institutions of the country and the disposition and character of the people. It may suit opponents of the political advance of Indians to contend in the heat of debate that Indians left to themselves cannot, by reason of their natural slackness, tenderness of disposition or fatalistic views of life, maintain a strong executive government. This theory, though it may be pleasing to the vanity of those that now wield civil power, is not borne out by the facts of every-day administration or the annals of our courts. It is an easy but none the less fallacious reasoning which infers, from the earnestness with which pleaders defend the accused in criminal cases or the vigour with which editors expose the vagaries of district officials, that the community in general cannot appreciate a strong and impartial rule. Besides, if there is a breaking up of laws and the stern arm of justice is paralysed, the resulting disaster will not be confined to the property and interests of European merchants; it will fall with crushing weight on the people themselves, whose

losses, moral and material, will outweigh beyond all measure those of the foreign capitalists who now loudly bewail their anticipated ruin. Such fears it is impossible to believe European traders in India really entertain; what apparently they are concerned about is the gradual diminution and final loss of the facilities that the political ascendancy of their race gives them for exploiting the economic resources of India. The expanding national life of the country will doubtless tend in the direction of breaking all monopoly and undue advantage and placing the children of the soil on a footing of perfect equality with all classes of His Majesty's subjects who make India their home. If this consummation be unwelcome to any community, there is no helping it. Opposition coming from them is dictated by selfish greed and deserves no consideration.

#### MUST MILITARY AND CIVIL POWER GO TOGETHER ?

By an ingenious turn of reasoning our willingness to leave the direction of military and naval affairs in the hands of the executive, which should be accepted as *conclusive proof of our loyalty* and our desire to remain within the empire, is used against our cause. Freedom must be justified of her children, says one critic, which is perilously near to saying that freedom will be given only to those who can fight for it. Do you expect us, asks another, to defend your country from her enemies, while you exclude us from all administration? A third thinks that we have no business to lean on the British power for protection against the risks of our own policy. We ask whether the self-governing Dominions do not look to the British navy for protection, and whether the right of civil ad-

ministration is exacted from them as the price of it. If the answer be that the people of the Dominions are the same flesh and blood as the British, it is a confession that non-British races in the empire must be content with the status of perpetual subordination. If, on the other hand, fitness and character are to be the criteria, a study of past history or present conditions fails to justify any discrimination. If Indians are to-day unable to defend themselves, whose fault is it? The disability has been imposed upon us, and one of the great acts of restitution that the British have to perform is to enable Indians, as expeditiously as may be, to defend their hearths and homes against foreign aggression in the international complications of the future. There is no reason why the grant of internal autonomy to the people of India should wait on the process of their military equipment. The pace of the former need not be regulated by that of the latter. The better mind of England, which has accepted responsible government as the political goal of India, will refuse to assent to the doctrine that India should be left a prey to the foreign aggressor, unless she paid for her defence, not only by providing ample guarantees, as already mentioned, for the maintenance of British suzerainty, but by continued renunciation of her right to self-rule and self-realisation.

#### GOVERNMENT OF INDIA MUST BE LIBERALISED TOO

The authors of the scheme have made little difference between the Government of India and the Governments of the provinces in respect of the composition and relative position of the executive and the legislature. In the central as well as the local Governments, they have pro-

vided for a four-fifths majority of elected members in the legislative council and endeavoured in various ways to secure its ascendancy over the executive Government. In so doing they have gone beyond the limit laid down by Lord Morley, who made out the necessity of an official majority in the imperial legislative council in the following passage of his Reform Despatch of 1908 to the India Government: "I must therefore regard it as essential that your Excellency's council, in its legislative as well as its executive character, should continue to be so constituted as to ensure its constant and uninterrupted power to fulfil the constitutional obligations that it owes, and must always owe, to His Majesty's Government and to the Imperial Parliament." The same point was emphasised in 1911 by the Government of Lord Hardinge in the sentences that immediately preceded the oft-quoted promise of provincial autonomy: "The maintenance of British rule in India depends upon the ultimate supremacy of the Governor-General in council, and the Indian Councils Act of 1909 itself bears testimony to the impossibility of allowing matters of vital concern to be decided by a majority of non-official members in the imperial legislative council." The idea underlying this radical difference between the Government of India and the provincial Governments is that, as the responsibility for the welfare and advance of the people of India rests ultimately on the people of Great Britain, the policy that is to prevail in the internal administration of India must be the policy of the British executive. The recent announcement of policy made by the Secretary of State for India in the House of Commons expresses the same idea in the following words: "The British Gov-

ernment and the Government of India, on whom the responsibility lies for the welfare and the advancement of the Indian peoples, must be the judges of the time and the measure of each advance (towards responsible government)." Opinion in India no longer acquiesces in this theory. It holds that the people of India through their representatives are quite fitted to bear this responsibility, and that, so far at least as internal affairs are concerned, the responsibility should be devolved on them. Provincial autonomy, though an important object, is no longer the highest object of Indian ambition. A substantial measure of internal freedom, allowing for the effective preservation of British paramountcy, is the first "definite step" which the advanced political school urges His Majesty's Government to take towards the realisation of India's political destiny, which has been recently defined authoritatively to be responsible government. Now freedom in internal matters requires that the determination of policy and the oversight of those that carry it out should vest in the duly elected representatives of the people, who should therefore be in a clear majority in the Indian legislative council. The experiment of provincial autonomy cannot be conducted under favourable conditions, if the proceedings of a democratic body, using the word in a very approximate sense, were to be reviewed by a bureaucratic body above. The ideals of the one are different from those of the other, and in some respects may even be sharply contrasted; and past experience gives no assurance that the reviewing authority in this case will have either the knowledge or the sympathy necessary for a just exercise of its function. Among those accustomed to the possess-

ion of irresponsible power, it is a common belief that to interpose a check on the advancing tide of democracy is to perform a great service to humanity in one's generation. The prospect before autonomous provincial Governments would be dismal indeed if their growth were to depend on the countenance and approval of an unreformed Government of India, sure of its own perfection and proof against generous enthusiasms. Nor is there anything in the nature of the subjects that will fall within the province of the Government of India, so intrinsically different from the nature of the subjects with which the local Governments will be concerned as to justify their administration by agencies differing not only in range but in kind. Omitting military matters and foreign relations, the Government of India will regulate such branches of administration as salt, customs, railways, the penal code, and currency and banking. Are these branches best dealt with by a bureaucratic form of government? If education may be entrusted to the leaders of the people, why should not the manufacture and sale of salt be entrusted also? In fact, if the immediate bearing of a department on the welfare of the people be a test of its fitness to be placed under the control of the representatives of the people, such questions as customs duties and the development of local industries come appropriately within the category. It follows therefore that the central Government, to which must be assigned not only all matters of imperial revenue and expenditure, but all those in regard to which uniform legislation for the whole of India is desirable and those relating to the administration of the country as a whole, must be dominated by the popular element to the same extent as the Governments of the provinces.

#### FOUR-FIFTHS ELECTIVE MAJORITY

The scheme asks that the Indian legislative council should consist of at least 150 members, that the legislative council of each major province of at least 125, and that of each minor province of from 50 to 75 members. In every case four-fifths of these members are to be elected, and the remaining one-fifth to be nominated by the Viceroy or the Governor, as the case may be. It may be taken for granted that the members of the executive council will be nominated, and perhaps also some secretaries to Government and the heads of departments. The nominated non-officials would very likely represent classes or interests who win no seats at the elections and may also include men of distinction or experience in business or administration. Mahomedans are to return through special electorates of their own one-third of the elected Indian members in the Indian legislative councils and in the provincial legislative councils a proportion varying from one-half in the Punjab to 15 per cent. in Madras and the Central Provinces. Except in the cases of Bengal and the Punjab, this proportion is much in excess of the numerical proportion of the community to the population. The theoretical propriety of communal representation, with the added elements of separate electorates and excessive proportion, is a much debated question. Its necessity in the present conditions of the country is generally acknowledged, and our scheme pushes the principle a step further and provides for the adequate representation of important minorities by election. What these important minorities are must be determined for each province by its own peculiar conditions, while the mean-

ing of the word 'adequate' may give rise to much wrangling in certain cases. It is fortunate that in some provinces like Bengal and the United Provinces no non-Moslem minority has yet demanded separate representation. The Sikhs in the Punjab desire to be recognised for this purpose, though it is doubtful whether the community as a whole will support the demand, put forward by one of their leading men, of one-third of the strength of the local council while the community form only 12 per cent. of the population. In the Bombay Deccan the Lingayats, whom Mr. Gokhale specifically mentions by way of illustration in his scheme, have not been slow to claim separate treatment, while the 'depressed classes' also seek special consideration. Certain other classes like the Marathas, Malis, and Bhandaris, grouped together under the general name 'backward', have likewise advanced similar claims; but as they form a majority of the population they can hardly come under the description 'important minorities' mentioned in the Congress-League scheme. The same remark applies to the non-Brahman Hindus of Madras, whose numerical strength overwhelms that of the Brahmans. Indian Christians and Panchamas have raised their own voices in the southern presidency. In this unfortunate province a section of non-Brahmans have gone so far as to repudiate the Congress-League scheme on the ground that it would take them away from the protection of the impartial European ruler and place them once more under the heel of their original oppressors, the Brahmans. This repudiation is repudiated by a section of non-Brahmans, larger and more influential than the other, who have recently organised themselves for the purpose of



supporting the Congress-League scheme and at the same time demanding separate representation for their community. It is unusual to make special arrangements for the protection of an immense and overwhelming majority, but it is also unusual for a numerically small caste to enjoy a decisive ascendancy over most other classes in culture and social and political influence. The framers of the Congress-League scheme failed to foresee this contingency. But some way must be found of overcoming it. So far the proposals that have been made for the purpose aim at securing a minimum representation for the majority and on a special electorate. It would seem easier and more natural to fix a maximum for the Brahman minority. After setting apart the fifteen places due to Moslems, some seats for Indian Christians, some for Panchamas, and some for special interests, namely, the university, commerce, trade and planting and the large corporations of Madras, Madura and Trichinopoly, the balance of seats may be distributed among electorates to be constituted on a territorial basis. If, instead of making a district the unit electorate, we group two or three districts together and make such a group the unit electorate, it should be practicable to assign four or five members to each group and then restrict the Brahman to one seat in the case of four-member groups and two seats in the case of larger groups, the voting, however, to be not by non-Brahmans and Brahmans separately, but by all the qualified voters placed in one common list. Subject to such a limitation, the territorial election may be so arranged, if the plan be generally approved, as to yield proportional representation on a transferable vote. ( And this may be adopted all over India. ) On this

proposal the maximum representation that the Brahman can get will be somewhat over 25 per cent. of the territorial representation while it is possible that he wins no seat in some constituencies and fails in the aggregate to reach 25 per cent. It would be a meritorious act of self-sacrifice on the part of the Brahman to agree to this or a similar plan before the time comes for Madras representatives to meet the Secretary of State and the Viceroy, and it would be a proud and happy day for him and for the other parties concerned, when, after about ten or fifteen years, the non-Brahmans of Madras resolve that this restriction on the Brahman be removed as they no longer fear and distrust him. This will be the only effective way of reassuring those who have a genuine apprehension that the Congress-League scheme would give too much power to the Brahmins and silencing those others who exploit this apprehension for their own purposes and shed hypocritical tears for the fate of the long-suffering masses of the country under the tyranny of the narrowest and most selfish oligarchy in the world.

Lord Islington in his Oxford address expressed the view that, while it was necessary to give to legislative councils power and responsibility, there was no need to enlarge them. This is an untenable view. In an earlier part of the address he had himself stated that the elected members should be "properly representative of the various classes of the Indian society." When it is remembered that not only various classes but various interests also require to be adequately represented and that the authorities would be unwilling to dispense with a certain number of officials, it is easy to see that the number fifty is too small to allow of all the requirements

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being fulfilled. His Lordship objects to the franchise being territorial as it will result in the return of members belonging to one and the same class. It is to avoid this evil that the framers of the Congress-League scheme have adopted the principle of communal representation; but since the root-idea of the reforms is to allow scope for the popular will to prevail, the representation of communities on the council cannot be the sole or even the principal aim to be kept in view. What may be called the general body of the people must be given the bulk of the representation; in other words, the territorial representatives should be in a substantial majority. It should be remembered that the scheme provides both at the centre and in the provinces for a single house of legislature. Care has therefore to be taken that, while the composition of the house includes the elements which are distinctive of either chamber in a bi-cameral parliament, the popular element, which stands for the general population, may have it in its power to determine policies with a fair degree of uniformity and continuity. The executive councillors and the other nominees of Government, assisted now and again by the representatives of the various interests, will discharge the functions of a second chamber, correcting, criticising and retarding, if not altogether hindering, measures bearing the marks of prejudice, ignorance and haste commonly associated with the popular element. The official nominees and those that associate with them from time to time require for this reason to be of sufficient importance in the council, by their number and quality, to influence its proceedings, but they should not have it in their power as a rule to outvote or paralyse the territorial element.

#### FULL POWER OF LEGISLATION

The legislatures, having substantial majorities of elected territorial representatives, are to enjoy, within the spheres marked out for them, full power of legislation. The Indian legislative council cannot deal with matters relating to the army or the navy, the declaration of war or the making of treaties; these will be the exclusive province of the Viceroy and his executive. Clause 12 under the heading 'Imperial Legislative Council' enumerates the classes of subjects on which it has exclusive power of legislating: they are: "(a) matters in regard to which uniform legislation for the whole of India is desirable; (b) provincial legislation in so far as it may affect inter-provincial fiscal relations; (c) questions affecting purely imperial revenue, excepting tributes from Indian States; (d) questions affecting imperial expenditure, except that no resolution of the imperial legislative council shall be binding on the Governor-General in council in respect of military charges for the defence of the country; (e) the right of revising Indian tariffs and customs duties, of imposing, altering or removing any tax or cess, and granting any aids or bounties to any or all deserving and nascent industries of the country; (f) resolutions on all matters relating to the administration of the country as a whole." The imperial legislature will also have concurrent power with the local legislatures to deal with all matters pertaining to the provinces. Laws passed by this council may be vetoed by the Governor-General and disallowed by the Crown within one year. There is a remarkable limitation placed on the legislation both of the imperial and the provincial councils. It is to the effect that the

Hindu or the Mahomedan members of any council met by a three-fourths majority object to the enactment of any bill or any clause thereof, introduced by a non-official member, and the objection shall prevail. Provincial legislation is subject to the veto of the Governor and of the Governor-General and to disallowance by the Crown in one year.

Reference may be made at this point to Lord Islington's conception of the future of reconstructed India as resembling the Australian Commonwealth. Of course we have to think of the Governments as wholes, the executive and the legislative branches together. In Australia the component States existed in complete independence for a long time and then by common agreement federated together into one Commonwealth. Anxious that their original independence should suffer no more diminution than was absolutely necessary, they stipulated that the Commonwealth should have only certain specified powers, the residuary functions inhering in them as before. In India, on the contrary, according to both theory and practice, the provincial Governments have no independent constitutional status and are merely the agents of the Government of India. In the natural course of devolution, the former will get only such powers as are transferred to them, and the residuary powers will remain with the central authority. Our Congress-League scheme expressly lays down this proposition: "The Government of India shall not ordinarily interfere in the local affairs of a province, and powers not specifically given to a provincial Government, shall be deemed to be vested in the former." Moreover, even in respect of the powers so devolved, the imperial Government is under

the scheme to retain the right of 'general supervision and superintendence over the provincial Governments,' though its interference should ordinarily be limited to such general supervision and superintendence. The analogy of the Australian Commonwealth has thus no exact application here. The arrangement in Canada affords a more apt illustration. There the Dominion Government has no general control over the provincial Governments, but it has a veto over the legislation of the provinces, whose law-making power is, as in the case of local Governments in India, restricted to certain specified subjects. On the other hand, in another respect, not so important as the mutual relation of the Governments from a constitutional standpoint, but not less impressive to the popular imagination, India would prefer the Australian to the Canadian model. In Canada the heads of the provinces are Lieutenant-Governors appointed by the Governor-General in council of the Dominion and removable by the same authority. The Australian States have, on the contrary, decided to have Governors appointed direct by the Crown. Politicians were not wanting who argued that Lieutenant-Governors would cost less to the States and might be chosen from among the local leaders; but the view which prevailed was that the plan would necessarily carry an inferiority of status, and the States thought themselves, like the States of the American Union, co-ordinate in rank with the federal Government. For a reason quite different, Indian public opinion prefers Governors from *abroad* to Lieutenant-Governors selected from the Civil Service. Notwithstanding a great record of work and many names of eminence,

this service has, by its power-grasping, self-admiring and unprogressive character, evoked an unfriendly attitude on the part of the educated classes, who see a brighter chance for their political ambitions under rulers who have been trained in the free public life of constitutionally governed countries. That is why both the "Nineteen" Memorandum and the Congress-League scheme give prominence to the need of choosing statesmen outside India for the headship of the provinces. Leaders of opinion in India are fervent believers in the distinction emphasised by Dr. Woodrow Wilson in the dictum: "Political and administrative functions require different aptitudes, must be approached from very different points of view, and ought seldom to be united in the same persons." Lord Islington's plea on behalf of the Civil Service, backed as it is by the great authority of Lord Morley, is hardly likely to make any converts in this country.

#### POWER OF THE PURSE

The power of regulating policy and making laws will be illusory unless it be accompanied by the power to dispose of the material resources of the State. The importance of the power of the purse is a commonplace in the history of popularly governed countries. It is true that this power has been of inestimable help to the representatives of the people in establishing their predominance in government, but the truth is of equal importance that these representatives can make no practical use of the powers that they may obtain from time to time unless they can also determine the distribution of the burdens of the State and apportion the

revenue among the various objects of administration. Land revenue, second to none in India among the sources of taxation, and its periodical increase ought no longer to be matters entirely within the competence of the executive. Not that the legislature has now the decisive voice either in raising the other taxes or applying them; but the law, as it stands to-day, does not impose on the Government even the trouble of making out a case before the legislative council for enhancing the State demand on land. The extremely contracted sphere within which the finance committees work in the various provinces, the stringency of the rules governing the financial statement, the practical impossibility of the so-called non-official majority to carry any resolutions to which the Government may be opposed, and the power that the Government have of refusing to abide by any resolutions which may be carried (till now no resolution on the budget has been so carried)—these have rendered the discussion of the budget a solemn waste of time and vexation of spirit. Chronic dissatisfaction exists with regard to the impetuous condition of local bodies, the unequal terms on which railways and irrigation compete for a share of the resources of the State, the undeveloped condition of education and sanitation, the scantiness of medical relief to the millions of the rural population and several other features of our financial system. No remedies will meet the situation which have not the cordial support of those to whom the people's confidence is given by means of the ballot.

The imposition of free trade on India, which has exposed indigenous industries to ruinous outside com-



petition, has long been a standing grievance with politicians of all shades of opinion in India. Be it said to the credit of European administrators in India that they have generally withstood the sacrifice of Indian revenue or the interests of Indian industries to the interested clamour of powerful parties in England, and their championship never shone brighter than when during this year a duty was imposed on imported cotton goods and this first measure of fiscal freedom to India was defended with much eloquence and spirit in the British parliament. The Viceroy spoke brave words and touched the heart of India when he declared recently in the legislative council that, if this cotton duty were threatened after the war, the people of India might rest assured that the Government of India would offer the most strenuous opposition. India rests confident in the hope that this measure of justice would be followed by others of a similar nature and that she would in course of time acquire fiscal independence.

The Congress-League scheme also lays down certain definite principles for defining the financial relations of the Government of India with the provincial Governments. The idea underlying the proposal seems to be that the revenues of the country except under certain heads belong as of right to local administrations, which should thus be left free, in co-operation with and under the control of their legislatures, to advance the welfare of the populations entrusted to them. What are now known as divided heads are to be transferred entirely to the provinces, and the Government of India should make good the resulting deficiencies in its revenue by contributions levied from local Governments, the

amounts of which may be revised whenever any extraordinary and unforeseen contingency should arise. This arrangement would amount to a complete reversal of the existing relations between the central and local authorities. The finances of India, though raised in the provinces and by the administrations of these provinces, are accounted the constitutional possession of the Government of India. They distribute the money among the various Governments according to principles settled by them, which are known as 'Permanent Settlements.' Each local Government is bound, in spending the amount allotted to it, by various bodies of minute rules; numerous returns have likewise to be submitted to the imperial Government; and as the budgets of the various provinces have to be worked into the imperial budget, the scope of provincial finance as a separate or independent system is extremely narrow. Complaints on this head have become very loud of late years from local Governments and their subjects combined. The Government of India, restrained only by the criticisms of the press and the cries of local Governments whenever they were over-squeezed, were naturally more solicitous of the departments and the services in which they were directly interested than of those in which the provincial Governments were interested, and at successive revisions of provincial contracts even resumed considerable sums. This state of things, being highly unfavourable to the development of the provinces in directions immediately concerned with the welfare and prosperity of the people, has produced a reaction in the public mind which is reflected in the proposals of the Congress-League scheme. Critics may contend with some justification that these proposals

go to the other extreme, leaving the Government of India in a condition of precarious dependence and without the means of rendering any financial assistance to the more needy and less advanced parts of the country, which cannot expect much consideration from the more fortunate provincial administrations. Indeed, the scheme is open to a slight suspicion of incongruity in giving the central Government all the residuary powers of the constitution and a general power of superintendence and supervision over provincial Governments, while assigning to it a somewhat inferior position in financial matters and making it appear in the light of a venerable dependent entitled to maintenance. The analogy of the German system with its *metricular* contributions is somewhat misleading, because in Germany there was a real federation of independent States which surrendered a part of their freedom and their revenues to the newly created federal Government. A compromise between these extremes may be necessary, but it is likely to offend against logic or the natural division of functions between the central and local Governments. The Congress-League scheme has the merit of giving to the central Government all those sources of revenue which are not really of a local character though they may be raised in particular localities, and the responsibility of external defence which is of a like nature. This subject affords a good illustration of the truth that it is easier to criticise than to improve. As soon as we touch a source of revenue like land tax or income tax, we are overpowered by the thought that it is much better left to the administration of each local Government and its legislature. To suggest a division of any such head is to suggest a division of responsibility and a fruitful

cause of strife and controversy. Are we not finally thrown back on the device of contributions from local Governments? Great difficulty will be felt in determining the agency by which these contributions should be fixed and altered from time to time, and the basis on which they should be fixed, whether population or total revenue, or a combination of both. As regards the agency, Mr. Gokhale's suggestion before the Decentralization Commission was that it should be a conference of the revenue members of the different provinces sitting every five or ten years and presided over by the finance member of the Government of India, the Viceroy having the power, in sudden and extraordinary emergencies, of altering the amounts of these contributions as he might deem necessary.

A word of caution may here be said to indiscreet advocates of self-government. These are apt to recommend it on the ground of economy, resulting finally in reduction of taxes. The experience of popular government elsewhere gives no ground for this hope. Vested interests will render retrenchment extremely difficult, if not impossible. Our obligations under the head of the country's defence will increase by leaps and bounds. The utmost vigilance and energy of our popular representatives will be fully taxed to resist the further encroachments of the organised services on the resources of the State, if they can accomplish even so much. Education, sanitation, industries are departments that have been long starved and will clamour for a chance under democracy. The Gladstonian doctrine that "the constitutional duty of a legislative chamber is not to augment but to decrease expenditure," is apt to

be forgotten by those who depend on votes and will be under the constant temptation of adding to government posts and the possibility of patronage. In his famous book on France Bodley satirises the futile attempts at retrenchment frequently made in that country. Says he: "They call to mind those radical schemes for reorganising our public offices at Whitehall, which new ministers with ingenuous zeal sometimes promote. Three superfluous clerks are made to retire on full pay; three other clerks have their salaries raised to reward their increased labours, and the next year three new clerks are introduced to complete the old establishment." The same writer in another passage thus describes the enormous multiplication of offices in the modern popular regime. The evil is aggravated in France by the inordinate importance which a deputy acquires in his constituency. "For, as we shall see, each member of Parliament, not hostile to the Government, thus becomes a wholesale dispenser of places, controlling the administrative and fiscal services in his constituency, and supervising the promotion of the judges. Moreover, to augment his popularity a legislator likes to have as many posts as possible to bestow. The tendency of representative government is, therefore, to effect not economy, but the multiplication of State-paid offices, ruining the finances of the country, and turning the industrious French people into a nation of needy place-hunters. Under previous parliamentary regimes this evil was not patent, as the electorate was extremely limited, and if every voter in France had been given a post under Louis Philippe the bureaucracy would not have been unduly swollen. Whereas with ten million constituents encou-

raged to regard their members in this light, the rich resources of the land are strained, and citizens are taken away from callings which increase the national riches, are deterred from colonial enterprise, and are generally diverted from ambitious pursuits which elevate the standard of a nation."

#### THE LEGISLATURE AND THE EXECUTIVE

The next topic in order of importance is the subordination of the executive to the legislature and the means by which the scheme endeavours to secure it. Before dealing with it, it is necessary to describe the executive briefly. The Viceroy or the Governor is the head, not merely in name but in reality. He is to be assisted by an executive council to be composed, half of Europeans, half of Indians. The number is not fixed, but the general idea is that it should be six. Members of the Indian Civil Service or any other service should not ordinarily be appointed to these councils, the idea being, as Woodrow Wilson's dictum has it, that men who have for years administered departmental details cannot exhibit the large spirit of statesmanship necessary in those who have to shape and guide policy. The holders of portfolios will be assisted in the discharge of their duties by the experience of the permanent heads of the departments, as in England. Naturally civilian officers resent this proposal bitterly, but it is of capital importance and cannot be surrendered. The term of office of executive councillors and of the heads of Governments is to be five years, and that is the term also of the legislative councils.

The conception of the relations between the legislative council and the executive council which is embodied in the Congress-League scheme is something between the English and American conceptions, avoiding the extreme points of both. The most conspicuous feature of the English constitution, to which almost superstitious reverence is paid in Great Britain and the self-governing Dominions, is the responsibility of the ministry to the House of Commons; i. e., its obligation, according to one of the unwritten conventions of the constitution, to resign office on an adverse vote of that house on any subject of importance, unless they persuade the King to dissolve the house. The Indian executive will not be under such an obligation. Its tenure of office need not depend on its retaining the confidence of the legislative council. In America even a direct vote of censure cannot remove the President from office, and as the other principal officers of State derive from him, they are equally untouched by the proceedings of Congress. In fact the separation between the executive and the legislature is complete in the United States, it having been considered necessary to maintain the balance between the two. Neither the President nor his principal officers belong to either house of Congress. Thus they cannot defend themselves against hostile criticism in Congress nor take steps to get such laws passed as they desire, while Congress for its part has to legislate without the experience and guidance of the executive. The Congress-League scheme seeks to avoid this evil by placing a considerable power of nomination to the legislative council in the hands of the Viceroy and Governors.

It is expected that they will put in the executive councillors and perhaps also a few other officials. Their superior knowledge and experience will be available to the legislature, and in fact they will be in a position not only to defend their executive acts but to frame legislative proposals and conduct them in the council.

It is curious how different are the forecasts that people make about the actual working of the scheme. Those who study its provisions from the standpoint of the executive apprehend that it would be at the mercy of the legislature, harassed by ignorant criticism and compelled, as Lord Islington put it, to carry out laws and resolutions which it did not approve. Indian publicists, on the other hand, obsessed by the cunning with which the constituencies in the present regime have been so designed as to render the non-official majority a mere name and rules of debate have been so framed as to render the budget discussion a mere mockery, take it as a foregone conclusion that, if the executive were not to be under the constant fear of being turned out of office, it would defy the legislature and set its decisions at naught. On both sides occasional deadlocks are anticipated, and the scheme is criticised for not providing a means of getting over them, as the authors of the constitutions of the Australian Commonwealth and the South African Union have had the forethought to do. Let us now look at the provisions in detail. First those which tend in favour of the legislature. They are eight:—

i. The term of office of the head of the Government and also of the executive councillors is limi-



ted to five years. If it is to be tyranny, it will at least be short-lived.

ii. Members of the legislative council are to have the power of questioning the executive as to their acts, in the same way as in the English Parliament, other members coming to the aid of the questioner in asking supplementary questions. Holders of portfolios should certainly have the liberty of refusing to disclose information in the public interest; but if a minister habitually evaded questions without sufficient cause, he would soon be found out and visited with general displeasure.

iii. On a requisition by one-eighth of the members of the legislative council, the head of the Government will be bound to summon a meeting of the council. This will prevent undue intervals during which the executive might be glad to escape the vigilance of the legislature. Present-day practice in India has apparently suggested the need of this provision.

iv. As in England, it would be open under the scheme for a member to call attention to "a definite matter of urgent public importance" and raise a debate on it, if he is supported by one-eighth of the members present.

v. The legislative councils themselves will have the power of making and altering the rules under which resolutions on matters of public interest may be discussed. It is somewhat anomalous that at present the councils have some voice as to the rules for the conduct of legislation, but none as to the rules governing interpellation and the discussion of resolutions or of the budget.

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#### THE CONGRESS-LEAGUE SCHEME

vi. The legislative councils are to elect their own presidents, the Viceroy and the Governors being precluded from conducting the proceedings in person or through vice-presidents appointed by themselves.

vii. A resolution passed by the legislative council, may be vetoed once by the Government concerned; but if it be passed a second time, after the lapse of a year, it must be carried out.

viii. The Indian members of the executive council who are to form one-half of its strength, should be elected by the elected members of the legislative council concerned.

When these eight provisions are taken along with the provision requiring a substantial elective majority, it is obvious that the people's representatives have abundant means at their disposal of getting their wishes respected and making their mark on the proceedings of the legislature. To doubt it is to take it for granted that the members returned by the general electorates would be of poor calibre. If, however, an additional safeguard be considered necessary, the taxation of the country, instead of being wholly permanent as now, may be made in part annual, so that the Government cannot carry on unless they keep the legislature in a good mood and get the temporary taxes renewed every year. The salt duty in the case of the imperial Government and the income tax in the case of provincial Governments would seem to be appropriate for this purpose.

Those that scan the scheme from the standpoint of the executive will probably complain that it is de-

fenceless against this array of weapons in the hands of the legislature. In truth, however, their superior organization and discipline and the expert knowledge and experience which they command constitute a great advantage in a continuous contest with a loose body of men elected by different constituencies and perhaps divided by caste and other prejudices. The personal merits of these legislators are apt to vary greatly, and it will be long before they learn to act together, evolve definite policies and assert themselves in council. Moreover, the scheme lays down that a money bill may be introduced only by the Government. Private members, who desire to distinguish themselves or please their constituencies, may possibly flood the council with all sorts of legislative proposals for a time, but soon the requirements of business will put the initiative to a large extent in the hands of the executive, and ambitious members will have to seek their opportunities in criticism and amendment of Government measures. Judicious bestowal of honours and titles, careful distribution of patronage, the discriminating sanction of schemes involving financial outlay in which certain members may be interested, are means of oiling the legislative machinery, which may not stand the most exacting ethical tests but will be found of much practical value. But the principal weapon in the armoury of the executive is the veto, which may be exercised once in the case of resolutions and without any such restriction in the case of legislation. If one desires to conjure up difficult situations, one may see in the light-hearted and frequent use of the veto a fruitful source of misunderstanding; but the Congress-League

sonable spirit. If such an expedient be enacted as a part of the law, it may be necessary to make the legislature even with the executive by providing further that it should not be resorted to in two succeeding years. A year's interval may have its own effect in softening differences and enabling the two branches of Government to come to terms with each other. We are advised to provide a machinery for overcoming a deadlock, because the constitutions of the Australian Commonwealth and the South African Union have done so. But the deadlock contemplated in those parts of the British empire is between the two houses of legislature, which are of co-ordinate rank and must concur for legislation to have effect. In India the Congress-League scheme provides only for one house, and as the executive is meant to be subordinate to the legislature, no deadlock can arise. Let the executive advise, expostulate, warn; let it dissolve the legislature; let it gain time by working the last year's budget; but finally it must bend to the will of the people if it cannot convince them. Having enjoyed absolute supremacy so long, it may be difficult for the Indian executive to reconcile itself to take second place. But no executive in any constitutionally governed country pretends to override the legislature; and the attempt of political reformers in India is to assimilate the well-established principles of government in such countries. If an executive, to take an instance, felt that a resolution passed by the legislative council for a second time was such that it could not accept the responsibility for carrying it out, it would be compelled to resign; for if it held on and refused to carry out the resolution, it would be dis-

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obeying the law of the land and might provoke civil commotion.

#### RESPONSIBLE GOVERNMENT

Although in extraordinary circumstances like those imagined above the executive Government may voluntarily resign, the Congress-League scheme does not contemplate the resignation of a defeated ministry and its replacement by a new one as the normal feature of government; in other words, there will be no responsible government, as the expression is understood in constitutions following the British model. No Government in India need dread an adverse vote or a succession of adverse votes as a sentence of death. Constitution-writers are agreed that a system of ins and outs can work beneficially only where there are two large and well-defined parties in the legislature and only two such parties. Where this condition is wanting, the members of the legislature form little groups or cliques, with no principles to keep them together, but only temporary and perhaps selfish ends. No Government can in such circumstances be stable; it must have recourse to compromises and makeshifts; and its principal anxiety will be how to live rather than how to govern. Every Government that can be formed must include members from most of the important groups; a change therefore may introduce new persons, but not necessarily new policies or views of administration. One of the greatest evils that can befall a country is a weak executive. Those that would take a hand in shaping the fortunes of India must pause seriously be-

fore they adopt a system where there is a general race for office, and a Government, with many rivals watching to trip it, can only live by making concessions and compromises at every turn and by not putting its hand to anything big or important. Maybe in course of time we shall evolve two opposite schools of political thought which may seek to shape governmental action by organising themselves into two permanent parties. Then elections may be fought on issues involving political principles or programmes, and it may be determined with some approach to accuracy which of the contending parties commands the majority of opinion in the country and is therefore entitled to form a cabinet. It will be time enough then to think of the parliamentary system. It has not been an unmixed good outside Great Britain; even in Great Britain it has seen its best days, and among thoughtful observers the doubt is seriously felt whether after this war it will regain its original hold on politics. The newly formed National Party in England, of which it would be rash to judge the future by its recent failure at a bye-election, has the following paragraph in its prospectus: "For years past the old party system has been nothing better than an organised mockery of the true spirit of the nation. If we are to win victory in the war—and after—we must free ourselves somehow or other from the clutches of this octopus. The future of the commonwealth of British nations depends upon the honesty and capacity of our public men. Politics is a matter of national life and death. Should it continue to be played as a game of party interests and personal ambition, served by two machines which are kept in



funds by the sale of honours, the end can only be disaster." In a recent book called the 'Elements of Reconstruction' and marked by much originality and vigour of thought, the same idea is hit off in a striking phrase, 'that persistent tendency to a bi-lateral system of conflict about false issues which is denounced as the party system,' and Lord Milner in his introduction to the book speaks of it as 'now happily in abeyance, and never, let us hope, to be revived in its old insincerity.' Burgess, whose keen analysis is hardly surpassed, has some weighty remarks on this subject which, though long, may here be quoted without apology :

"What, then, are the conditions which require the political responsibility of the ministry to the legislature, or the popular branch thereof, or which make this relation advantageous? We have now two distinct questions which require distinct answers. I can conceive of nothing *requiring* this relation except the permanent incapacity of the executive head, or irrational persistence on his part in an unpopular policy, or such evidence of a treacherous disposition as to make it impossible that he shall be trusted. On the other hand, ministerial responsibility to the legislature will be *advantageous* when the electorate and the legislature are of so high character intellectually and morally as to be practically incapable of forming an erroneous opinion or of doing an unjust thing. The checks and balances of double or treble deliberation by independent bodies will then be no longer necessary, will be rather hurtful than necessary. The natural age of compromise will have been passed. Until something like this condition shall arrive, however, the responsi-

lity of the ministry to the legislature for Government policy tends to the production of crude measures, and, in general, makes government radical. I do not think that parliamentary government stands in such high favour with political scientists as it did a decade or more ago. Based upon the narrow English electorate of twenty-five years ago, its working seemed to vindicate most thoroughly its principle, but the recent great extension of that electorate has revealed dangers hardly suspected before, and has shaken the faith (once orthodox) in its perfection and in its adaptability to every condition of political society. I have no hesitation in saying that to me England, as well as France, now appears to need a greater independence of the executive power over against the legislature."

The irresponsibility of the executive, which the leaders of political thought in India have adopted with a sure instinct for what is safe and suitable in the present condition of their country, is not without a parallel in the west. Omitting Germany, which is not reckoned among popular governments, there are the United States and Switzerland, in both of which freedom dwells in some of her most lovely forms. The American example is somewhat complicated by the executive being not only irremovable by Congress, but unconnected with it constitutionally except for the President's qualified veto. This latter feature is generally regarded as a weakness, which would lead to very untoward results were it not for the natural good sense of the Americans, of whom it has been remarked that they can work with advantage the worst constitution in the world. The analogy of Switzerland is nearer. The executive there

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are elected by the legislature for a period of three years. They cannot vote in the legislature, but may attend either house and take active part in its proceedings, both initiating and criticising measures of legislation. The results are pronounced to be excellent, the executive being regarded as the servants not as the masters of the legislature. Yet this subordinate position does not deprive them of influence or prestige; the legislature trusts them entirely and re-elects some members frequently. Prof. Dicey observes that although its irremovability confers on it a certain measure of independence, it loyally carries out the policy of the legislature. "Its dependence is the source of its strength. It does not come into conflict with the Assembly; it therefore is a permanent body which carries on, and carries on with marked success, the administration of public affairs." The defect in the Swiss system is that, as there is no well-organised efficient civil service, the members of the executive are themselves the heads of departments and overwhelmed with details of administration. In India the existence of a first-class civil service would keep members of the executive council free for parliamentary duties.

#### RESPONSIBLE GOVERNMENT-IN COMPARTMENTS

While there are opponents of the scheme who denounce it as wholly evil and likely to land the country in disaster, there are others who see that substantial reforms are inevitable, but would like them to assume an experimental form, so that Indian political leaders may prove their fitness to manage popular institutions step by step. A proposal has been put

forward, the main feature of which is to administer a few selected departments by means of a cabinet on the English plan, i. e., chosen for their ability to command a majority in the legislative council and liable to be replaced by another cabinet as soon as the majority turned against them. The Viceroy or the Governor is to be in respect of this cabinet like the King in England, choosing only the Premier and always accepting the advice of the responsible ministers. The rest of the government is to be carried on as under the present regime. It may be readily acknowledged that this proposal is made from a genuine desire to afford a school of probation for the educated classes of India. It follows that the departments chosen to begin with must be comparatively unimportant, so that, even if they were mismanaged, the harm to the general administration might not be great. It is often true that a great reform has a better chance of success than a small one. This is the case in the region of self-government. Improvement in administration, to be real and lasting, would require increased expenditure. Where should the apprentice cabinet find the additional money? Whether it is to be by retrenchment in other departments or by fresh taxation, they will have to convince the general executive as well as the legislative council. If they failed, would it be just to send them out for what might have been the perversity of the general executive? As has been said in an earlier section, successful administration without control of finance is impossible. Then, why is this process of experiment and trial considered necessary in the case of Indians? There is not a single instance in the

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wide world of a people having acquired autonomy by compartments. And who is to judge whether the experiment in a province has been successful and when the next step may be taken? One party is anxious to advance, the other party is anxious to hold it back. To suppose that the latter is like a teacher proud of his pupil and desirous to help him from stage to stage is to ignore the history of political reform in India and the tremendous difficulty that has attended every step of it. Again, where there are two compartments of government, one in which the exciting game of making and unmaking Governments is constantly going on and the other of the humdrum sort where the executive sits tight on the legislative body, it is apparent that the former will engross the attention of the public and draw to itself all the ambition and talent in the community. If the legislative council be identical for both the compartments, as it will probably be, would not the greater part of its functions, and by our supposition the more important part, suffer from neglect? Moreover, there is the head of the Government who has to be the real head of one compartment and the figure-head of the other. The habits, modes of thought and temperament that conduce to success in the two compartments are very different, perhaps incompatible. We know that one who is successful as the Governor of a crown colony will not necessarily be successful as the head of a self-governing Dominion. Is it reasonable to expect that the same man can play every day of his life parts so wholly unlike each other? It is to be hoped that this plan of compartmental autonomy, with its temp-

tion of a higher form of government though in a greatly restricted sphere, will not prove more attractive to the Indian politician than the all-round and substantial self-government embodied in the Congress-League scheme, in which the executive is in a real manner subordinate to the legislative council, although not technically responsible to it. In the former case the first step is in itself of slight value unless it is followed by several other steps, each of which will probably be as difficult as this one. In the second case the first step is a big one and likely to bring great benefits to the people, even if it was not followed by other steps, and perhaps for that very reason these other steps will be found easy. Responsible government, as has been already pointed out, cannot be successful where there are not two and only two great political parties wedded to distinct principles. To foist it on India at present is no sign of political sagacity. Our scheme does not by any means preclude it, if in the future conditions favourable to it arise, and then it will be a natural and healthy development. An able writer on the "Political Development of Japan," Mr. Uyehara, tries to make out that the defects in the present working of the Japanese constitution can be remedied only by the adoption of the practice of full responsibility of the cabinet to the Diet. Ito himself tried something like it and failed. As it was more than a decade ago it is probable that conditions have ripened in the direction desired by Mr. Uyehara. The lesson for us in India is that it is best not to pluck the fruit before its time.

### COMMITTEES OF THE LEGISLATURE

A few words may be said here of Lord Islington's suggestion that we may introduce into the governance of India the plan adopted in France of appointing committees of the legislative council for particular branches or departments of administration. The instancing of France was rather unfortunate, for the committees in that country, or commissions as they are called, are notorious failures. Some of these committees are dissolved every month and reconstituted; important ones have a longer tenure. All alike have acquired an inordinate amount of importance, overshadowing the executive on the one hand and the parent house on the other. They take charge of bills, whether introduced by Government or private members, and may report them or not at their pleasure. They often change them out of shape altogether. The budget commission especially takes great liberties with the proposals of the finance minister, who, it is said, cannot sometimes recognise them. In the United States too the interposition of committees has not been a blessing. The principal evil is that in the privacy of their proceedings the larger issues are burked, principles are forgotten, small expedencies prevail and petty bargains are struck. When the measures come up before the house, they excite little interest, and the public who are most concerned cannot know the grounds on which they were defended and opposed and receive little political education from a perusal of the debates. Bills in India are already referred to select committees. Power may be taken to appoint committees for considering any parti-

cular matter of importance. But standing committees in charge of special departments will tend to impair the responsibility of the executive who may be tempted to take shelter behind them. Lord Islington's plan is to enable members of the legislative council to acquire knowledge of administrative details by association with the executive, and thus to widen the circle of those from whom ministers may be chosen. This object will doubtless be attained in some measure by the appointment of committees. But there is grave risk of the legislative council weakening its control over the executive Government, owing to the dispersion of responsibility. Individual members of committees may also utilise their opportunities for acquiring undue importance or gaining private ends through the friendship of ministers.

#### SECRETARY OF STATE AND HIS COUNCIL

Almost from the start the Indian National Congress has been demanding the abolition of the council of the Secretary of State. The changes made by Lord Morley were not accepted in India as great improvements. The introduction of two (and now three) Indians has no doubt caused some mild satisfaction, but it is only a palliative. Even the recommendation of Sir William Wedderburn, whose name is cherished with the greatest affection by the educated classes, was not sufficient to induce the Indian National Congress or the public generally to welcome with a full heart the considerable reforms recently proposed by the Marquis of Crewe. The councils are looked upon as an expensive burden, inimical to the political advance of Indians and unable to fulfil the



principal object of its existence, namely, to guard the finances of the country from the extravagant tendencies of the Government of India or the Secretary of State. The condemnation is thorough, and whatever force it had in the past would be multiplied a hundredfold under the Congress-League scheme, which substitutes the control of a locally elected parliament for outside control so far as internal matters are concerned. There remain military matters and foreign relations, in respect of which the Army Council and the cabinet of Great Britain are the final arbiters, and the Secretary of State's council is of comparative unimportance. The case for its abolition is thus almost unanswerable.

The proposal to place the salary of the Secretary of State on the British estimates is equally old. It has been often brought to the notice of Parliament and supported with weighty arguments by influential politicians. The opposition of the India Office has prevailed every time, although backed by flimsy pleas.

The recommendation that the position of the Secretary of State himself should be approximated to that of the Secretary of State for the colonies is not absolute; it contains the saving clause 'as far as possible.' He will still have very important functions left to him. Besides control of military matters and foreign relations he has to conduct large financial transactions in England on behalf of the Government of India, make a great number of high appointments, and exercise final authority in the delicate matters connected with Native States. The desired approximation therefore to the colonial pattern can take place only gradually, and even when the pro-

cess has been pushed as far as it can be, there will still remain striking differences between the position of the Secretaries of State for India and the Colonies, and that is only as it should be.

#### THE FRANCHISE

The supremacy of the legislative councils and the elective majority therein, on which the Congress-League scheme lays so much emphasis, cannot be fully vindicated unless those who claim to represent the people are sent to the councils by electorates of respectable size and quality. The franchise question is for this reason of very great importance, and the scheme gives it due attention. It requires that the people should vote directly for the members, and that the qualifications of voters should be high enough to ensure a certain degree of intelligence and weight, and at the same time not so high as to make the electorates too small and select. In the case of the Indian legislative council the present indirect election by the non-official members of the provincial legislative councils is to be retained, while at the same time direct election by the people is provided for. It is defensible as a reflection of the idea that in the constitution of federal Governments the component parts should be represented as such. There is to be no more election to the provincial councils through the medium of urban and rural boards. It is hoped that candidates will in future seek the suffrages of their constituencies by expounding their plans and programmes of work, for the political instruction of the people can in this way be most quickly and efficaciously promoted. With this object electorates should be so formed as not

#### THE FRANCHISE

to be too large or heterogeneous. The present revenue districts are generally favoured as electoral units. Anyhow, it is necessary that the boundaries of electoral areas should coincide with the boundaries of districts. The division of the country into areas having equal population is a luxury which need not be thought of for some time. If proportional representation be decided on, two or three districts may have to be grouped together. The franchise may have to be different in different provinces. It is desirable that it should be uniform in the same province. A possible exception is the case of what are known as the depressed classes, amongst whom, if it be decided to give them representation through separate electorates, it may be difficult to find men possessing even moderately high property and educational qualifications. The franchise should be of various forms; payment of income tax and of land tax above a certain figure, and house tax or rent above a certain limit, the receipt of a Government pension above a certain figure, the possession of an educational qualification like the degree of a university, the possession of a title conferred by Government, etc. Even with such a manifold and liberal franchise, the number of electors will not bear more than a small proportion to the total population of the country, but we must be content with very small beginnings; a wide extension of the suffrage is of comparatively recent growth even in advanced countries. The electorates will probably comprise from 5,000 to 15,000 voters, according as the unit is the district or a group of districts. With such numbers the arts of electioneering will come into vogue, and a machinery for settling disputes and

ment of business, the distribution of time and the rulings are all made so as to exalt the executive at the expense of the private members. Besides, the great dignity of his position and the power and patronage that he wields have a somewhat oppressive effect on most members, and the discussion is apt to lose in freedom and reality. If the legislature is to do its duty fearlessly and on the highest level, it is necessary that its president should be placed in a position of perfect indifference to the favours or frowns of Government and be always ready to uphold its dignity and tradition and administer the rules with strict impartiality.

*Indian Executive to be elected.*—Strong and even contemptuous criticism has been levelled against the suggestion that the Indian half of the executive councils should be elected by the elected portion of the legislatures concerned. Lord Islington has said that it is quite unknown to British practice. The remark is too sweeping. His Lordship apparently forgets that in the new constitution of the Union of South Africa the 'administrators' of provincial Governments are assisted by executive councillors who are elected by the legislative councils. The labour party in Australia has now and then tried to get the executive council made elective, but in vain. It is well-known that the Swiss executive are elected, and their efficiency is unquestioned. The main ground of objection is that the head of a Government would find it difficult to work with a council, one half of whom derive from him and look up to him, while the other half will derive from the legislative council and look up to it. The idea that the executive should be composed of men belonging to one

#### OBJECTIONS ANSWERED

party and of one way of thinking is applicable only to the cabinet system of government, where the party which is in the majority of the House of Commons must supply the whole body of ministers, who are collectively responsible to it. In India there is to be neither collective nor individual responsibility in the parliamentary sense. As to the difficulty of men of different ways of thinking working together amicably, experience shows that it is exaggerated. The stress of common duties and common conditions of work has great effect in producing harmony. At the risk of overdoing the Swiss analogy, we will quote the authority of Lowell on the subject. After saying that the Swiss federal council includes men of different opinions, he proceeds: "A coalition ministry is always weak, because it is composed of men who, under the pretence of harmony, are continually trying to get the better of each other, and would not hold together if any part of them alone could control a majority in parliament. But as the federal council is not the organ of a majority in the Assembly, the representation of divergent views is frankly acknowledged. Instead of involving a state of smothered hostility, it arises from a real wish to give to openly different opinions a share of influence in the conduct of public affairs. Hence it strengthens the council by broadening its basis, disarming the enmity of the only elements that could form a serious opposition, and enabling it to represent the whole community." Lord Islington recognises the necessity of the executive maintaining smooth relations with the legislative council and trusts that the Viceroy and Governors will choose the Indian members with this object in

view. The authors of the scheme have the identical object in view, and have hit upon the only sure means of attaining it. The heads of Governments are strangers in this country; the men of local experience on whom they depend for guidance have usually acquired prejudices and partialities which taint their advice. Why not allow the legislative council to choose its own men? The risk feared by the critics is imaginary; the real risk is the amount of canvassing and the consequent demoralisation to which the plan of election may lead. Is this the worse evil? or the suppleness and sycophancy to which the alternative plan may lead? Experience will show. If its verdict goes against election, it may be dropped.

*No Second Chamber.*—Within the British empire some provinces of Canada and the provinces of South Africa have the uni-cameral system; the rest have copied the English model of two houses. Indian opinion, coloured by the radicalism of the west, has set its face against a second chamber. In consequence it is found necessary to introduce the landlord element, the commercial element and a certain proportion of nominated members into the single house of legislature. The popular element is thus clogged and impeded and cannot be sure that it will carry the day on any particular occasion, while the other section must always labour under the consciousness of numerical weakness and unpopularity. Neither has free and full play. It may be contended that, as the legislation of the provinces is subject to a second veto, viz., that of the Governor-General, the delaying and revising action of a second chamber is not an imperative need. This

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consideration, however, loses most of its force when applied to the Viceroy's legislature, which is of the nature of a federal government, and there is no example of a federal government which works only with one house. A chamber with about 100 members, 40 of whom may be nominated by the Governor-General for seven years and the remaining 60 elected for the same term so as to represent zemindars with permanently settled estates, other big landlords, the provincial legislatures, chambers of commerce, planting associations, railway companies and other such interests, would add greatly to the efficiency of a central Government which deals with provinces and populations, not only of great magnitude but of great diversity. If such a house be devised, the present one should represent the people directly, of course with special arrangements for Mahomedans and important minorities, and be made wholly elective. The Irish people, who have suffered greatly from the House of Lords in England, have been willing to accept a second chamber as part of their home rule scheme. The *New Statesman*, which cannot be accused of any infatuation for aristocracy or old-world ideas, has an article on the subject of a second chamber, which is full of suggestion. We must find space for a few extracts from it.

“ The essential function of a second chamber, it may be suggested, and the only one for which such a body is required, or can be permanently useful, is that of revision in its largest sense. The legislature proper will always be passing bills which ought not to pass into law in the form in which they leave the popular assembly. There will be, in the first place, errors of

drafting, and palpable mistakes and omissions. In the second place, there will not infrequently be a lack of consistency, either of legislation or of policy, in relation to other matters, which the whole community would wish to see righted. Finally, there is, on some measures, the contingency of doubt as to whether the decision of the House of Commons would be upheld by public opinion. The particular measure may have been finally carried only by one vote. It may enact an indefinite prolongation of the life of the legislature. It may have been carried by a moribund house. It may have been rushed through all its stages in a few days, without public opinion becoming aware of what is happening. It may be of a nature to arouse irresistible popular opposition, only that opposition will not instantly manifest itself. British democracy will be in full agreement with the most timid of property owners in not desiring to erect even its elected House of Commons into a position of supreme dictatorship. The case for a second chamber, confined to the proper functions of a second chamber, is irresistible. What is required for a second chamber is a position of independence of the popular Assembly, well-defined functions of its own which it cannot extend, and sufficient power to "hold up" the popular Assembly, without opportunity to compete with it. The second chamber needs to be composed of persons of ripe wisdom and judgment; known to and respected by the public for their personal qualities; not representative of any one class or interest, not even of age or of property in general; and widely inclusive of legal and administrative training and experience. It must not be merely an 'Order of Merit' and assembly



#### OBJECTIONS ANSWERED

of old men; least of all exclusively a gathering of 'ex's. Popular election does not produce such an assembly as appointment by the King (that is, by the prime minister for the time being) has proved a failure in Canada and New Zealand, and is obviously unsuited; there is no case for selection from the peerage any more than from the barage; moreover, its members must not oppress us for life, but must be continually renewed, so as to keep the second chamber always in touch with the opinions of the current generation."

*Native States Excluded.*—Readers of the scheme are naturally astonished that it ignores Native States altogether, and critics have magnified the effect of the omission by citing their aggregate area, population and political and economic importance. It is not due to oversight or wilful neglect on the part of the political leaders; they have only followed the settled policy of a generation. It would have been suicidal to depart from it on this occasion. Congressmen and Muslim Leaguers are sensible of the great place that Native States occupy in the Indian polity, and some eminent men among these have striven in the past for greater independence of action to their Durbars and better recognition of the personal status of their rulers. The opportunities that they give for the administrative capacity of Indians and the meritorious use to which those opportunities have been put are the theme of universal admiration in India. Every patriotic Indian views with pride the initiative and originality now and then displayed by ruling chiefs and looks to them to give the lead to British India in measures of social amelioration. But beyond

watching them with sympathetic interest from outside, the leaders of large movements in British India have abstained from promoting similar movements within their territories, or allowing their subjects to mix in any all-India organization. Differences of allegiance, of constitutional status and of legal systems, are sufficient to account for the separate channels in which have flowed the political lives of people in British India and Native State India, between whom however there is a community of civilization, tradition, language and material interest. The wisdom of this separateness in matters of citizenship was recognised by the Maharaja of Baroda last year and more recently by the Maharaja of Bikaner, when they declared that no interference on one side or the other was desirable. It is only the Dewan of Mysore who struck a different note the other day and demanded a place for Native States in the councils of the Government of India, which would settle vast issues in which many interests belonging to Native States were deeply involved. Salt, customs, post and telegraph, currency are only a few of the great subjects in which common action for the whole of India is essential. Sir M. Visvesvarayya showed the sagacity of a statesman who breaks new ground when he suggested that the representatives of Native States should speak and vote in the imperial legislature only on the occasions when questions of common concern were under discussion. If this suggestion could be adopted and worked into the all-India scheme of reforms, it would give the utmost satisfaction to the leaders of thought in British India ; and Sir M. Visvesvarayya would render a great service to

the country if he could persuade Native States generally and the final authorities in British India to agree on a workable plan for the purpose. It is not, however, for Congressmen or Muslim Leaguers to push on with the idea actively. As Lord Islington pointed out, Native States must move in such matters of their own free will and accord. Next to the army, Native States are regarded in English political and diplomatic circles as a bulwark of empire, a sensitive and delicate part of a wonderful mechanism, from which the rough and disturbing hand of the politician must be kept at a safe distance. The ways of diplomacy are not open. The position and influence of Residents and Political Agents in respect of Native States defies definition, and there is a wall of diplomatic reserve drawn round the Native States which must be broken down before the promoters of the Congress-League scheme can try to find room in it for their representatives. They have difficulties enough already; it will not be wise to add to them by incurring the suspicion of interfering with the allegiance of ruling chiefs to the British throne or with that of the people of Native States to their ruling chiefs. The political advance of people in British India cannot but exert a stimulating influence on their brethren of the Native States. This indirect influence must tell in the long run and lead to an approximation, which may be long in coming but which can be hastened only by action from within the States and not from without.

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## **Appendix**

### **Resolution of the Congress**

(a) That having regard to the fact that the great communities of India are the inheritors of ancient civilizations and have shown great capacity for government and administration, and to the progress in education and public spirit made by them during a century of British rule, and further having regard to the fact that the present system of government does not satisfy the legitimate aspirations of the people and has become unsuited to existing conditions and requirements, the Congress is of opinion that the time has come when His Majesty the King-Emperor should be pleased to issue a proclamation announcing that it is the aim and intention of British policy to confer Self-Government on India at an early date.

(b) That this Congress demands that a definite step should be taken towards Self-Government by granting the reforms contained in the scheme prepared by the All-India Congress Committee in concert with the Reform Committee appointed by the All-India Muslim League (detailed below).

(c) That in the reconstruction of the Empire, India shall be lifted from the position of a Dependency to that of an equal partner in the Empire with the self-governing Dominions.

### **Resolution of the Muslim League**

That the All-India Muslim League, while adopting the scheme of reforms prepared by the Reform Committee of the League and approved by its Council, submits it in conjunction with the Indian National Congress

to the Government for its introduction after the war as the first necessary step towards the establishment of complete Self-Government in India.

### The Reform Scheme

#### I. PROVINCIAL LEGISLATIVE COUNCILS

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

2. Their strength shall be not less than 125 members in the major provinces and from 50 to 75 in the minor provinces.

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

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

Punjab—One-half of the elected Indian members.		
United Provinces—30 per cent.	”	”
Bengal ..... —40 per cent.	”	”
Behar ..... —25 per cent.	”	”
Central Provinces—15 per cent.	”	”
Madras ..... —15 per cent.	”	”
Bombay ..... — One-third	”	”

Provided that no Mahomedan shall participate in any of the other elections to the Imperial or Provincial Legislative Councils, save and except those by electorates representing special interests.

Provided further that no bill, nor any clause thereof, nor a resolution introduced by a non-official member

affecting one or the other community, which question is to be determined by the members of that community in the Legislative Council concerned, shall be proceeded with, if three-fourths of the members of that community in the particular Council, Imperial or Provincial, oppose the bill or any clause thereof or the resolution.

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

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

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

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

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

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

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

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

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

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

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

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

## II. PROVINCIAL GOVERNMENTS

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

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

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

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

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

### III. IMPERIAL LEGISLATIVE COUNCIL

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

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

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

4. One-third of the Indian elected members should be Mahomedans elected by separate Mahomedan electorates in the several provinces in the proportion, as nearly as may be, in which they are represented on the Provincial Legislative Councils by separate Mahomedan electorates.

*Vide* provisos to section I, clause 4.

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

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



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

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

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

10. All financial proposals relating to sources of income and items of expenditure shall be embodied in bills. Every such bill and the budget as a whole shall be submitted for the vote of the Imperial Legislative Council.

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

12. The matters mentioned hereinbelow shall be exclusively under the control of the Imperial Legislative Council :—

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

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

(c) Questions affecting purely Imperial revenue, excepting tributes from Indian States.

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

(e) The right of revising Indian tariffs and customs duties, of imposing, altering or removing any tax or

cess, modifying the existing system of currency and banking, and granting any aids or bounties to any or all deserving and nascent industries of the country.

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

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

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

15. When the Crown chooses to exercise its power of veto in regard to a bill passed by a Provincial Legislative Council or by the Imperial Legislative Council, it should be exercised within twelve months from the date on which it is passed, and the bill shall cease to have effect as from the date on which the fact of such veto is made known to the Legislative Council concerned.

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

#### IV. THE GOVERNMENT OF INDIA

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

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

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

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

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

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

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

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

#### V. THE SECRETARY OF STATE IN COUNCIL.

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

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

3. The Secretary of State should, as far as possible, occupy the same position in relation to the Government of India, as the Secretary of State for the Colonies does.

## THE CONGRESS-LEAGUE SCHEME

in relation to the Governments of the self-governing Dominions.

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

### VI. INDIA AND THE EMPIRE

1. In any Council or other body which may be constituted or convened for the settlement or control of Imperial affairs, India shall be adequately represented in like manner with the Dominions and with equal rights.

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

### VII. MILITARY AND OTHER MATTERS

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

2. Indians should be allowed to enlist as volunteers.

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

POLITICAL PAMPHLETS—III

**THE CONGRESS-LEAGUE SCHEME  
AN EXPOSITION**

BY

**V. S. SRINIVASA SASTRI**

*President, Servants of India Society*

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**Servants of India Society  
ALLAHABAD**

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**November 1917**

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**Six Annas**

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*When the war at long last comes to an end, we shall find ourselves confronted with a maze of difficulties such as no generation of men, of whom we have any record, have ever had to face before. As the war itself is the greatest in history, so will its aftermath be the most prodigious. And upon all those who are not of necessity wholly absorbed in the conduct of the war itself, there rests no higher obligation than to think constantly, strenuously, connectedly, with soberness but also, if they are fortunate enough to possess it, with imagination, of the new measures and methods by which those difficulties may haply be overcome.*

—Lord Milner

pect of military charges for the defence of the country." The prerogatives of the British Crown are untouched. The posts of the highest power and distinction will still remain in the gift of the authorities in England. The sovereignty of King and Parliament in legislation is intact. It is true that the Indian legislative council will under the scheme make laws governing the constitution and character of the civil services, and the Government of India will control all the appointments thereto. But as vested interests are to be scrupulously preserved, the personnel of these services, even in the highly improbable contingency of drastic changes coming into early operation, will remain largely European for another generation. The regard for vested interests in the region of commerce and industries will be no less tender. The alarm of British capitalists that self-government in India will imperil their money and destroy the railways and factories is a grotesque survival of primitive tribal distrust. Let them understand that Indians have a keen sense of national honour, and if they were to have far more independence than the Congress-League scheme seeks, they would scorn to repudiate the lawful claims of any community or decree a general spoliation of the property of foreigners. In any case it is a ridiculous idea that western people, who have long practised the arts of economic and political aggression in the east and know how to exact reprisals and indemnities out of proportion to the damages suffered, will be without the means of making good their just claims in their own dependency, held down by an army under their undivided control. Another fear that has been expressed is that the transfer of power suggested



by the Congress-League scheme would be followed by a revival of the anarchy and disorder of pre-British days, when, if we are to believe the common text-books of history in our schools, thuggee and dacoity were regular and profitable occupations, journeys were perilous, and property and even life were insecure. Now, there is abundant testimony to the fact that, beneath the disturbances and movements of warrior bands of that time, the life of the common people ran smooth in the usual channels, and the operations of agriculture and trade were seldom brought to a standstill. Peace and civil order are not conceptions new to India; and in the hundred odd years of British rule they have struck their roots deep in the institutions of the country and the disposition and character of the people. It may suit opponents of the political advance of Indians to contend in the heat of debate that Indians left to themselves cannot, by reason of their natural slackness, tenderness of disposition or fatalistic views of life, maintain a strong executive government. This theory, though it may be pleasing to the vanity of those that now wield civil power, is not borne out by the facts of every-day administration or the annals of our courts. It is an easy but none the less fallacious reasoning which infers, from the earnestness with which pleaders defend the accused in criminal cases or the vigour with which editors expose the vagaries of district officials, that the community in general cannot appreciate a strong and impartial rule. Besides, if there is a breaking up of laws and the stern arm of justice is paralysed, the resulting disaster will not be confined to the property and interests of European merchants; it will fall with crushing weight on the people themselves, whose

losses, moral and material, will outweigh beyond all measure those of the foreign capitalists who now loudly bewail their anticipated ruin. Such fears, it is impossible to believe, European traders in India really entertain; what apparently they are concerned about is the gradual diminution and final loss of the facilities that the political ascendancy of their race gives them for exploiting the economic resources of India. The expanding national life of the country will doubtless tend in the direction of breaking all monopoly and undue advantage and placing the children of the soil on a footing of perfect equality with all classes of His Majesty's subjects who make India their home. If this consummation be unwelcome to any community, there is no helping it. Opposition coming from them is dictated by selfish greed and deserves no consideration.

#### MUST MILITARY AND CIVIL POWER GO TOGETHER ?

By an ingenious turn of reasoning our willingness to leave the direction of military and naval affairs in the hands of the executive, which should be accepted as conclusive proof of our loyalty and our desire to remain within the empire, is used against our cause. Freedom must be justified of her children, says one critic, which is perilously near to saying that freedom will be given only to those who can fight for it. Do you expect us, asks another, to defend your country from her enemies, while you exclude us from all administration? A third thinks that we have no business to lean on the British power for protection against the risks of our own policy. We ask whether the self-governing Dominions do not look to the British navy for protection, and whether the right of civil ad-

ministration is exacted from them as the price of it. If the answer be that the people of the Dominions are the same flesh and blood as the British, it is a confession that non-British races in the empire must be content with the status of perpetual subordination. If, on the other hand, fitness and character are to be the criteria, a study of past history or present conditions fails to justify any discrimination. If Indians are to-day unable to defend themselves, whose fault is it? The disability has been imposed upon us, and one of the great acts of restitution that the British have to perform is to enable Indians, as expeditiously as may be, to defend their hearths and homes against foreign aggression in the international complications of the future. There is no reason why the grant of internal autonomy to the people of India should wait on the process of their military equipment. The pace of the former need not be regulated by that of the latter. The better mind of England, which has accepted responsible government as the political goal of India, will refuse to assent to the doctrine that India should be left a prey to the foreign aggressor, unless she paid for her defence, not only by providing ample guarantees, as already mentioned, for the maintenance of British suzerainty, but by continued renunciation of her right to self-rule and self-realisation.

#### GOVERNMENT OF INDIA MUST BE LIBERALISED TOO.

The authors of the scheme have made little difference between the Government of India and the Governments of the provinces in respect of the composition and relative position of the executive and the legislature. In the central as well as the local Governments, they have pro

vided for a four-fifths majority of elected members in the legislative council and endeavoured in various ways to secure its ascendancy over the executive Government. In so doing they have gone beyond the limit laid down by Lord Morley, who made out the necessity of an official majority in the imperial legislative council in the following passage of his Reform Despatch of 1908 to the India Government: "I must therefore regard it as essential that your Excellency's council, in its legislative as well as its executive character, should continue to be so constituted as to ensure its constant and uninterrupted power to fulfil the constitutional obligations that it owes, and must always owe, to His Majesty's Government and to the Imperial Parliament." The same point was emphasised in 1911 by the Government of Lord Hardinge in the sentences that immediately preceded the oft-quoted promise of provincial autonomy: "The maintenance of British rule in India depends upon the ultimate supremacy of the Governor-General in council, and the Indian Councils Act of 1909 itself bears testimony to the impossibility of allowing matters of vital concern to be decided by a majority of non-official members in the imperial legislative council." The idea underlying this radical difference between the Government of India and the provincial Governments is that, as the responsibility for the welfare and advance of the people of India rests ultimately on the people of Great Britain, the policy that is to prevail in the internal administration of India must be the policy of the British executive. The recent announcement of policy made by the Secretary of State for India in the House of Commons expresses the same idea in the following words: "The British Gov-

ernment and the Government of India, on whom the responsibility lies for the welfare and the advancement of the Indian peoples, must be the judges of the time and the measure of each advance (towards responsible government)." Opinion in India no longer acquiesces in this theory. It holds that the people of India through their representatives are quite fitted to bear this responsibility, and that, so far at least as internal affairs are concerned, the responsibility should be devolved on them. Provincial autonomy, though an important object, is no longer the highest object of Indian ambition. A substantial measure of internal freedom, allowing for the effective preservation of British paramountcy, is the first "definite step" which the advanced political school urges His Majesty's Government to take towards the realisation of India's political destiny, which has been recently defined authoritatively to be responsible government. Now freedom in internal matters requires that the determination of policy and the oversight of those that carry it out should vest in the duly elected representatives of the people, who should therefore be in a clear majority in the Indian legislative council. The experiment of provincial autonomy cannot be conducted under favourable conditions, if the proceedings of a democratic body, using the word in a very approximate sense, were to be reviewed by a bureaucratic body above. The ideals of the one are different from those of the other, and in some respects may even be sharply contrasted; and past experience gives no assurance that the reviewing authority in this case will have either the knowledge or the sympathy necessary for a just exercise of its function. Among those accustomed to the possess-

ing of the word 'adequate' may give rise to much wrangling in certain cases. It is fortunate that in some provinces like Bengal and the United Provinces no non-Moslem minority has yet demanded separate representation. The Sikhs in the Punjab desire to be recognised for this purpose, though it is doubtful whether the community as a whole will support the demand, put forward by one of their leading men, of one-third of the strength of the local council while the community form only 12 per cent. of the population. In the Bombay Deccan, the Lingayats, whom Mr. Gokhale specifically mentions by way of illustration in his scheme, have not been slow to claim separate treatment, while the 'depressed classes' also seek special consideration. Certain other classes like the Marathas, Malis, and Bhandaris, grouped together under the general name 'backward', have likewise advanced similar claims; but as they form a majority of the population they can hardly come under the description 'important minorities' mentioned in the Congress-League scheme. The same remark applies to the non-Brahman Hindus of Madras, whose numerical strength overwhelms that of the Brahmans. Indian Christians and Panchamas have raised their own voices in the southern presidency. In this unfortunate province a section of non-Brahmans have gone so far as to repudiate the Congress-League scheme on the ground that it would take them away from the protection of the impartial European ruler and place them once more under the heel of their original oppressors, the Brahmans. This repudiation is repudiated by a section of non-Brahmans, larger and more influential than the other, who have recently organised themselves for the purpose of

supporting the Congress-League scheme and at the same time demanding separate representation for their community. It is unusual to make special arrangements for the protection of an immense and overwhelming majority, but it is also unusual for a numerically small caste to enjoy a decisive ascendancy over most other classes in culture and social and political influence. The framers of the Congress-League scheme failed to foresee this contingency. But some way must be found of overcoming it. So far the proposals that have been made for the purpose aim at securing a minimum representation for the majority and on a special electorate. It would seem easier and more natural to fix a maximum for the Brahman minority. After setting apart the fifteen places due to Moslems, some seats for Indian Christians, some for Panchamas, and some for special interests, namely, the university, commerce, trade and planting and the large corporations of Madras, Madura and Trichinopoly, the balance of seats may be distributed among electorates to be constituted on a territorial basis. If, instead of making a district the unit electorate, we group two or three districts together and make such a group the unit electorate, it should be practicable to assign four or five members to each group and then restrict the Brahman to one seat in the case of four-member groups and two seats in the case of larger groups, the voting, however, to be not by non-Brahmans and Brahms separately, but by all the qualified voters placed in one common list. Subject to such a limitation, the territorial election may be so arranged, if the plan be generally approved, as to yield proportional representation on a transferable vote. ( And this may be adopted all over India. ) On this

proposal the maximum representation that the Brahman can get will be somewhat over 25 per cent. of the territorial representation while it is possible that he wins no seat in some constituencies and fails in the aggregate to reach 25 per cent. It would be a meritorious act of self-sacrifice on the part of the Brahman to agree to this or a similar plan before the time comes for Madras representatives to meet the Secretary of State and the Viceroy, and it would be a proud and happy day for him and for the other parties concerned, when, after about ten or fifteen years, the non-Brahmans of Madras resolve that this restriction on the Brahman be removed as they no longer fear and distrust him. This will be the only effective way of reassuring those who have a genuine apprehension that the Congress-League scheme would give too much power to the Brahmans and silencing those others who exploit this apprehension for their own purposes and shed hypocritical tears for the fate of the long-suffering masses of the country under the tyranny of the narrowest and most selfish oligarchy in the world.

Lord Islington in his Oxford address expressed the view that, while it was necessary to give to legislative councils power and responsibility, there was no need to enlarge them. This is an untenable view. In an earlier part of the address he had himself stated that the elected members should be "properly representative of the various classes of the Indian society." When it is remembered that not only various classes but various interests also require to be adequately represented and that the authorities would be unwilling to dispense with a certain number of officials, it is easy to see that the number fifty is too small to allow of all the requirements.



being fulfilled. His Lordship objects to the franchise being territorial as it will result in the return of members belonging to one and the same class. It is to avoid this evil that the framers of the Congress-League scheme have adopted the principle of communal representation; but since the root-idea of the reforms is to allow scope for the popular will to prevail, the representation of communities on the council cannot be the sole or even the principal aim to be kept in view. What may be called the general body of the people must be given the bulk of the representation; in other words, the territorial representatives should be in a substantial majority. It should be remembered that the scheme provides both at the centre and in the provinces for a single house of legislature. Care has therefore to be taken that, while the composition of the house includes the elements which are distinctive of either chamber in a bi-cameral parliament, the popular element, which stands for the general population, may have it in its power to determine policies with a fair degree of uniformity and continuity. The executive councillors and the other nominees of Government, assisted now and again by the representatives of the various interests, will discharge the functions of a second chamber, correcting, criticising and retarding, if not altogether hindering, measures bearing the marks of prejudice, ignorance and haste commonly associated with the popular element. The official nominees and those that associate with them from time to time require for this reason to be of sufficient importance in the council, by their number and quality, to influence its proceedings, but they should not have it in their power as a rule to outvote or paralyse the territorial element.

#### FULL POWER OF LEGISLATION.

The legislatures, having substantial majorities of elected territorial representatives, are to enjoy, within the spheres marked out for them, full power of legislation. The Indian legislative council cannot deal with matters relating to the army or the navy, the declaration of war or the making of treaties; these will be the exclusive province of the Viceroy and his executive. Clause 12 under the heading 'Imperial Legislative Council' enumerates the classes of subjects on which it has exclusive power of legislating: they are: "(a) matters in regard to which uniform legislation for the whole of India is desirable; (b) provincial legislation in so far as it may affect inter-provincial fiscal relations; (c) questions affecting purely imperial revenue, excepting tributes from Indian States; (d) questions affecting imperial expenditure, except that no resolution of the imperial legislative council shall be binding on the Governor-General in council in respect of military charges for the defence of the country; (e) the right of revising Indian tariffs and customs duties, of imposing, altering or removing any tax or cess, and granting any aids or bounties to any or all deserving and nascent industries of the country; (f) resolutions on all matters relating to the administration of the country as a whole." The imperial legislature will also have concurrent power with the local legislatures to deal with all matters pertaining to the provinces. Laws passed by this council may be vetoed by the Governor-General and disallowed by the Crown within one year. There is a remarkable limitation placed on the legislation both of the imperial and the provincial councils. It is to the effect that the

Hindu or the Mahomedan members of any council may by a three-fourths majority object to the enactment of any bill or any clause thereof, introduced by a non-official member, and the objection shall prevail. Provincial legislation is subject to the veto of the Governor and of the Governor-General and to disallowance by the Crown in one year.

Reference may be made at this point to Lord Islington's conception of the future of reconstructed India as resembling the Australian Commonwealth. Of course we have to think of the Governments as wholes, the executive and the legislative branches together. In Australia the component States existed in complete independence for a long time and then by common agreement federated together into one Commonwealth. Anxious that their original independence should suffer no more diminution than was absolutely necessary, they stipulated that the Commonwealth should have only certain specified powers, the residuary functions inhering in them as before. In India, on the contrary, according to both theory and practice, the provincial Governments have no independent constitutional status and are merely the agents of the Government of India. In the natural course of devolution, the former will get only such powers as are transferred to them, and the residuary powers will remain with the central authority. Our Congress-League scheme expressly lays down this proposition: "The Government of India shall not ordinarily interfere in the local affairs of a province, and powers not specifically given to a provincial Government, shall be deemed to be vested in the former." Moreover, even in respect of the powers so devolved, the imperial Government is under

the scheme to retain the right of 'general supervision and superintendence over the provincial Governments,' though its interference should ordinarily be limited to such general supervision and superintendence. The analogy of the Australian Commonwealth has thus no exact application here. The arrangement in Canada affords a more apt illustration. There the Dominion Government has no general control over the provincial Governments, but it has a veto over the legislation of the provinces, whose law-making power is, as in the case of local Governments in India, restricted to certain specified subjects. On the other hand, in another respect, not so important as the mutual relation of the Governments from a constitutional standpoint, but not less impressive to the popular imagination, India would prefer the Australian to the Canadian model. In Canada the heads of the provinces are Lieutenant-Governors appointed by the Governor-General in council of the Dominion and removable by the same authority. The Australian States have, on the contrary, decided to have Governors appointed direct by the Crown. Politicians were not wanting who argued that Lieutenant-Governors would cost less to the States and might be chosen from among the local leaders; but the view which prevailed was that the plan would necessarily carry an inferiority of status, and the States thought themselves, like the States of the American Union, co-ordinate in rank with the federal Government. For a reason quite different, Indian public opinion prefers Governors from abroad to Lieutenant-Governors selected from the Civil Service. Notwithstanding a great record of work and many names of eminence,

this service has, by its power-grasping, self-admiring and unprogressive character, evoked an unfriendly attitude on the part of the educated classes, who see a brighter chance for their political ambitions under rulers who have been trained in the free public life of constitutionally governed countries. That is why both the "Nineteen" Memorandum and the Congress-League scheme give prominence to the need of choosing statesmen outside India for the headship of the provinces. Leaders of opinion in India are fervent believers in the distinction emphasised by Dr. Woodrow Wilson in the dictum: "Political and administrative functions require different aptitudes, must be approached from very different points of view, and ought seldom to be united in the same persons." Lord Islington's plea on behalf of the Civil Service, backed as it is by the great authority of Lord Morley, is hardly likely to make any converts in this country.

## POWER OF THE PURSE.

The power of regulating policy and making laws will be illusory unless it be accompanied by the power to dispose of the material resources of the State. The importance of the power of the purse is a commonplace in the history of popularly governed countries. It is true that this power has been of inestimable help to the representatives of the people in establishing their predominance in government, but the truth is of equal importance that these representatives can make no practical use of the powers that they may obtain from time to time unless they can also determine the distribution of the burdens of the State and apportion the

revenue among the various objects of administration. Land revenue, second to none in India among the sources of taxation, and its periodical increase ought no longer to be matters entirely within the competence of the executive. Not that the legislature has now the decisive voice either in raising the other taxes or applying them; but the law, as it stands to-day, does not impose on the Government even the trouble of making out a case before the legislative council for enhancing the State demand on land. The extremely contracted sphere within which the finance committees work in the various provinces, the stringency of the rules governing debate on the financial statement, the practical impossibility of the so-called non-official majority to carry any resolutions to which the Government may be opposed, and the power that the Government have of refusing to abide by any resolutions which may be carried (till now no resolution on the budget has been so carried)—these have rendered the discussion of the budget a solemn waste of time and vexation of spirit. Chronic dissatisfaction exists with regard to the impetuous condition of local bodies, the unequal terms on which railways and irrigation compete for a share of the resources of the State, the undeveloped condition of education and sanitation, the scantiness of medical relief to the millions of the rural population and several other features of our financial system. No remedies will meet the situation which have not the cordial support of those to whom the people's confidence is given by means of the ballot.

The imposition of free trade on India, which has exposed indigenous industries to ruinous outside com-

petition, has long been a standing grievance with politicians of all shades of opinion in India. Be it said to the credit of European administrators in India that they have generally withstood the sacrifice of Indian revenue or the interests of Indian industries to the interested clamour of powerful parties in England, and their championship never shone brighter than when during this year a duty was imposed on imported cotton goods and this first measure of fiscal freedom to India was defended with much eloquence and spirit in the British parliament. The Viceroy spoke brave words and touched the heart of India when he declared recently in the legislative council that, if this cotton duty were threatened after the war, the people of India might rest assured that the Government of India would offer the most strenuous opposition. India rests confident in the hope that this measure of justice would be followed by others of a similar nature and that she would in course of time acquire fiscal independence.

The Congress-League scheme also lays down certain definite principles for defining the financial relations of the Government of India with the provincial Governments. The idea underlying the proposal seems to be that the revenues of the country except under certain heads belong as of right to local administrations, which should thus be left free, in co-operation with and under the control of their legislatures, to advance the welfare of the populations entrusted to them. What are now known as divided heads are to be transferred entirely to the provinces, and the Government of India should make good the resulting deficiencies in its revenue by contributions levied from local Governments, the

cause of strife and controversy. Are we not finally thrown back on the device of contributions from local Governments? Great difficulty will be felt in determining the agency by which these contributions should be fixed and altered from time to time, and the basis on which they should be fixed, whether population or total revenue, or a combination of both. As regards the agency, Mr. Gokhale's suggestion before the Decentralization Commission was that it should be a conference of the revenue members of the different provinces sitting every five or ten years and presided over by the finance member of the Government of India, the Viceroy having the power, in sudden and extraordinary emergencies, of altering the amounts of these contributions as he might deem necessary.

A word of caution may here be said to indiscreet advocates of self-government. These are apt to recommend it on the ground of economy, resulting finally in reduction of taxes. The experience of popular government elsewhere gives no ground for this hope. Vested interests will render retrenchment extremely difficult, if not impossible. Our obligations under the head of the country's defence will increase by leaps and bounds. The utmost vigilance and energy of our popular representatives will be fully taxed to resist the further encroachments of the organised services on the resources of the State, if they can accomplish even so much. Education, sanitation, industries are departments that have been long starved and will clamour for a chance under democracy. The Gladstonian doctrine that "the constitutional duty of a legislative chamber is not to augment but to decrease expenditure," is apt to



be forgotten by those who depend on votes and will be under the constant temptation of adding to government posts and the possibility of patronage. In his famous book on France, Bodley satirises the futile attempts at retrenchment frequently made in that country. Says he: "They call to mind those radical schemes for reorganising our public offices at Whitehall, which new ministers with ingenuous zeal sometimes promote. Three superfluous clerks are made to retire on full pay; three other clerks have their salaries raised to reward their increased labours, and the next year three new clerks are introduced to complete the old establishment." The same writer in another passage thus describes the enormous multiplication of offices in the modern popular regime. The evil is aggravated in France by the inordinate importance which a deputy acquires in his constituency. "For, as we shall see, each member of Parliament, not hostile to the Government, thus becomes a wholesale dispenser of places, controlling the administrative and fiscal services in his constituency, and supervising the promotion of the judges. Moreover, to augment his popularity a legislator likes to have as many posts as possible to bestow. The tendency of representative government is, therefore, to effect not economy, but the multiplication of State-paid offices, ruining the finances of the country, and turning the industrious French people into a nation of needy place-hunters. Under previous parliamentary regimes this evil was not patent, as the electorate was extremely limited, and if every voter in France had been given a post under Louis Philippe the bureaucracy would not have been unduly swollen. Whereas with ten million constituents encou-

It is expected that they will put in the executive councillors and perhaps also a few other officials. Their superior knowledge and experience will be available to the legislature, and in fact they will be in a position not only to defend their executive acts but to frame legislative proposals and conduct them in the council.

It is curious how different are the forecasts that people make about the actual working of the scheme. Those who study its provisions from the standpoint of the executive apprehend that it would be at the mercy of the legislature, harassed by ignorant criticism and compelled, as Lord Islington put it, to carry out laws and resolutions which it did not approve. Indian publicists, on the other hand, obsessed by the cunning with which the constituencies in the present regime have been so designed as to render the non-official majority a mere name and rules of debate have been so framed as to render the budget discussion a mere mockery, take it as a foregone conclusion that, if the executive were not to be under the constant fear of being turned out of office, it would defy the legislature and set its decisions at naught. On both sides occasional deadlocks are anticipated, and the scheme is criticised for not providing a means of getting over them, as the authors of the constitutions of the Australian Commonwealth and the South African Union have had the forethought to do. Let us now look at the provisions in detail. First those which tend in favour of the legislature. They are eight:—

- i. The term of office of the head of the Government and also of the executive councillors is limi-

ted to five years. If it is to be tyranny, it will at least be short-lived.

ii. Members of the legislative council are to have the power of questioning the executive as to their acts, in the same way as in the English Parliament, other members coming to the aid of the questioner in asking supplementary questions. Holders of portfolios should certainly have the liberty of refusing to disclose information in the public interest; but if a minister habitually evaded questions without sufficient cause, he would soon be found out and visited with general displeasure.

iii. On a requisition by one-eighth of the members of the legislative council, the head of the Government will be bound to summon a meeting of the council. This will prevent undue intervals during which the executive might be glad to escape the vigilance of the legislature. Present-day practice in India has apparently suggested the need of this provision.

iv. As in England, it would be open under the scheme for a member to call attention to "a definite matter of urgent public importance" and raise a debate on it, if he is supported by one-eighth of the members present.

v. The legislative councils themselves will have the power of making and altering the rules under which resolutions on matters of public interest may be discussed. It is somewhat anomalous that at present the councils have some voice as to the rules for the conduct of legislation, but none as to the rules governing interpellation and the discussion of resolutions or of the budget.

vi. The legislative councils are to elect their own presidents, the Viceroy and the Governors being precluded from conducting the proceedings in person or through vice-presidents appointed by themselves.

vii. A resolution passed by the legislative council, may be vetoed once by the Government concerned; but if it be passed a second time, after the lapse of a year, it must be carried out.

viii. The Indian members of the executive council who are to form one-half of its strength, should be elected by the elected members of the legislative council concerned.

When these eight provisions are taken along with the provision requiring a substantial elective majority, it is obvious that the people's representatives have abundant means at their disposal of getting their wishes respected and making their mark on the proceedings of the legislature. To doubt it is to take it for granted that the members returned by the general electorates would be of poor calibre. If, however, an additional safeguard be considered necessary, the taxation of the country, instead of being wholly permanent as now, may be made in part annual, so that the Government cannot carry on unless they keep the legislature in a good mood and get the temporary taxes renewed every year. The salt duty in the case of the imperial Government and the income tax in the case of provincial Governments would seem to be appropriate for this purpose.

Those that scan the scheme from the standpoint of the executive will probably complain that it is de-

#### THE LEGISLATURE AND THE EXECUTIVE.

fenceless against this array of weapons in the hands of the legislature. In truth, however, their superior organization and discipline and the expert knowledge and experience which they command constitute a great advantage in a continuous contest with a loose body of men elected by different constituencies and perhaps divided by caste and other prejudices. The personal merits of these legislators are apt to vary greatly, and it will be long before they learn to act together, evolve definite policies and assert themselves in council. Moreover, the scheme lays down that a money bill may be introduced only by the Government. Private members, who desire to distinguish themselves or please their constituencies, may possibly flood the council with all sorts of legislative proposals for a time, but soon the requirements of business will put the initiative to a large extent in the hands of the executive, and ambitious members will have to seek their opportunities in criticism and amendment of Government measures. Judicious bestowal of honours and titles, careful distribution of patronage, the discriminating sanction of schemes involving financial outlay in which certain members may be interested, are means of oiling the legislative machinery, which may not stand the most exacting ethical tests but will be found of much practical value. But the principal weapon in the armoury of the executive is the veto, which may be exercised once in the case of resolutions and without any such restriction in the case of legislation. If one desires to conjure up difficult situations, one may see in the light-hearted and frequent use of the veto a fruitful source of misunderstanding; but the Congress-League

scheme gives the veto in the case of resolutions to the Governor-General in council and to the Governor in council and not to the Governor-General and the Governor acting singly, and that is a guarantee that the veto will not be exercised unless there is due cause. In respect of legislation a tactful head of Government will generally act under the advice of his executive council, and he will not be slow to discover that he need not veto every law which does not command his entire approval, but that he is bound to prevent laws coming into operation of which he feels reasonably certain that the consequences will be disastrous. After all it is good to let the people now and then experience the evil effects of their ignorance and haste, especially when they have failed to profit by the counsel and warning of the executive while the laws in question were being discussed. It may minimise friction to give the head of a Government power to return a bill to the council with the remark that he might be compelled to veto it unless it were modified in certain defined particulars. Another power with which it may be found necessary to arm the executive is to dissolve the legislature when there is reason to believe that it does not represent the views of the electors or that time gained may bring better counsels, if not better councillors. In this case a wise executive will submit if the council endorses the decision of its predecessor. In case a council is dissolved before its time, should the nominated members also go out of office? It would seem that they should, as one of the considerations to be borne in mind by the nominating authority is to supply any deficiencies which the results of election may disclose. In normal

conditions one may confidently look forward in India to the executive and legislature working smoothly together. In spite of what ill-conditioned critics have said of Indian character, the prediction may be safely ventured that the bulk of our legislators will be practical-minded and willing to listen to reason and well-meant advice. Judging from the behaviour of Indian leaders in the trying conditions of the present legislative councils, their successors will stand a lot of provocation before they push differences of view to the breaking point or test the edge of the constitutional weapons in their hands. The executive will find that faith and patience will receive generous response from the other side. Misgivings are felt with regard to the power of voting the budget which the scheme proposes to give to the various legislative councils. What would happen if in any year a council should refuse to pass the budget? To adapt the language of Lord Bryce in his treatise on 'The American Commonwealth,' to withhold the ordinary supplies and thereby stop the machine of Government would injure the country and themselves far more than the executive; they would, to use a common expression, be cutting off their nose to spite their face. But political feeling, when it runs high, may make a great change in men's natures, and it is conceivable that an angry legislature may decline to pass the budget in time. In Japan the difficulty is got over by giving the executive power to carry out the previous year's budget. To provide for a deadlock is to invite a deadlock. The executive, feeling that it can fall back on the previous year's budget, may defy the legislature and refuse to negotiate with it in a rea-

fore they adopt a system where there is a general race for office, and a Government, with many rivals watching to trip it, can only live by making concessions and compromises at every turn and by not putting its hand to anything big or important. Maybe in course of time we shall evolve two opposite schools of political thought which may seek to shape governmental action by organising themselves into two permanent parties. Then elections may be fought on issues involving political principles or programmes, and it may be determined with some approach to accuracy which of the contending parties commands the majority of opinion in the country and is therefore entitled to form a cabinet. It will be time enough then to think of the parliamentary system. It has not been an unmixed good outside Great Britain; even in Great Britain it has seen its best days, and among thoughtful observers the doubt is seriously felt whether after this war it will regain its original hold on politics. The newly formed National Party in England, of which it would be rash to judge the future by its recent failure at a bye-election, has the following paragraph in its prospectus: "For years past the old party system has been nothing better than an organised mockery of the true spirit of the nation. If we are to win victory in the war—and after—we must free ourselves somehow or other from the clutches of this octopus. The future of the commonwealth of British nations depends upon the honesty and capacity of our public men. Politics is a matter of national life and death. Should it continue to be played as a game of party interests and personal ambition, served by two machines which are kept in



#### RESPONSIBLE GOVERNMENT.

funds by the sale of honours, the end can only be disaster." In a recent book called the 'Elements of Reconstruction' and marked by much originality and vigour of thought, the same idea is hit off in a striking phrase, 'that persistent tendency to a bi-lateral system of conflict about false issues which is denounced as the party system,' and Lord Milner in his introduction to the book speaks of it as 'now happily in abeyance, and never, let us hope, to be revived in its old insincerity.' Burgess, whose keen analysis is hardly surpassed, has some weighty remarks on this subject which, though long, may here be quoted without apology.

"What, then, are the conditions which require the political responsibility of the ministry to the legislature, or the popular branch thereof, or which make this relation advantageous? We have now two distinct questions which require distinct answers. I can conceive of nothing *requiring* this relation except the permanent incapacity of the executive head, or irrational persistence on his part in an unpopular policy, or such evidence of a treacherous disposition as to make it impossible that he shall be trusted. On the other hand, ministerial responsibility to the legislature will be *advantageous* when the electorate and the legislature are of so high character intellectually and morally as to be practically incapable of forming an erroneous opinion or of doing an unjust thing. The checks and balances of double or treble deliberation by independent bodies will then be no longer necessary, will be rather hurtful than necessary. The natural age of compromise will have been passed. Until something like this condition shall arrive, however, the responsi-

forward, the main feature of which is to administer a few selected departments by means of a cabinet on the English plan, i. e., chosen for their ability to command a majority in the legislative council and liable to be replaced by another cabinet as soon as the majority turned against them. The Viceroy or the Governor is to be in respect of this cabinet like the King in England, choosing only the Premier and always accepting the advice of the responsible ministers. The rest of the government is to be carried on as under the present regime. It may be readily acknowledged that this proposal is made from a genuine desire to afford a school of probation for the educated classes of India. It follows that the departments chosen to begin with must be comparatively unimportant, so that, even if they were mismanaged, the harm to the general administration might not be great. It is often true that a great reform has a better chance of success than a small one. This is the case in the region of self-government. Improvement in administration, to be real and lasting, would require increased expenditure. Where should the apprentice cabinet find the additional money? Whether it is to be by retrenchment in other departments or by fresh taxation, they will have to convince the general executive as well as the legislative council. If they failed, would it be just to send them out for what might have been the perversity of the general executive? As has been said in an earlier section, successful administration without control of finance is impossible. Then, why is this process of experiment and trial considered necessary in the case of Indians? There is not a single instance in th

wide world of a people having acquired] autonomy by compartments. And who is to judge whether the experiment in a province has been successful and when the next step may be taken? One party is anxious to advance, the other party is anxious to hold it back. To suppose that the latter is like a teacher proud of his pupil and desirous to help him from stage to stage is to ignore the history of political reform in India and the tremendous difficulty that has attended every step of it. Again, where there are two compartments of government, one in which the exciting game of making and unmaking Governments is constantly going on and the other of the humdrum sort where the executive sits tight on the legislative body, it is apparent that the former will engross the attention of the public and draw to itself all the ambition and talent in the community. If the legislative council be identical for both the compartments, as it will probably be, would not the greater part of its functions, and by our supposition the more important part, suffer from neglect? Moreover, there is the head of the Government who has to be the real head of one compartment and the figure-head of the other. The habits, modes of thought and temperament that conduce to success in the two compartments are very different, perhaps incompatible. We know that one who is successful as the Governor of a crown colony will not necessarily be successful as the head of a self-governing Dominion. Is it reasonable to expect that the same man can play every day of his life parts so wholly unlike each other? It is to be hoped that this plan of compartmental autonomy, with its tempta-

cular matter of importance. But standing committees in charge of special departments will tend to impair the responsibility of the executive who may be tempted to take shelter behind them. Lord Islington's plan is to enable members of the legislative council to acquire knowledge of administrative details by association with the executive, and thus to widen the circle of those from whom ministers may be chosen. This object will doubtless be attained in some measure by the appointment of committees. But there is grave risk of the legislative council weakening its control over the executive Government, owing to the dispersion of responsibility. Individual members of committees may also utilise their opportunities for acquiring undue importance or gaining private ends through the friendship of ministers.

#### SECRETARY OF STATE AND HIS COUNCIL.

Almost from the start the Indian National Congress has been demanding the abolition of the council of the Secretary of State. The changes made by Lord Morley were not accepted in India as great improvements. The introduction of two (and now three) Indians has no doubt caused some mild satisfaction, but it is only a palliative. Even the recommendation of Sir William Wedderburn, whose name is cherished with the greatest affection by the educated classes, was not sufficient to induce the Indian National Congress or the public generally to welcome with a full heart the considerable reforms recently proposed by the Marquis of Crewe. The councils are looked upon as an expensive burden, inimical to the political advance of Indians and unable to fulfil the

#### SECRETARY OF STATE AND HIS COUNCIL

principal object of its existence, namely, to guard the finances of the country from the extravagant tendencies of the Government of India or the Secretary of State. The condemnation is thorough, and whatever force it had in the past would be multiplied a hundredfold under the Congress-League scheme, which substitutes the control of a locally elected parliament for outside control so far as internal matters are concerned. There remain military matters and foreign relations, in respect of which the Army Council and the cabinet of Great Britain are the final arbiters, and the Secretary of State's council is of comparative unimportance. The case for its abolition is thus almost unanswerable.

The proposal to place the salary of the Secretary of State on the British estimates is equally old. It has been often brought to the notice of Parliament and supported with weighty arguments by influential politicians. The opposition of the India Office has prevailed every time, although backed by flimsy pleas.

The recommendation that the position of the Secretary of State himself should be approximated to that of the Secretary of State for the colonies is not absolute; it contains the saving clause 'as far as possible.' He will still have very important functions left to him. Besides control of military matters and foreign relations he has to conduct large financial transactions in England on behalf of the Government of India, make a great number of high appointments, and exercise final authority in the delicate matters connected with Native States. The desired approximation therefore to the colonial pattern can take place only gradually, and even when the pro-

cess has been pushed as far as it can be, there will still remain striking differences between the position of the Secretaries of State for India and the Colonies, and that is only as it should be.

#### THE FRANCHISE.

The supremacy of the legislative councils and the elective majority therein, on which the Congress-League scheme lays so much emphasis, cannot be fully vindicated unless those who claim to represent the people are sent to the councils by electorates of respectable size and quality. The franchise question is for this reason of very great importance, and the scheme gives it due attention. It requires that the people should vote directly for the members, and that the qualifications of voters should be high enough to ensure a certain degree of intelligence and weight, and at the same time not so high as to make the electorates too small and select. In the case of the Indian legislative council the present indirect election by the non-official members of the provincial legislative councils is to be retained, while at the same time direct election by the people is provided for. It is defensible as a reflection of the idea that in the constitution of federal Governments the component parts should be represented as such. There is to be no more election to the provincial councils through the medium of urban and rural boards. It is hoped that candidates will in future seek the suffrages of their constituencies by expounding their plans and programmes of work, for the political instruction of the people can in this way be most quickly and efficaciously promoted. With this object electorates should be so formed as not

to be too large or heterogeneous. The present revenue districts are generally favoured as electoral units. Anyhow, it is necessary that the boundaries of electoral areas should coincide with the boundaries of districts. The division of the country into areas having equal population is a luxury which need not be thought of for some time. If proportional representation be decided on, two or three districts may have to be grouped together. The franchise may have to be different in different provinces. It is desirable that it should be uniform in the same province. A possible exception is the case of what are known as the depressed classes, amongst whom, if it be decided to give them representation through separate electorates, it may be difficult to find men possessing even moderately high property and educational qualifications. The franchise should be of various forms; payment of income tax and of land tax above a certain figure, and house tax or rent above a certain limit, the receipt of a Government pension above a certain figure, the possession of an educational qualification like the degree of a university, the possession of a title conferred by Government, etc. Even with such a manifold and liberal franchise, the number of electors will not bear more than a small proportion to the total population of the country, but we must be content with very small beginnings; a wide extension of the suffrage is of comparatively recent growth even in advanced countries. The electorates will probably comprise from 5,000 to 15,000 voters, according as the unit is the district or a group of districts. With such numbers the arts of electioneering will come into vogue, and a machinery for settling disputes and

ment of business, the distribution of time and the rulings are all made so as to exalt the executive at the expense of the private members. Besides, the great dignity of his position and the power and patronage that he wields have a somewhat oppressive effect on most members, and the discussion is apt to lose in freedom and reality. If the legislature is to do its duty fearlessly and on the highest level, it is necessary that its president should be placed in a position of perfect indifference to the favours or frowns of Government and be always ready to uphold its dignity and tradition and administer the rules with strict impartiality.

*Indian Executive to be elected.*—Strong and even contemptuous criticism has been levelled against the suggestion that the Indian half of the executive councils should be elected by the elected portion of the legislatures concerned. Lord Islington has said that it is quite unknown to British practice. The remark is too sweeping. His Lordship apparently forgets that in the new constitution of the Union of South Africa the 'administrators' of provincial Governments are assisted by executive councillors who are elected by the legislative councils. The labour party in Australia has now and then tried to get the executive council made elective, but in vain. It is well-known that the Swiss executive are elected, and their efficiency is unquestioned. The main ground of objection is that the head of a Government would find it difficult to work with a council, one half of whom derive from him and look up to him, while the other half will derive from the legislative council and look up to it. The idea that the executive should be composed of men belonging to one



#### OBJECTIONS ANSWERED.

party and of one way of thinking, is applicable only to the cabinet system of government, where the party which is in the majority of the House of Commons must supply the whole body of ministers, who are collectively responsible to it. In India there is to be neither collective nor individual responsibility in the parliamentary sense. As to the difficulty of men of different ways of thinking working together amicably, experience shows that it is exaggerated. The stress of common duties and common conditions of work has great effect in producing harmony. At the risk of overdoing the Swiss analogy, we will quote the authority of Lowell on the subject. After saying that the Swiss federal council includes men of different opinions, he proceeds: "A coalition ministry is always weak, because it is composed of men who, under the pretence of harmony, are continually trying to get the better of each other, and would not hold together if any part of them alone could control a majority in parliament. But as the federal council is not the organ of a majority in the Assembly, the representation of divergent views is frankly acknowledged. Instead of involving a state of smothered hostility, it arises from a real wish to give to openly different opinions a share of influence in the conduct of public affairs. Hence it strengthens the council by broadening its basis, disarming the enmity of the only elements that could form a serious opposition, and enabling it to represent the whole community." Lord Islington recognises the necessity of the executive maintaining smooth relations with the legislative council and trusts that the Viceroy and Governors will choose the Indian members with this object in

drafting, and palpable mistakes and omissions. In the second place, there will not infrequently be a lack of consistency, either of legislation or of policy, in relation to other matters, which the whole community would wish to see righted. Finally, there is, on some measures, the contingency of doubt as to whether the decision of the House of Commons would be upheld by public opinion. The particular measure may have been finally carried only by one vote. It may enact an indefinite prolongation of the life of the legislature. It may have been carried by a moribund house. It may have been rushed through all its stages in a few days, without public opinion becoming aware of what is happening. It may be of a nature to arouse irresistible popular opposition, only that opposition will not instantly manifest itself. British democracy will be in full agreement with the most timid of property owners in not desiring to erect even its elected House of Commons into a position of supreme dictatorship. The case for a second chamber, confined to the proper functions of a second chamber, is irresistible. What is required for a second chamber is a position of independence of the popular Assembly, well-defined functions of its own which it cannot extend, and sufficient power to "hold up" the popular Assembly, without opportunity to compete with it. The second chamber needs to be composed of persons of ripe wisdom and judgment; known to and respected by the public for their personal qualities; not representative of any one class or interest, not even of age or of property in general; and widely inclusive of legal and administrative training and experience. It must not be merely an 'Order of Merit' and assembly

#### OBJECTIONS ANSWERED.

of old men; least of all exclusively a gathering of 'ex's. Popular election does not produce such an assembly as is required. Appointment by the King (that is, by the prime minister for the time being) has proved a failure in Canada and New Zealand, and is obviously unsuited; there is no case for selection from the peerage any more than from the baronage; moreover, its members must not oppress us for life, but must be continually renewed, so as to keep the second chamber always in touch with the opinions of the current generation."

*Native States Excluded.*—Readers of the scheme are naturally astonished that it ignores Native States altogether, and critics have magnified the effect of the omission by citing their aggregate area, population and political and economic importance. It is not due to oversight or wilful neglect on the part of the political leaders; they have only followed the settled policy of a generation. It would have been suicidal to depart from it on this occasion. Congressmen and Muslim Leaguers are sensible of the great place that Native States occupy in the Indian polity, and some eminent men among these have striven in the past for greater independence of action to their Durbars and better recognition of the personal status of their rulers. The opportunities that they give for the administrative capacity of Indians and the meritorious use to which those opportunities have been put are the theme of universal admiration in India. Every patriotic Indian views with pride the initiative and originality now and then displayed by ruling chiefs and looks to them to give the lead to British India in measures of social amelioration. But beyond

## Appendix

### Resolution of the Congress

(a) That having regard to the fact that the great communities of India are the inheritors of ancient civilizations and have shown great capacity for government and administration, and to the progress in education and public spirit made by them during a century of British rule, and further having regard to the fact that the present system of government does not satisfy the legitimate aspirations of the people and has become unsuited to existing conditions and requirements, the Congress is of opinion that the time has come when His Majesty the King-Emperor should be pleased to issue a proclamation announcing that it is the aim and intention of British policy to confer Self-Government on India at an early date.

(b) That this Congress demands that a definite step should be taken towards Self-Government by *granting* the reforms contained in the scheme prepared by the All-India Congress Committee in concert with the Reform Committee appointed by the All-India Muslim League (detailed below).

(c) That in the reconstruction of the Empire, India shall be lifted from the position of a Dependency to that of an equal partner in the Empire with the self-governing Dominions.

### Resolution of the Muslim League

That the All-India Muslim League, while adopting the scheme of reforms prepared by the Reform Committee of the League and approved by its Council, submits it in conjunction with the Indian National Congress

TEXT OF THE SCHEME.

to the Government for its introduction after the war as the first necessary step towards the establishment of complete Self-Government in India.

**The Reform Scheme**

I. PROVINCIAL LEGISLATIVE COUNCILS

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

2. Their strength shall be not less than 125 members in the major provinces and from 50 to 75 in the minor provinces.

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

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

Punjab—	One-half of the elected Indian members.		
United Provinces—	30 per cent.	“	“
Bengal .....	—40 per cent.	“	“
Behar .....	—25 per cent.	“	“
Central Provinces—	15 per cent.	“	“
Madras .....	—15 per cent.	“	“
Bombay .....	— One-third	“	“

Provided that no Mahomedan shall participate in any of the other elections to the Imperial or Provincial Legislative Councils, save and except those by electorates representing special interests.

Provided further that no bill, nor any clause thereof, nor a resolution introduced by a non-official member

affecting one or the other community, which question is to be determined by the members of that community in the Legislative Council concerned, shall be proceeded with, if three-fourths of the members of that community in the particular Council, Imperial or Provincial, oppose the bill or any clause thereof or the resolution.

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

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

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

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

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

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

#### TEXT OF THE SCHEME.

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

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

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

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

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

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

#### II. PROVINCIAL GOVERNMENTS

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

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

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

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

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

### III. IMPERIAL LEGISLATIVE COUNCIL

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

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

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

4. One-third of the Indian elected members should be Mahomedans elected by separate Mahomedan electorates in the several provinces in the proportion, as nearly as may be, in which they are represented on the Provincial Legislative Councils by separate Mahomedan electorates.

*Vide* provisos to section I, clause 4.

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

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



TEXT OF THE SCHEME.

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

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

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

10. All financial proposals relating to sources of income and items of expenditure shall be embodied in bills. Every such bill and the budget as a whole shall be submitted for the vote of the Imperial Legislative Council.

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

12. The matters mentioned hereinbelow shall be exclusively under the control of the Imperial Legislative Council :—

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

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

(c) Questions affecting purely Imperial revenue, excepting tributes from Indian States.

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

(e) The right of revising Indian tariffs and customs duties, of imposing, altering or removing any tax or

in relation to the Governments of the self-governing Dominions.

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

#### VI. INDIA AND THE EMPIRE.

1. In any Council or other body which may be constituted or convened for the settlement or control of Imperial affairs, India shall be adequately represented in like manner with the Dominions and with equal rights.

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

#### VII. MILITARY AND OTHER MATTERS.

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

2. Indians should be allowed to enlist as volunteers.

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

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# AN ABOMINABLE PLOT

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SIR SUBRAMANIAM'S LETTER TO DR. WILSON

*A Statement to America by Some Indian Leaders*

(By ANNIE BESANT)

AMONG the cables which reached England from America, and came here among my English cuttings, were two from widely circulated journals in the United States, which informed American readers that I was interned for "heading a revolt against the British authorities". I could do nothing beyond instructing my lawyers in London to write contradicting it, as one cannot bring libel suits in America.

What is the origin of the American story? On that I have some evidence, but not enough to make a definite statement.

Sir George Cave, from his privileged place in the House of Commons, accused Lala Lajpat Rai of receiving money from Germany, and suppressed his telegram of indignant denial.

In America, once more, a woman, under the name of the Marquise de Fontenoy, stated last November, in *The Chicago Tribune*, that I was interned for "stirring up

trouble against the English authorities through pro-German pacifist propaganda".

It thus seems that a very definite attempt is being made in America and here to alienate American sympathy from India by foul accusations. Who is at the bottom of this abominable plot? Is it part of the Sydenham falsehoods, and is the Indo-British Association behind it? I cannot think of anyone else sufficiently unscrupulous to originate such a calumny. All who read my writings know that from first to last I have approved the War, for I regard it as necessary for the protection of the world against autocracy. In addition to this, for reasons which weigh with me far more than any worldly and political reasons, I regard Germany as the embodiment of the Dark Forces of the super-physical world, and because of this I have called on all Theosophists to work on the side of the Allies. To me, the success of the Germans would be the setting back of evolution, the triumph of evil over good, what the Christian would call the triumph of the Devil over God. I said this in the beginning, I have repeated it many times since 1914, and I repeat it now, as the reason why I believe that the Allies will triumph, and why I also believe that victory is delayed by Britain's adherence to autocracy in this country. This view of the super-physical side of the War may be absurd to many; but it is my belief as a Theosophist and an Occultist, and it cannot be shaken. To me, to touch German money or to help to the smallest degree in German plans would be, in mediæval phrase, "to sell my soul to the Devil". I cannot express, in decent language, my loathing of the idea.

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In order to do what I can to counteract this detestable plot against the honour of Home Rulers—for it is aimed

at them—and in order to destroy the accusation of wrongdoing which is being secretly circulated in Madras against the revered Life-President of the Home Rule League, because of a letter he wrote to the President of the United States of America last year, I think it best to publish what he sent over, and a brief account of what has been done in America to counteract the false statements circulated there. Nothing beyond what is written below has been done, so far as I know, and there is nothing in it that all the world may not know. The papers have been in my hands for a considerable time ; but I have withheld them from publication.

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Nothing was done in America until after my internment. A letter says :

“ Upon getting news of your internment I proceeded at once to communicate with some of the most important newspaper editors and Government officials in this country, including among others Col. Roosevelt, President Wilson, and members of the President's Cabinet. I wrote to each a personal letter telling them what the situation was, and asking them to read your little book, *India, a Nation*, a presentation copy of which I sent to them. I received courteous responses, and in one important case, that of Colonel House, I received an autographic acknowledgment in which he promised to read the book. In these and other ways I did what I could.”

This, and all that follows, was done after I was interned, and as a consequence of that Government action. I, of course, knew nothing of it, as it was not arranged until after I had left ; but I have many powerful friends in America, and the spontaneous action taken by my

almost exclusively Indian cavalry. The infantry which bore months of privation and proved in the end masters of the Turks, included Indian units, which had already fought heroically in France, Gallipoli and Egypt."

If Indian soldiers have achieved such splendid results for the Allies while slaves, how much greater would be their power if inspired by the sentiments which can arise only in the souls of free men—men who are fighting not only for their own liberties, but for the liberties of mankind! The truth is that they are now sacrificing their lives to maintain the supremacy of an alien Nation which uses that supremacy to dominate and rule them against their will.

Under these conditions, it is not surprising that the official Government in India utterly failed to get a response to its recent appeal to Indians to volunteer for military service. Only five hundred men came forward out of a possible thirty million.

It is our earnest hope that you may so completely convert England to your ideals of world liberation that together you will make it possible for India's millions to lend assistance in this war.

Permit me to add that you and the other leaders have been kept in ignorance of the full measure of misrule and oppression in India. Officials of an alien nation, speaking a foreign tongue, force their will upon us; they grant themselves exorbitant salaries and large allowances; they refuse us education; they sap us of our wealth; they impose crushing taxes without our consent; they cast thousands of our people into prisons for uttering patriotic sentiments—prisons so filthy that often the inmates die from loathsome diseases.

A recent instance of misrule is the imprisonment of Mrs. Annie Besant, that noble Irishwoman who has done

so much for India. As set forth in the accompanying statement signed by eminent legislators, editors, educators and pleaders, she had done nothing except carry on a law-abiding and constitutional propaganda of reforms; the climax being her internment, without charges and without trial, shortly after printing and circulating your War Message.

I believe His Majesty, the King, and the English Parliament are unaware of these conditions, and that, if they can be informed, they will order Mrs. Besant's immediate release.

A mass of documentary evidence, entirely reliable, corroborative and explanatory of the statements in this letter, is in the hands of Mr. and Mrs. Henry Hotchner, who would esteem it a privilege to place it at your disposal. I have entrusted this letter to them because it would never have been permitted to reach you by mail. They are loyal Americans, editors, authors, and lecturers on educational and humanitarian subjects, who have been deeply interested in the welfare of India. They have sojourned here off and on during the last ten years, and so have been eye-witnesses to many of the conditions herein described. They have graciously consented to leave their home in India in order to convey this letter to you personally in Washington.

Honoured Sir, the aching heart of India cries out to you, whom we believe to be an instrument of God in the reconstruction of the world.

I have the honour to be,

Sir,

Your most obedient servant,

S. SUBRAMANIAM,

*Knight Commander Indian Empire, Doctor of Laws ;  
 Honorary President of the Home Rule League in India ;  
 Co-Founder of the National Congress of India in 1885 ;  
 Retired Judge and frequently Acting Chief Justice of the  
 High Court of Madras.*

THE FOLLOWING IS THE STATEMENT REFERRED  
 TO IN THE FOREGOING LETTER

In view of the internment of Mrs. Besant and of two of those associated with her in her political work, and having regard to the failure—nay, the refusal—by H. E. the Governor of Madras explicitly to specify the grounds on which such drastic action was taken, it is the duty of those who have been engaged with her, in doing the work relating to the endeavour to obtain for India Self-Government or Home Rule in the near future, emphatically to assert and place on record that no phase of her activity or of the work of the organisations started by her has partaken of any dubious character, or has been aught but law-abiding and constitutional. The work has been pursued and will be continued consistently with those great traditions of English political agitation hallowed by the memories of men like Cobden and Bright, Gladstone and Bradlaugh.

The Indian Government, after having availed itself of a War measure to try to suppress peaceful agitation, is now, most unjustifiably, attempting to check the circulation of all news of what is taking place here.

Hon. K. V. Rangaswami Aiyangar,  
 Member, Governor-General's Supreme Council.  
 Hon. V. K. Ramanujachari,  
 Member, Legislative Council, Madras.  
 Hon. B. V. Narasimha Aiyar,  
 Member, Legislative Council, Madras.



**Hon. K. Sadasiv Bhat,**  
 Member, Legislative Council, Madras.  
**Sir S. Subramaniam, K.C.I.E., LL.D.,**  
 Retired Judge, High Court, Madras.  
**B. Sanjiva Rao, M.A. (Cantab.),**  
 Principal, Kayasth Pathshala College, Allahabad.  
**L. A. Subbaramaiah, B.A., B.L.,**  
 High Court Vakil and Ex-Chairman, Municipal  
 Council, Palghat.  
**Benjamin Guy Horniman,**  
 Editor, *Bombay Chronicle*.  
**Manjeri Ramier,**  
 High Court Vakil, Calicut, Malabar.  
**K. Nageswara Rao,**  
 Editor, *Andhropatrika*, Madras.  
**Konda Venkatappayya, B.A., B.L.,**  
 Hon. Secretary, Standing Committee, Andhra Con-  
 ference, President, Fifth Andhra Conference,  
 President of the District Association, Guntur.  
**C. V. Venkataraman Aiyangar,**  
 High Court Vakil, Coimbatore.  
**N. C. Kelkar, B.A., LL.B.,**  
 Editor, *Kesari* and *Mahratta*, Poona.  
**A. Rangaswami Aiyangar, B.A., B.L.,**  
 Editor, *Swadeshamitran*, Madras.

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[The name of Mr. C. P. Ramaswami Aiyar did not  
 appear on the above document, because the projectors  
 thought that his political work was so closely identified  
 with my own that his name would not add weight to it.  
 Consequently, it was not shown to him; and he knew  
 nothing of it till I showed it to him a few months ago.]

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## AMERICA LISTENS TO INDIA'S APPEAL

(BY HENRY HOTOENBER)

WASHINGTON, D.C., *October 20th*—Since America's entry into the War few events have so stirred the best public opinion here as the letter just handed to President Wilson from Sir Subramaniam, Honorary President of the Home Rule League in India, in which he offers ten million men to the Allies, provided England grants autonomy to India on the same basis as Canada and Australia.

President Wilson has sent this document to Secretary of State, Mr. Lansing, for consideration; and a copy of it has been placed in the hands of every one of the 533 members of the Senate and the House of Representatives. The essential features of Sir Subramaniam's offer were telegraphed far and wide by the Associated Press and the International News Service; and they appeared in all of the principal newspapers in America, from the Pacific to the Atlantic Ocean, and from the Great Lakes to the Gulf of Mexico. It is estimated that this information has been published in no less than 1,500 newspapers, with an aggregate circulation of not less than 20,000,000 readers.

No formal governmental action has yet been taken upon the letter itself; but it is violating no confidence to say that its immediate military significance has already been presented unofficially to a number of the members of

the Senate Committee of Military Affairs. The leaders of public opinion in Washington are showing the usual diplomatic courtesy of waiting a little time in order to give the President an opportunity to express his opinion first. But already the drift of public judgment can be discerned in the press comments, as well as in the statements made by one or two prominent men.

Samuel Gompers, President of the American Federation of Labour, and one of the most important members of Mr. Wilson's Advisory War Council, said in discussing the situation: "I see no reason why India should not have Home Rule on the same basis as Canada and Australia." He added that he was personally familiar with Annie Besant's work for the cause of Labour, and remembered her assistance to the Matchmakers' Union in London in the early days.

William Jennings Bryan's face broke out into a broad smile when the letter was handed to him. "I told you so" is a well-worn phrase, but it applies truly to his case. Years ago he advocated Self-Government for India; and, so accurately did he depict the plight of that poverty-stricken, subject race, that his book was proscribed there; and it was made a legal offence to buy, to sell, or to have his book in one's possession.

India's offer will have an immediate and powerful effect upon War sentiment in America. How England acts upon it will determine whether America will be solidly pro-British or not. One of the most irritating influences which President Wilson has to combat in his War measures is the strong and fearless anti-British party which is continually questioning England's sincerity of purpose. Her administration in Ireland and in India has given them an unanswerable argument,

of State for India, Mr. Montagu. It is said that Mr. Montagu is to ascertain the true situation there, and to report whether Home Rule may be granted to India; in fact, Mr. Montagu declares that a larger measure of Self-Government is actually to be given.

Alas, how many such declarations have been made in the past, and how few carried out! More than half a century ago Queen Victoria in a Proclamation promised equal rights to Indians. To-day, so complete is the despotism, that English Governors may refuse to answer questions put by Indian members of the legislature and may veto resolutions or even decline to put them to the vote.

No wonder, then, that the *Times Picayune*, of New Orleans, says editorially:

"It remains to be seen whether these promises will be kept, or share the fate of previous promises no less solemn which the official hierarchy managed to pigeon-hole.

"But certainly India cannot be ruled in the old way, when peace returns. Can a population of more than three hundred millions be expected to tolerate this vassalage much longer? India has been astonishingly loyal throughout this crisis and should promptly get the reward she deserves.

"India is paying taxes levied without her consent. That such an autocracy will endure beneath the British flag is unthinkable; but the British Government cannot too quickly forestall the demand for absolute independence, by establishing complete autonomy in domestic affairs.

"The Hastings-Clive system is out of date; the 'iron proconsul' may govern India scientifically, but cannot keep her loyal."

Americans will be keenly interested to observe whether Mr. Montagu will receive his impressions of India through the distorting medium of the bureaucratic ring, as did his predecessor Mr. Chamberlain, or whether he will go to the true leaders of India like Mr. Wacha, Mr. Jinnah, Sir Subramaniam, of the Muslim League and the Congress, and especially Mrs. Besant, who is to preside at the next Congress in Calcutta.

Americans know that these popular assemblies have already approved a scheme of reforms for a larger measure of Self-Government in co-operation with British administrators. The least Mr. Montagu can do is to grant these reforms *in toto*. They are very moderate. This will allay Indian unrest, and stem the strong tide of complete independence.

And as to India's martyr, Annie Besant, what will Mr. Montagu do towards wiping out the humiliation and injustice of her internment by the Governor of Madras? America was thrilled with joy by the news of her release, even though it was clear that this was obtained only by pressure brought to bear in the British Parliament.

Will Mr. Montagu reinstate Mrs. Besant publicly in the eyes of the world by admitting that she but upheld British ideals of free speech and human rights in the face of un-British rule in India? Or is this venerable, social, religious and political leader, beloved in every land, to go unrequited and unrewarded after half a century of unselfish public service, to be struck down by her own people, like Joan of Arc, and to be left to a later generation for a just appreciation of her worth?

The friend who carried the letter for us said that he had been visiting the White House for fifteen years; and this was the first time that he passed through the door

unchallenged. Four men usually guard the President ; but this time only one man was there, and he stood, some distance away, looking across the garden, with his back to the entrance.

Our friend entered with the precious letter, gave it to the President's personal factotum, and it was carried into his private study. The next day, in accordance with diplomatic courtesy, we placed a carbon copy of the letter in the hands of Mr. Lansing, Secretary of State. The following day we learned that the President sent his letter to Mr. Lansing with the notation that it was a delicate matter, but should be looked into.

The next day a printed copy of the letter was placed on the desks of 533 Senators and Congressmen in the Capitol. The Press was attracted by the military significance of the letter, and both the Associated Press and the International News, which supply news items daily to a large number of papers, sent out telegraphic accounts of the offer of ten million men. The attached cutting from the *Washington Herald* is typical of the story which appeared in about fifteen hundred daily newspapers, read by many millions of people throughout America. Editorial leaders, pro and con, are naturally following, and a wave of interest in India is spreading all over the country. The interview with Bishop Wedgwood was printed through the same channels, and further propaganda is in progress.

We were also invited to meet a number of members of the Senate Committee on Military affairs in the Capitol, and we have explained to them India's position and its offer. They seemed profoundly impressed. The matter was also laid personally before Samuel Gompers, President of the American Federation of Labour, who was familiar

with Mrs. Besant's early work for unions in England. All the editors in Washington were personally visited and informed. Mr. Bryan has also been informed personally. Mr. Roosevelt has been indisposed recently, but an interview with him is now being arranged.

We have already given public lectures on this subject and commenced a campaign of widespread Indian sympathy in both Washington and New York. In Washington we incorporated the League for World Liberation, which is to work for universal Self-Government and the art of civilisation. Its ideals are those which Mrs. Besant has proclaimed for the world's political and social regeneration.

We are emphasising the fact that the Government in India is un-British, that the people in England are unaware of the real conditions there, that it is a bureaucratic ring of commercial and political interests that is sapping India of its strength and preventing the facts from becoming known, and that England will be grateful for having this situation brought before her, will be the first to set matters right, and will spring forward to take advantage of this military offer. We are showing, also, that if England grants India's prayer for Home Rule, the very example of such a huge self-sacrifice will assure Russia that she is not seeking conquest and aggrandisement, and will again bring Russia's millions actively and aggressively into the War. England's sacrifice will also have its influence on the internal situation in Germany, where many have been told that England is self-seeking and will dominate Germany if she can. This one act of renunciation would do more to counteract that feeling in Germany than tons of press despatches and tons of munitions; and it would

ideals. He was certain that India would participate in the world's advance towards democracy. His exact words (which he has put in writing for us) are: "India must certainly participate in the world's advance towards democracy, which is another way of saying the right of well behaved peoples to Self-Government."

*The League for World Liberation* is to spread literature about India throughout America, according to its financial means. It will be assisted by local representatives in many of the States. Its main office is in Washington, D.C. The League was incorporated there by a number of native-born American citizens who are cordially in favour of President Wilson's ideal for a democratised world, and for the liberation of subject nations; they are especially in favour of the liberation of India according to your ideals.

We spoke for India and for you at the Convention, and the members were cordial and enthusiastic about our work. In the *Theosophic Messenger* for November a résumé is given of our remarks. Members have written to us from all over America asking about further particulars, and we shall enlist their support.

#### THE WORK OF THE MOMENT

Influential leaders in New York and Washington have asked me to prepare an up-to-date *Brief* on India's case. The data they now have is in a number of books, and pamphlets that are very voluminous, and that require much reading and time to disclose the salient facts. So Mr. Shibley and Mr. Hotchner worked for weeks over books, pamphlets, latest London newspapers, etc., in the Washington and New York public libraries, culling the salient



facts—quoting especially the English statesmen who have expressed your ideals and called attention to India's plight. We have brought all the data out here, where we also have the books which you gave us in person, and which we did not dare take to Washington on our trip east. For the next few weeks we shall classify and condense this mass of data, and put it into a form that will meet the demands of the present situation in America and from the American point of view.

One thing which has greatly hampered our work in preparing this *Brief* is that a great many of the books and pamphlets which have been written about India have neglected one important necessity—when quoting statistics favourable to their case, they have failed to give the exact reference as to the origin of their figures. To say that Gladstone made this or that remark, that England “bleeds” India to this or that amount, etc., etc., without giving the book and the page from which the facts are taken, makes it impossible to use those unauthenticated quotations. It is first necessary to spend hours or days trying to verify the quotation in order to state its origin; and as many of these books cannot be found in America at all, a great many valuable statistics have to be omitted from this *Brief* which would otherwise be of vital use.

Perhaps you can speak of this to our Indian brothers who are writers or speakers. When submitting India's case (or any case) to an impartial tribunal, no quotation can be included which does not give the page and book of its origin, so that it may be verified easily. Perhaps our brothers will bear this in mind in future publications.

Our *Brief* on India's case will be printed, if we can get the money. If not, Mr. Hotchner will probably take a typed copy to Colonel House in Washington when he returns from

object the consideration of Home Rule there, in the opinion of the Right Rev. James Ingall Wedgwood. He has just arrived in this city after a tour of the United States and is about to sail for his home in London. Bishop Wedgwood said :

“I believe immediate steps should be taken to arm and munition these splendid fighters. Indian regiments helped to stop the German advance at the Marne, and they have done heroic work in France and Mesopotamia.

“To add this huge army to our present forces would be a mighty aid to the Allies and would unquestionably end the War in our favour in the near future. It is a significant financial fact that ten million Indian troops, because of their low pay and simple diet, could be maintained in the field for one-half the cost of a similar number of English and Americans.

“It will mean a tremendous sacrifice for us to give India Home Rule, for we shall lose some of the enormous revenue which English merchants and officials have derived from India. But no sacrifice is too great at a critical time like this, and India, by reason of her already generous contribution of men and money for this War, has won the right to be granted her loyal aspirations to be an autonomous partner of the British Commonwealth on the same basis as Canada and Australia.

“I have lived in India and am acquainted with Sir S. Subramaniam, the venerable jurist and publicist, who has sent to President Wilson this offer of military assistance. I believe it will be accepted with gratitude by all Englishmen, whose sentiments were voiced by Viscount Grey a few days ago, when he said that we were in hearty accord with President Wilson's policy of Self-Government for all peoples.

“Why should not India, with its three hundred million people, be granted this boon, and its enormous man-power and resources be utilised?”

“My cousin, Commander Wedgwood, D.S.O., Gallipoli, who is a member of Parliament, has already introduced this matter of perfectly constitutional agitation for Home Rule.”

Bishop Wedgwood is the presiding dignitary of the Old Catholic Church in the British Empire. He is the great-great-grandson of Josiah Wedgwood, the founder of the Wedgwood pottery, and is the great nephew of Charles Darwin.

[This appeared in a New York paper having a circulation of 500,000 readers, and it will doubtless appear in many other papers.—H. H.]

PENNY BANKS:  
LESSONS OF THRIFT FOR THE  
YOUNG ONES.

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BY A. SCOTTON, OF DERBY.

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A PAPER

*(Prepared by request of the United Board Educational Committee)*

TO BE READ AT MEMBERS' MEETINGS OR SOCIAL  
GATHERINGS.

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ISSUED BY  
THE CO-OPERATIVE UNION LIMITED, LONG MYLCHATE, MANCHESTER.

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**M**ANY schemes have been propounded for the social elevation of the people, but none have been so successful as Co-operation, because it appeals directly to the principles of self-help and self-reliance; and its influence for good affects society at large through the individual development of character.

Co-operation having accomplished so much in the past, it becomes a question of the utmost importance how to extend its influence and usefulness, and this, we think, can best be done by arresting the attention and enlisting the sympathies of the children.

The heart and mind in youth are more susceptible of impressions, good or bad, from objects by which they are surrounded than at any other period of life, and these impressions are so deeply engraven upon the mind that the hand of time can never obliterate them; it is therefore of the utmost importance that we instil right principles and encourage good habits in our children. Among the agencies to be employed to bring about such a result THE PENNY BANK should be a feature in every society throughout the movement.

We would recommend our young friends to *begin life by learning to save*, so that as they grow up to be men and women they may be able to help themselves—to rely upon their own resources, their own savings—for it is a true saying, that “a penny in the purse is better than a friend at court.” The first penny saved is a step in the world. The fact of its being saved and laid by indicates self-denial, forethought, prudence, wisdom. It is the beginning of independence; it is the germ of future happiness. The saving of even a penny will begin the habit, and the saving of other pennies will educate the habit until the habit of economy becomes confirmed, and the indulgence of it becomes necessary to personal happiness.

It is no argument against economy to say it may be abused, and that some may grow into misers. Every good thing may be abused. But granting that economy may produce misers *in some cases*, is it not worth running even that risk, if by the habit of saving we can avoid improvidence, wretchedness, and degradation of the people?

We would not have the children value money for its own sake, and would be the last to encourage a miserly desire to hoard amongst them; but as society is at present constituted, we cannot help recognising in money the means of life, the means of comfort, the means of maintaining an honest independence.

Some objectors to the establishment of Penny Banks argue that the sums paid in are so small that the fact of making them cannot have much influence on a child. These forget there are thousands of instances which might be given to prove it is not wise “to despise the day of small things,” for little things are the component parts of great ones, and, as philosophers tell us, the quality of the parts make up the character of the whole. Few men pay sufficient attention to the little things which, in the main, mould their fate, and yet little things have made the world what it is, and have influenced the destinies of nations as well as individuals. And Nature, through all her works, teaches the same lesson, and proclaims the

power of little things. The tree that rocks to and fro, and shelters from the howling tempest, was once a little seed. The sapling, that an infant's arm might bend, before long will laugh at the hurricane and defy the storm. Do not then despise little things, for grains make a mountain, drops an ocean, and pence a fortune. Money, like everything else, is accumulative—like the snowball, it is increased by being rolled among its own particles.

The Penny Banks established in our various societies are essentially "Children's Institutions," and ought to be encouraged, because they teach lessons of thrift to the young ones. The first Savings Bank established in Great Britain was started by Miss Priscilla Wakefield, a hundred years ago, in Middlesex, and the first Penny Bank was started at Greenock, forty years ago. Since that time they have spread into every town and village of importance in the land, and nowhere have they flourished so well as in our Co-operative Societies. And although there are half the societies in the movement who have not yet established a Penny Bank, still it is a gratifying fact that there is at the present time over 100,000 depositors in the Co-operative Banks, with a capital of over £150,000. In the Midland Section the children have standing to their credit £25,000, while one society alone in that section has 9,200 depositors, and a capital of over £9,000.

It is worthy of remark that the Oldham Society, which is the most advanced in the art of association, is the owner of the oldest existing bank, the next two oldest being Over Darwen (Lancashire) and Clayton (Yorkshire). These institutions give help and strength in many ways, but chiefly in the cultivation of prudent, thrifty habits.

The very fact of boys and girls depositing their spare pennies has often had the effect of drawing their parents after them. We know more than one instance where a lad has been a depositor in a Co-operative Bank, and that alone has been the means of drawing his parents' attention to our movement, and eventually bringing them into our ranks.

A boy goes on for weeks paying his pence and taking home his pass-book. The book shows he has a "ledger folio" at the bank devoted expressly to him; that his pennies are all duly entered, together with the respective dates of their deposit; that these savings are not lying idle, but bearing interest; and that he can have them returned to him at any time after proper notice being given.

The book is a little history in itself, and one which cannot fail to be interesting to his brothers and sisters, as well as to his parents. Thus a good beginning is often made and a habit initiated, which, if persevered in, very shortly exercises a most salutary influence on the entire domestic condition of the family.

Many instances might be given to show the good accomplished by these banks, how they have given opportunities for the display of those noble qualities which animate the human breast in times of great emergency.

We remember one little boy who came to the bank and asked to draw out 80s. He was told he could not do that without giving a week's notice. The lad began to cry, and said he hoped they would let him have the money at once as he wanted to pay his mother's rent to save the home. Another boy drew sufficient money out of the Penny Bank to purchase the discharge of his brother who had enlisted for a soldier, saying that "if his brother did not come back it would break his mother's heart."

Again, another lesson taught by the Penny Bank is that of self-help. When the small sums have accumulated the lad feels he has *done something*, that the result has been achieved by *his own* effort. And who shall say where the influence of such a thought shall end? It may stimulate him to further efforts in other directions, and be a means of bringing out the noble qualities in his character.

There are many instances of self-made men who have risen from the humblest walks of life. Hogg, the poet, was a shepherd; Sir Francis Chantry was a milk boy; Mr. Lindsay, M.P. for Sunderland,



was a cabin boy ; Mr. W. J. Fox, M.P. for Oldham, was a weaver boy ; and as a boy Sir Isaac Newton, who revealed and applied the law of gravitation, attended the Grantham market to sell the produce of his mother's garden. England's most eminent chemist, Faraday, worked at his trade as a bookbinder until he was twenty-two years of age. Henry Broadhurst, an Under-Secretary in Her Majesty's late Government, worked as a stonemason on the House of Parliament which he now adorns as one of its members. The Life of Hugh Miller, the stonecutter, is full of lessons of self-help and self-respect, and shows the efficacy of these in working out for a man an honourable competency and a solid reputation ; and the late Joseph Brotherton, M.P. for Salford, when the Factory Act was under discussion, related the miseries, privations, and hardships in the life of a factory boy, until many of the members were moved to tears. At the close of his speech, he startled that assembly as he exclaimed, with a voice full of emotion, "I was once that factory boy."

In these and many more encouraging instances which might be given, we see specimens of noble men self-raised, self-advanced, and self-distinguished, who have triumphed, not with the help of Fortune, but by industry, perseverance, and fidelity to duty ; and duty well and properly performed is nothing more nor less than the well performing the various little things connected with it. As Lord Bacon says, "The smallest hair casts a shadow," even so the smallest acts oft repeated exert an influence beyond themselves.

Fellow-Co-operators, we live in an age of grand opportunities of glorious possibilities ; let us be equal to them. Co-operation has done much in the past—there is a still brighter future before it, if we are true to it and to each other. It is not sufficient that we make dividend, let us by prudence and economy endeavour to place ourselves in a position above the accidents and ills of life—above poverty and all the misery and evil that it produces. There is a dignity in the very effort to save with a worthy purpose, even

## CONSTITUTIONAL RE- FORM IN CEYLON.

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### MR. EDWARD W. PERERA'S WORK IN ENGLAND.

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#### Advises Deputation to Sail at Once.

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At a very largely attended public meeting at the Tower Hall, on Saturday, 26th June last, Mr. Edward W. Perera, Barrister-at-Law, gave interesting details of his four years' work in England in the interests of Ceylon.

Sir Ponnambalam Arunachalam presided, and the others accommodated with seats on the platform were Mr. James Peiris and Mr. A. St. V. Jayewardene.

#### The Chairman's Address.

Sir Ponnambalam Arunachalam, introducing Mr. Perera, said:--Ladies and gentlemen, it is my pleasant duty as Chairman to introduce the lecturer of this afternoon, though I think he scarcely needs an introduction, to you. At all events, I am very glad to be here to-day to offer to him a cordial welcome on his return to Ceylon after four years of strenuous and faithful work for the people of Ceylon, in conjunction with our very esteemed friend Mr. D. B. Jayetilleke. (Applause). Apart from Mr. Perera's personal merits and services, we see in him a worthy son of a worthy father (applause) whom I learned to appreciate many years ago when

My friend here was, I believe, in the nursery and when I was Commissioner of Requests, Colombo, and Mr. Perera's father was practising in that Court. He is now enjoying well-earned rest after a strenuous life, the best type of a Sinhalese gentleman, a man of honour and independence and public spirit (applause). I am glad to think that Mr. Perera is worthily maintaining the family traditions. Having joined the Bar, he did not yield to the temptation of restricting his outlook and activities within the four corners of his brief, but

**Following the best Traditions**

of the English Bar, he has not ignored the claims of culture and has taken an active part in public life. (Applause). The Royal Asiatic Society counts him as one of its most valued members, and as the President of that Society, I can testify to the good work he has done in the field of historical research and literature and to the valuable papers with which he has enriched the Society's journals (Applause). The mission with which he was entrusted to England has involved him, as it has involved Mr. Jayetilleke, in no small sacrifice, and I trust that our countrymen will see to it in his case, and in the case of Mr. Jayetilleke when he returns, that their professional prospects are not prejudiced by absence on our service, and that they will be enabled by our gratitude to resume effectively and improve their position at the Bar. Mr. Perera has consented to address you to-day on the work that he and Mr. Jayetilleke have been doing for us, or rather on one branch of it. . . . He will speak to you on that branch of his work which has materially helped

**The Cause of Reform.**

This reform, a substantial reform of our constitution, is one of our most pressing needs. The Ceylon Reform League,

the Ceylon National Association and the Ceylon National Congress have done their duty. It remains for the Ceylon Government to do theirs. The other day, the new Governor of Bombay, who by the way is not a red-hot Radical, but was a Tory member of the new House of Commons, until he was appointed Governor of Bombay, expressed his deliberate conviction in regard to Indian reforms, that time was a vital factor and that the reforms should be pressed on vigorously and carried into execution without delay. The Viceroy was of the same opinion, and he earnestly impressed upon the Imperial Government the imperative necessity for action. The Secretary of State for India was of the same opinion, and you know that the Indian Reform Bill has passed its second reading in the House of Commons without a dissentient voice (applause), so urgent do they all regard it. But these and similar considerations do not disturb the leisurely pace of our Government which is still hatching its scheme. So far removed are they from the realities of things and from the influence of public opinion here or in England. But it is necessary that we should

#### **Impress Upon the Government**

with all the power at our command the necessity for immediate action. What would the people of Ceylon give for a Governor fresh from public life of England, in touch with the great currents of thought and sentiment of that public life, and instinct with that new spirit which is thrilling through all classes of the English people, and who was able to instil some of that spirit into the dry bones of our Crown Colony administration and to quicken it into life and fruitful activity?

Sir Ponnambalam next referred to a correspondent in the local "Times" who found fault with the Legislative Coun-

cillors who, he said, were mere talkers. "You know," added Sir Ponnombalam, "that I have no high opinion of the achievements of our Councillors, but

**Let us be Just to Them.'**

Supposing this correspondent's suggestion was adopted, and they formulated schemes and matured them and introduced them into the Legislative Council and talked for days and nights, what then? Have we got any forwarder? No. And why? Because under our constitution the only person that can do anything, that can initiate or alter the policy, is the Governor, and with him alone rests all authority and power. The Governor might well say and say it with greater truth than Louis XIV of France "*l'état c'est moi*." It is not as if official members of the Legislative Council or even members of the Executive Council were very much better placed in this respect. I can tell you that from personal experience, having been in both Councils. They can only give advice, and it remains for the Governor to accept or reject it. I have known Governors summarily rejecting the matured schemes of their predecessors.

**How is it Possible**

for any administration to be efficient or good under such circumstances? A few days ago the "Times," I think of the 28th May, voicing the sentiments of our European friends, uttered a woeful lament over official helplessness.

Sir Ponnambalam here quoted an extract, and proceeded: -That is very much what we say and have always said, and we can easily adduce many other instances of failure, and that is why we want our constitution and administration reformed on popular lines. However, this is a subject that I shall have to dwell upon at length and discuss in an address I may be giving about

a fortnight hence (applause) on the political situation and I will not now stand any longer between you and the lecturer. (Cheers).

Lecture.

Mr. Edward W. Perera said:—  
Sir Ponnambalam Arunachalam, ladies and gentlemen,—Everybody who has any knowledge of Ceylon affairs in England is of the opinion that immediate and far-reaching Reform is a necessity. Evidence of the failure or rather the utter break-down of the Ceylon bureaucracy was brought home to the English public in a manner that was unthinkable to them. In spite of the great preoccupation of the world war and the frenzy and the wild suspicions it engendered, the grievance of little Ceylon was so appalling that our faint voice was heard above the din of battle. "The tiger is at our throat and you are complaining that your foot is trodden on," was the first and superficial view before the facts were realized; yet so strong is the instinct of justice of the British people that they paused to listen, and proceeded to right our wrongs as much as limited wartime opportunities allowed, in spite of official misrepresentation. You must remember that the official hierarchy was fighting for its existence, and every weapon in their armoury whether sanctioned by the Hague Convention or not was employed to confound their enemies. But as a Roman judge told a Roman jury 2000 years ago the truth is great and the truth will prevail. (Cheers) Once their suspicions were roused that something was wrong, the British people and the British Parliament would not be put off; they felt that their honour was affected, and they repeatedly called for information and complete investigation with a view to full redress and reparation. Time and again it was

suggested by official spokesmen in Parliament, invariably Tory re-actionaries. that

**Independent Investigation into the Affairs  
of Ceylon**

would affect the prestige of the Colonial Government. The reply was obvious that British prestige in the East as in other parts of the world did not rest on injustice but on justice : and if any official however high-placed was found untrue to the great traditions of British justice and right he would be hurled from his pride of place, and Britain would disown him. Like the Bourbons, bureaucrats learn nothing and forget nothing and the British democratic principle under the exigencies of war was not possible to be fully vindicated. The situation was aggravated by the permanent officials at Downing Street, whom the lack of supervision by the responsible minister engaged on the war cabinet had rendered almost supreme. At all times cogs in the wheel of progress, they hang together lest they should hang separately. I seize this opportunity of saying how heartily I agree with the recommendations in the European Association's Report of the need for change at the Colonial Office, the necessity to have

**A Special Department for Ceylon**

with accredited Ceylonese representatives on it, instead of having a couple of hide-bound clerks to mismanage our affairs. In this matter Downing Street might well emulate the India Office where representative Indians such as Lord Sinha, Mr. Basu and Sir Prabhashankar Pattani are employed in the innermost Councils of State. This proposal originally received with the greatest misgiving subsequent experience has triumphantly vindicated.

Lords Landsdowne and Mac Donnell when the Morley-Minto Reforms were introduced in 1909 in the House of Lords objected to lay bare to Indians the *arcana* of Empire. Lords Landsdowne and Mac Donnell were both retired Anglo-Indian officials and they only reflected the views of the sundried bureaucrats in India who were then, as they are to-day, bitterly opposed to Reform. I had the privilege of being present on that historic occasion through the kind courtesy of the Marquess of Crewe, then Colonial Secretary. In the small railed enclosure below the bar were standing another and myself. Before Lord Morley had proceeded very far with his speech my companion began to display signs of nervous irritation which increased as the speech progressed, ultimately

**Developing into a Species of St. Vitus' Dance.**

When Lord Morley came to the words that the Reforms had the hearty support of the Government of India as well, my peppery friend could not contain himself any longer and audibly gave vent to the ferment within by ejaculating "it is a lie." (Laughter.) That was the spirit of bureaucracy, exemplified in the automaton by my side. To return to the Colonial Office, the chances of its reform are not so remote as one would think and we should be ready with our proposals. It is an open secret that for a considerable time the work of the Department had grown too unwieldy, and that it was intended to relieve the congestion by separating the administration of the Crown Colonies from that of the self-governing Colonies. I presume the reorganization of the Colonial Office would form a part of the scheme of post-war reconstruction. The Department was handed to the Tories on the



formation of Mr. Asquith's first coalition, and it was presided over by a minister whose divinity was prestige. In regard to the permanent officials, it was freely stated by those who knew the inner working of the Colonial Office "that unfortunately Ceylon affairs were not in the right hands." The

**Doctrine of Blind Trust in the Man on  
the Spot**

may be carried to its illogical extreme, and the worship of prestige might degenerate into idolatry! The dark gloom of the Colonial Office was, however, relieved by the presence of a permanent official who believed in the old fashioned doctrine that justice ought to be done though the Heavens may fall! Unfortunately, though interested in the welfare of Ceylon, Ceylon affairs did not come within his immediate direction. He was not so long ago translated to the governorship of an important self-governing Colony. Crown Colonies more sorely need such men. (Hear, hear.)

The sub-title in the notice announcing my lecture says that I will speak on

**My Four Years' Work in England.**

If you take the announcement literally, I am afraid I have brought you here under false pretences. It is not possible within the time at my disposal and with my papers still unpacked and untabulated to speak with any degree of completeness of the work in England. I can only faintly indicate the lines on which such work proceeded. There are numerous ramifications, special cases, the general case, proceedings in Parliament, correspondence with the Government, correspondence with public men, with different public Societies, their correspondence with the Government reports of deputations, memorials, appeals, extracts from the Press, accounts

of interviews, meetings, &c. A complete record is only possible if it is supported by dates and documents and they range over a period of 4 years. I shall, however, recite a few facts in connection with my mission which may help to dispel misapprehension. The official side has been freely published, while the popular side has been rigorously suppressed under the plea that the exigencies of war required it, although no such embargo was imposed in England. When the complete record is published I have the confidence to hope that the truth of the old saying will once again be vindicated that abusing the other side, is not consistent with having a good case, a failing to which not only pettifogging attorneys but others of more exalted position sometimes succumb (cheers.) My purpose in alluding to my work in England is two-fold to tell you of

**Those Generous British Friends of Ceylon**  
who on my bare word (for no proper evidence was available at the time) took prompt action to secure relief; and that I may indicate to you the step that ought to be taken now according to them to secure the reform of our constitution.

I left Ceylon in the beginning of July, 1915 after an interview with the Attorney-General, Sir Anton Bertram. I had scarce a week's notice to make arrangements. The satisfaction I felt at the confidence displayed in me by the public was exceeded by the weight of the responsibility and the magnitude of the task entrusted to me. My only hope was in the faith I had in friends across the water. You will recall that at this period

**The Black Terror Stalked the Land;**  
a number of our leading citizens had been struck down, men of ability, of wealth, of great public spirit and tried

fidelity to the Crown. Among others—Messrs. Senanayake, Dr. W. A. de Silva, Mr. Wijewardene, Dr. Hewavitarne and Mr. D. B. Jayatilaka himself were in prison liable to be shot at any time, and panic reigned in the country. Every day on board ship was a day of anxiety, for I did not know what was happening meanwhile in Ceylon, whether my friends had not already been marched out of their cells, placed against the wall and shot as had been done to others. To save time, I travelled through France. I landed at Marseilles and owing to war-time delays I just managed to catch the Paris train which was steaming out of the station. I arrived at Victoria Station, darkened beyond recognition on the night of the 21st July, 1915, tired in body and racked with anxiety. With considerable difficulty, I secured lodgings for the night in a dark and overcrowded London. Early on the morning of the 22nd July I went to the Temple and discovered that my London Solicitor Mr. Cayley (a nephew of one of our past Chief Justices) was out of town and was convalescing in Brighton. A telegram was despatched to him requesting him to meet me in Conference in London that evening at 5 o'clock, the reply to me to be despatched to Sydenham at Mr. H. J. C. Pereira's. I went by an early train to Sydenham.

**Mr Pereira was Dumbfounded**

and could scarce credit the terrible story. We decided at this grave crisis also to seek the counsel of the greatest Ceylonese of his time who happened to be then in London. Although Mr. Dornhorst had retired from active work and he had a natural aversion to anything that savoured of politics, his advice was freely and ungrudgingly given, and his indignation was as great as his horror at the happenings in Ceylon. Mr. H. J. C. Pereira from the

moment of my arrival in England till I left last April continued to give me wise and sound counsel, and actively helped to secure redress and reparation for the people of Ceylon. From Mr. Pereira's I returned to London to meet Mr. Cayley, a conference was arranged with Sir Robert Finlay, K. C. M. P. (some-time Attorney-General, later Lord High Chancellor) and notified the fact to Ceylon by cable that night. He was consulted soon after as was Mr. Tim Healy, K. C. M. P. The Privy Council was not sitting at the time, and considering the urgency of the matter, I was advised to take

**Administrative and Parliamentary  
Action.**

Upon this I communicated with my old and valued friend Mr. H. E. A. Cotton (son of Sir Henry Cotton) now an Alderman of the London County Council and sometime M. P. for East Finsbury. I placed the facts before him, and although he knew the ways of the Indian bureaucracy, he could not conceive that the local government could act in the terrible way they did unless they had substantial grounds, things I did not know. He explained the extreme difficulty of taking action, the distraction of the war, the suspicions engendered by it, the capture of the Colonial Office by re-actionaries, the virtual impossibility of raising the question in Parliament, the Government monopolising its time for public business, and the reluctance of private members to raise awkward questions which would embarrass the government during war. Moreover the only chance to bring up the matter was gone, the Colonial Office vote having just been taken. The Press was muzzled by the Censorship and even if free could not devote the space nor would

embarrass the government. His keen vision saw the difficulties but promptly proceeded to action. I received a letter to Mr. McCallum Scott, M. P. (now Mr. Winston Churchill's Parliamentary Secretary) introducing me and requesting him to grant me an immediate

**Interview on a Very Grave and Urgent Matter.**

It met with a ready response, and that afternoon I explained the situation to Mr. Scott on the terrace of the House of Commons. Mr. Scott was sympathetic but he looked anxious and desired to discuss the matter further with Mr. Cotton and myself before taking action. We met Mr. Scott by appointment at the House of Commons at night. Matters were finally discussed, any doubts Mr. Scott might have had being dissipated by Mr. Cotton vouching for the accuracy of what I stated. That night Mr. Scott placed my facts before the British authorities, and I was instructed to embody them in a memorandum which was duly forwarded to the Colonial Secretary. You will remember that at the time I left, public meeting was prohibited and it was death to try to secure evidence. The material was very scanty upon which our generous British friends took action, which saved the situation. The memorials of the Ceylon Committee and subsequent litigation have more than vindicated the grave charges that I made. Mr. Scott followed up his action by

**Intervention in Parliament**

on the 27th of July 1915. Mr. Theodore Taylor, M. P. whom I met, also personally presented our case to the Colonial Secretary as did Mr. Harold Cox, Editor of the "Edinburgh Review", a friend of Mr. James Pieris. Sir Henry

Blake granted me the favour of more than one interview and was deeply interested to hear of the events in Ceylon and used his great influence with the Colonial Secretary on the side of right and justice. You will be touched to hear that the last act of his life was an intimation to the Colonial Office that he endorsed the appeal made to the Colonial Secretary by a number of public men and members of Parliament for an impartial enquiry into the affairs of Ceylon. (Cheers.)

I also took prompt measures to bring the serious situation in Ceylon to the notice of certain public bodies. I communicated the arrest without charge and the

#### **Imprisonment Without Trial of the Ceylon Temperance Leaders**

to Mr. John Newton, the Secretary of the Native Races Liquor Traffic Committee. You will remember the valuable services he had rendered to Ceylon in connection with the excise question, and two of the imprisoned Temperance leaders Messrs. D. B. Jayatilaka and Dr. W. A. de Silva were with him on the deputation to Lord Harcourt. He was most anxious and greatly concerned. He wrote that the news I conveyed was so grave that he had arranged that I should meet him and his Chairman the Hon. T. W. Pelham, which I did. Mr. Newton worked with a singleness of aim and purpose scarce equalled much less surpassed, and I have very good reason for saying that the immediate release of the Temperance leaders was due to his efforts more than to that of any other single man. He rallied the most powerful Temperance forces in the United Kingdom, personally vouched for the accuracy of his facts and used them as a lever to move the grand seigniors of the Colonial Office. Facts point irresistibly

ly to the conclusion that the release of the Temperance leaders was not due to a sudden change of heart or to the native benevolence of the local bureaucrats but

**Due to Forces to which they had to Bow.**

It is sad to contemplate that Mr. Newton should have been struck down before the complete vindication of the faith that was in him came in the tardy admissions by the local Government of the innocence of the Temperance Leaders. Blessed are they that had not seen and yet believed! Mr. Newton's name ought to be enshrined in the grateful hearts of the people of Ceylon as one of her truest friends (Cheers). Mr. Guy Hayler and Mr. Travis of the United Kingdom Alliance were among the other Temperance leaders who ably assisted. (Cheers).

I also communicated the state of things then existing in Ceylon to the Anti-Slavery Society, (Cheers) which "made the serf a man and broke his chain." I received a friendly reply and an interview was arranged. I met Messrs Buxton and Harris, the able and courteous Secretaries of the Association at their head quarters, Demson House, Vauxhall Bridge Road, and discussed matters with them. They carefully and sympathetically went into my case, and though very cautious at first as behoves a Society jealous of its reputation with the authorities, and in a measure comprised of retired officials, they took up the question with a warmth and skill when they realized the gravity of the issues, which cannot be sufficiently commended. They

**Made Vigorous Appeals to the Colonial Secretary**

for investigation and redress backed by the most powerful agencies in British public life. Leading men in Church and State, on the Press, in

Law, in Literature, and in Parliament backed their appeals and accompanied their Deputations to the Colonial Office. The Society issued special literature on the subject, and the record of their activities will fill a volume. In a reasoned State paper to the Colonial Secretary the Society speaking as one having authority declared that one of the gravest instances of outrage and mis-government that ever occurred in any part of the British Empire was in Ceylon. To the persistent efforts of this Society, working without fee or reward, may be traced much mitigation of the effects of Martial Law administration and

#### The Remission of Extortionate Fines

notably that of the Dias brothers whose case among others they specially worked up. The least we could do is to become members of the Society, the subscription is moderate, to enable it to continue to carry on its good work for the relief of humanity. I also approached the Humanitarian League and a Committee consisting of Mr. H. Baillie-Weaver and Mr. G. F. Green, now in Parliament was appointed to interview me and to report. They were satisfied as to the truth of the repressive measures and the shootings in Ceylon, and expressed their willingness to help in any possible way. Unfortunately owing to war-time exigencies the normal activity of their committee was suspended.

I placed before the Buddhist Society the sufferings of the Buddhists of Ceylon, and I was summoned before a Council meeting of the Society at their Headquarters 43, Penywern Road, Earl's Court. The Committee was deeply grieved and concerned. The matter was so grave and urgent that I was decided to refer it to the ripe judgment of Professor Rhys Davids, a retired President of the Society, at one time a



**Throbbled with the Scandals of Ceylon**

and questions were asked in Parliament whether the Colonial Secretary had seen the Report and demands were made to lay it on the table of the House. Mr. Long admitted that he read it in the pages of the "Manchester Guardian", pleaded that the Report had already been printed in Ceylon, and said that a copy will be placed in the Library of the House. Replying to further questions how the "Manchester Guardian" had secured the Report, Mr. Long confessed that he did not know. Mr. St. Nihal Singh, wrote in the "Pall Mall Gazette", the "Westminster Gazette", "Truth", the "New Age", the "Labour Leader" and other papers published articles. The Labour paper the "Herald" materially helped.

The only newspaper so far as I remember that attempted to distort facts and mislead British Public Opinion was the organ of the Anglo-Indian bureaucrats the "Indiaman". It did this in characteristic fashion by abusing me, but let me assure you it did neither me nor the cause any harm. It put down its shutters a few weeks later; perhaps it was the working of the law of Karma.

Meantime

**A Parliamentary Party of Friends of  
Ceylon.**

came to be formed in the House of Commons owing to the agencies I have already indicated. The Rt. Hon. Leif Jones, a staunch Temperance advocate under the inspiration of Mr. Newton assumed the leadership and was strongly supported among others by Sir Wm. Collins M.P., Mr. Philip Morrell M.P., Sir Wm. Byles, Bart M.P., Mr. T. C. Taylor M.P., Mr. H. G. Chancellor M.P., Mr. Joseph King M.P., Mr. W. C. Anderson, M.P., Mr. Philip Snowden, M.P., Sir George Toulmin, M.P., Sir Walter Essex, M.P., Sir John Rolleston, M.P., Sir Herbert

Roberts, M, P., A. MacCallum Scott  
M.P.

All these agencies had to be constantly instructed, and their interest maintained; the most difficult thing of all was to engage their attention amidst their multifarious duties. Official denials made with the subtlest skill to discredit the people of Ceylon and to burke enquiry had to be oarefully met, but members of Parliament could only snatch a few minutes for the purpose. In spite of all these drawbacks when the debate on the Colonial Office vote came round in August, 1916, the motion

**To Reduce the Salary of the Colonial  
Secretary**

(Mr. Bonar Law) for misgovernment in Ceylon was only defeated by 30 votes. The Irish had retired in a body at the commencement of the debate. 16 Irish votes for the motion would have defeated the Government. Mr. Redmond knew our case and sympathized, but the political exigencies of the time made him decide not to embarrass the Government, a policy which ultimately wrecked his party. The months soon after my arrival were days of great anxiety and stress. I was engaged in my Chambers in the Temple, cold and dismal with difficulty of obtaining coal, from morning till some days, about 11 o'clock at night, drafting letters, drawing up papers, and the intervals of time being spent in interviewing people, lobbying in the House of Commons &c. Then light began to pierce the thick gloom when I least expected it. I received intimation that the Temperance leaders were released. Sir Robert Chalmers was recalled by cable (loud cheers) and Brigadier-General Malcolm recalled and retired. (Cheers). I recently read a letter by him to the London "Daily News" inveighing against the rigours of martial law in Ireland, dated from Brighton!

Mr. A. B. Cooray arrived in Sept. 1915 on behalf of the Dias brothers and did useful work returning shortly after. The Hon. Mr. Ramanathan, who at a critical time had

**Kept the Flag Flying in Ceylon.**

arrived in England about the end of 1915, among other things, to secure the withdrawal of the iniquitous Riots Damage Ordinance which he had strenuously opposed in Council but in spite of all his efforts that measure received the royal assent. Meantime the Public Meeting of September, 1915, presided over by Mr. James Peiris, was held. I was informed by its Committee of the action being taken to memorialise the Secretary of State and instructed by cable to continue to take action. Mr. D. B. Jayatilaka arrived in London in the beginning of 1916. He gave me the fullest and amplest co-operation, bringing in fresh accessions of strength to the cause, notably in Professor Gilbert Murray of Oxford, Lady Emily Lutyens and that Labour stalwart, Mr. George Lansbury. He prepared pamphlets and especially addressed Temperance Meetings in different parts of the country. Shortly afterwards Mr. James Peiris, whose sagacious head carefully guided the country at its most critical period, joined us in London. He furthered the cause of Ceylon in many ways but unfortunately left too soon.

It will be ungracious not to mention that several ladies felt keenly the humiliation that the action of the Ceylon authorities had entailed on the fair name of England, and did their best to have our great wrongs righted, so far as they could be righted—among them may be mentioned Mrs. Cobden Unwin, the high-souled daughter of Richard Cobden, Mrs. Saul Solomon, Lady Scott and Miss Isitt. Among other organizations the Irish Women's

League passed a resolution of sympathy expressing the view that an independent Commission was called for to investigate into the affairs of Ceylon. Soon after the publication of the Anderson Report I addressed by request the Political Committee of the National Liberal Club on martial law in Ceylon, and

#### A Resolution Demanding an Enquiry

was adopted by the Committee which was forwarded to the Colonial Secretary. Mr. Harold Spencer presided and the meeting was arranged by the kind offices of Mr. T. W. Mc Cormick the Hon. Secretary of the National Liberal Club who continues to take a keen interest in Ceylon affairs.

Precept upon precept, line upon line, here a little, there a little. Thus during the long and trying years of war the process of education of the people of England in the affairs of Ceylon went on. If aught has been achieved in bringing home to the British authorities the grievances under which we laboured it must be set down to the credit of generous friends in England, to the sense of justice of the British people. "The mills of God grind slow but they grind exceeding small." I have almost come to the end of my story. I am afraid I have taxed your good nature to its utmost limits by this sketchy recital. (No, no.)

A final word or two on the question of Reform. As I stated at the outset through the greatest tragedy of British Colonial Administration, the affairs of Ceylon, have roused deep interest in England and our friends who espoused our cause in Britain are still willing to help. The Labour party has appointed a select committee to consider the question of Ceylon Reform and will give all the help they possibly can. But

**Nobody can Help us if we do not Help  
Ourselves.**

(Cheers.) Talk alone will not do, although the age of talk precedes the age of action. I know that there is a strong and genuine desire for Reform among the people of Ceylon; even a certain degree of restive impatience at the long delay, and sooner our antiquated constitution with its hollow mockery of representation be thrown into the scrap heap the better. This alone will not help. Organized public opinion must have its voice heard in London. I heard from well-informed friends who have studied the problems of Ceylon and India that in reason we cannot get less than what is conceded to India provided our case is placed before the British authorities. Unless this is done promptly there is a danger of our case going by default. The Indian Reform Bill is before Parliament and there is a grave risk that the Colonial Office will foist on us a scheme hatched in secret by the local bureaucracy which we had no opportunity of examining and plead a 'settled fact' when the question is raised. To undo it will require a long and vexatious agitation if we let slip the present opportunity. "Power is poison" said Fénelon, and there appears to be an unconscionable amount of that commodity available locally where re-action has sat enthroned for several years past. It has been pressed upon me that in deference to the wishes of the people of India that the Secretary of State for India has spoken and acted, and that even the cast-iron Government of India, relentlessly opposed to popular control, had years ago published their scheme for criticism and improvement and that although our memorial for Reform was forwarded about 4 years ago the Government of Ceylon has preserved a

stony and ominous silence, that in spite of repeated questions in the House of Commons. Silence may be a sign of supreme wisdom or of supreme ignorance! I will not presume to decide. Truly these are disquieting factors but remember that we are British citizens, members of no mean Commonwealth, the foundations of whose Government are based on eternal principles of liberty, justice and the will of the governed. The

**Spirit of the Colonial Autocracy**

is contrary to the true spirit of British rule, if the bureaucracy will not bend nor adapt itself according to the needs of the changing times the British democracy will break it in pieces like a potter's vessel. (Cheers). Having spent her blood and treasure to wipe out militarism in other lands England will not tolerate anything savouring of autocracy in any corner of the British Dominions. The Colonial office is reactionary but fortunately for us it is presided over just now by a statesman, who will not be misled by his underlings, who has the strength and ability to form an independent judgment. The case for Ceylon Reform is unanswerable, and I feel confident that if our appeal is brought to the personal notice of Lord Milner that we shall receive justice. For that our deputation ought to make immediate arrangements to sail if it has not already done so. The Indian Government helped the Indian Delegates to secure passages to England and the Ceylon Government could not act otherwise if appealed to.

**Mr. A. St. V. Jayewardene speaks.**

Mr. A. St. V. Jayewardene said: Sir Ponnambalam Arunachalam, ladies and gentlemen, I have been asked to perform a very pleasant duty, that is, to propose a vote of thanks to Mr. Perera

for the very interesting lecture that he has given us to-day. I have known Mr. Perera from his boyhood, from when he always displayed symptoms of being a literary man. When he ought to have been at cricket or football, he was to be found in the library, and it was with the greatest difficulty that we used to drag him out and make him sweat. As a man, he has enriched the journals of the Royal Asiatic Society, and also enriched the literature of Ceylon, and at the time when he was called away to help the people of Ceylon he was having a most lucrative practice at the Bar. The way in which he

**Sacrificed His Own Personal Prospects**

for the sake of his countrymen is one of the greatest qualities that we admire in him. (Applause). He braved the dangers of the deep at a time when travelling across the seas was of a most dangerous character. He went there and got into touch with those who could help him, and I suppose his literary ability and the literary connections he had formed were of the greatest assistance to him. He formed new friendships and so was enabled to bring before the British public the cause of Ceylon. He has told you how he did this, and I am sure that when he has the time to go through his papers and to give you details of all his interviews, all the letters he had to write, and all the various measures he took with the Colonial Office and the other Institutions whose sympathies he enlisted. I think you will be surprised that he was able to command during war time the sympathy and attention of men who were all more or less busy in England.

**The Time of an Englishman**

a man of responsibility and a man of position, is most precious, so it not only speaks to the sympathy and large-heartedness of the Englishman but also.

of the dogged perseverance of our delegate. (Applause). Mr. Perera has told you that an Association has been formed in England for the purpose of interesting itself in Ceylon matters. Mr. Perera and his co-delegate Mr. Jayatilleke have prepared the soil and it is for us, gentlemen, now to take advantage of the situation and to utilise the friends whose interest they have aroused, and not allow the matter to grow stale but act at once and induce the English Committee to further interest itself in the cause of reform in Ceylon. Mr. Perera says that this is the time for us to go there and press our case before the English public; and knowing as we do that the Colonial Office is expecting a report from the Governor every moment, and that the local authorities have not favourably received the request of the Reform League that the suggested reforms should be published before they are sanctioned. I think Mr. Perera is very wise in

**The Advice He Has Given Us.**

and I think we shall be very foolish if we do not take steps to go to England and watch the course of the reforms and take steps when occasion arises, which is bound to be very soon. The claim for reform in Ceylon is, as Mr. Perera said, unanswerable, and I am not sorry after all that there has been some delay in formulating the scheme of reform for this Island because we have had the unexpected spectacle in Ceylon of seeing the "Times" practically suggesting that we are fit for everything we have asked for. The "Times" says we must have an unofficial majority in the Legislative Council. The "Times" has opened its eyes and seen that the people of the country have asked for nothing more than what they are entitled to. And further, the European Association in



Ceylon has done practically the same thing and has seen practically eye to eye with us, and it is only on very immaterial details that we differ from the suggested scheme of the European Association. We are therefore

**In a More Favourable Position**

than those who are supporting the cause of reform in India. There the European Association has attempted to thwart the claims of Indians, but in Ceylon this is not so; in fact, the people of the country and the Europeans are agreed that the reforms asked for by us are reasonable. It is therefore difficult to understand how the Colonial Office can resist the demand any longer. But its power is great, and no man wishes to give up his power unless compelled to do so. Mr. Perera has told us that the Colonial Office contains men who are conservative, and are not prepared to concede with one stroke of the pen the reforms that we are entitled to. It is therefore impossible for us to say in what way these reforms suggested almost unanimously by all the communities in the Island would be cut down. But if we have a Committee in England to watch our interests and to press the fact that the European population of this Island is standing shoulder to shoulder with us and demanding practically the same reforms as ourselves, not only will our claim be unanswerable, but it will be answered in the way we want it.

**We Want Men, We Want Money.**

We want men who are able to sacrifice time and leisure for advocating the cause of reform. It is said in India that they have a large number of men who are prepared to take up the burden of pressing reform claims irrespective of personal questions. But we are a small nation, and yet we compare favourably with India, and just as Mr.

spired by his old friendship, particularly towards my father, whom he knew so well. But I am going to call your attention in a few words to Sir Ponnambalam Arunachalam's public work. It is in the character of a public man that he is here tonight and we are all extremely proud that in a country so terribly official-ridden and where everybody more or less is stunted by the Upas tree of bureaucracy, that from the very arcana of executive authority one should come back to lead us to light and liberty. I say that if there is one single person, and I do not detract in any measure from the work and ability of others among us, Sir Ponnambalam Arunachalam ought to lead the way and go to England. I shall not be publishing any secret when I say that his name, his personality, his official connection with the cause of reform have considerably helped us to secure recruits and further the cause in England. I propose a hearty vote of thanks to Sir Ponnambalam Arunachalam.

The vote was carried with acclamation

Sir Ponnambalam Arunachalam bowed his thanks.

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THE CEYLON  
DAILY NEWS.

*Saturday, August 30, 1919.*

**MR. E. W. PERERA'S  
LECTURE.**

Thanks to the dissolution of the Censor, our readers to-day are able to see in print an account of the indefatigable labours of Mr. E. W. PERERA in England on behalf of the honour, fair name and loyalty of Ceylon. It is a modest account of work of a most tactful and exacting nature, done at great personal risk and self-sacrifice, but the very modesty of the narrative is instinct with the indomitable courage of a virile personality. Though Mr. PERERA has refrained from enlarging on his own valuable contribution to the success attained, we have good reason for saying that the Singhalese people will never forget the debt of gratitude they owe to him for the faithful discharge and undoubted success of his mission. The success of the enterprise was due to two factors—the courage, ability, perseverance and enthusiasm of the two Ceylon delegates and of those of the people of this country who were resident in England; and secondly to the open mind, high sense of duty and the unique ideals of justice of the English people. To the reader of Mr. PERERA'S absorbing lecture there is one thing that leaps instantly to view.

## FOREWORD.

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In introducing this collection of the speeches for and against Non-Co-operation which were made by Indian leaders during Congress week, I refer back to my own impressions of the speeches which I heard at Nagpur and I quote the following words from an article which appeared in "The Chronicle" of January 8th:—

'I may be laying undue stress on the desire of words for words' sake, which is not unknown in European countries; but it seems to me the bane of India. That it is useless here as elsewhere I deduce from the fact that every Congress till the last but one has been an empty feast of words from which the delegates went home contented to do nothing. In the three months which elapsed between the Special Congress at Calcutta and the Congress at Nagpur more work has been done than in the whole previous history of the Congress, but that work has not been done by orators; nor were the talkers at the Nagpur Congress the people who contributed to its decisions. Mr. Gandhi is no rhetorician. He does not use a word more than is necessary; and men like Mr. Umar Sobani and Mr. Shaukerlal Banker who have done most work for Non-Co-operation never made their voices heard at all; so that I have really good excuse for thinking that in India, as elsewhere, he who says least does most. But if I take exception to the love of making speeches I have nothing but praise for the tone of the speeches themselves. The moral level of discussion both in the Subjects Committee and in open Congress—that is to say, in private and in public—was infinitely higher than is known to members of any European National Assembly; so high indeed that it may be fitly called religious. That is a matter of which India may be justly

proud. That it was which made me proud to stand with Indian Muslims when a mighty shout acclaimed the fact that the Non-Co-operation resolution had been passed unanimously".

Readers of this book will find it difficult to reconcile some sentences in the above with Colonel Wedgwood's expressed horror of the treatment accorded to certain gentlemen in the Subjects Committee. I also was a witness of that treatment, and I can only say that either the honourable and gallant Colonel momentarily forgot the practice known as heckling at all English public meetings, and the scenes of uproar which occasionally grace the House of Commons, or he was setting for Indian politicians a standard infinitely higher than that which he himself, with every English public man, accepts. There was nothing at Nagpur to compare even remotely with the treatment which Mr. Devlin received lately in the English House of Commons; nothing that would be thought extraordinary at any English political meeting in which there happen to be two opinions. To continue my impressions: "The Non-Co-operation movement does not seem to me to be at all what its opponents love to represent it a herd of sheep pursuing an unworldly shepherd. It would surprise me much to learn of any other movement or party in India which is so well and practically organised. Enthusiasm does not preclude practical work; it only makes practical work seem light and pleasant to the worker. Immense enthusiasm was the keynote of the Congress at Nagpur. Enthusiasm for what? somebody may well ask. Edthusiasn for righteousness, will be my answer; let anybody find a better if he can; that, and veritable passion for self-sacrifice in a cause which every man considered right. That was the spirit which I found among my Muslim brothers, and I am sure that it was no less evident among Hindoos. Few of those with whom I conversed seem to attach much importance to Mahatmaji's

repeated statement that by means of strictly non-violent Non-Co-operation Swāraj is to be attained *within one year*—a statement to which I myself attach immense importance, for, if those words come true, the connection between England and India will not only be preserved, but strengthened—but every one anticipated harsh repressive measures by the Government of India, and was prepared to suffer and to die, within the coming year..... To all who thus foreboded evil from my countrymen, I answered .....“God forbid!” and got the answer in return: “You do not know your countrymen in India”.....I can see that my countrymen in India are now presented with a golden opportunity, and cannot think them quite so blind as not to see it for themselves. At Nagpur it was perfectly clear to an observer with his wits about him that there was not the least objection in the Congress to the presence of the British in India, save only in so far as they are anti-Indian; and that, however anti-Indian he or she may be, no British man or woman in India has anything to fear from the Non-Co-operation movement. The last and permanent impression of the Congress on my mind is one of goodness. From the first day to the last there has been nothing mean or vulgar—much less evil or dishonest—in its counsels. I wish that the British rulers of India could have been in my place that they might know the truth for once without the comments of some interested intermediary, might know the actual character of men who have been much maligned. I hope the truth will somehow filter through to their intelligence and if that happens soon I feel quite sure that Mr. Gandhi's prophecy will be fulfilled and all the points of Non-Co-operation will be gained within one year in the most satisfactory and simple manner; that is, by the British joining with the rest of India. ”

From the above it will be seen that I believe in Non-Co-operation thoroughly. I do not view it, as do some of its

opponents, in the light of hari-kari—the Japanese practice of committing suicide as a political protest; nor do I view it, as do some of its supporters, as a desperate and tragical renunciation of all that makes life worth living. To my mind, there is nothing tragical or sad about it. It is the healthiest and happiest impulse that has moved the Indian people for long centuries. It is liberty. It is national resurrection, postulating only the destruction of such things and influences as are positively noxious to the growth of healthy Asiatic life. It began as an indignant protest against certain wrongs committed by the British Government; but already it is far more than a protest, a negative thing; it is an assertion, a positive thing—an assertion of the existence of an Indian nation independent of British education and patronage. India has been promised the status of a Dominion in the British Commonwealth. What is the difference between the status of a Dominion and that which India occupies at present? The government of a Dominion stands for the people of the Dominion, even against the Government of England whereas the Government of India stands for the Government of England even against the people of India. We have had two glaring instances in the Khilafat and the Punjab wrongs; which show how far India is at present from Dominion status, and how improbable it is that she could ever obtain such status by cooperating with her present rulers. If those rulers had but stood for India firmly on the question of the Turkish peace terms, threatening non-co-operation with the Government of England in case the wishes of so many million British subjects were disregarded for the sake of foreigners, the position would have been quite different. If even now they would but stand for India firmly to obtain redress, the Non-Co-operation movement in its aspect of a national protest would at once collapse. But not in its aspect of a national revival, part of the great Asiatic revival which is the most hopeful symptom in the world to-day.

Too long have educated Asiatics looked to Europe as the fount of wisdom. There is evil as well as good in European education and ideas of life. Asiatics have become inferior to Europeans. Why? Because they abjectly imitated them, renouncing criticism, because they had no proper pride as Asiatics. On their own ground of Asia they are not inferior; but they are different; and the difference is not to their dishonour. Every thing that is best in the world—religion, romance, chivalry—comes from Asia. Indians, be proud that you are Asiatics; cease to worship blindly every thing good or bad that comes from Europe; accept from Europe only what is good; take up your burden of responsibility as full-grown men forming a full-grown nation; do for yourselves what the British in 150 years have failed to do for you; educate every Indian man and woman in things of use to Indian men and women; raise the poor; organise the resources of the country for the public good; help the nation to develop upon natural lines, not upon lines imposed by foreign doctrinaires. Cease to depend on foreigners, and you have got your Swaraj.

*Bombay, 31st }  
January 1921. }*

MARMADUKE PICKTHALL.

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## PUBLISHERS' NOTE.

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*In presenting to the general public this booklet, our first enterprise, we hope, it will be received and encouraged warmly by the people. The book is expected to serve the purpose of placing before the public a complete view of the whole situation in India, at the present juncture of her political life and also of the measure used by Mahatma Gandhi to alleviate the situation.*

*The booklet contains extracts from the Presidential Address of Mr. C. Vijairaghavachariar, full text of the speeches on the New Creed of the Congress and Non-Co-operation resolution and the closing speech of the President. The change in creed, as Lala Lajpa'rai has remarked in his speech, is the natural development of the policy adopted at Calcutta Congress in passing the Non-Co-operation resolution; and it is therefore, that the debate on the creed has been included in this book. Extracts from the speech of Mr. C. Y. Chintamani and a fairly good summary of the speeches of Mrs. Besant and Mr. B. S. Kamat on the resolution passed against Non-Co-operation at the All-India National Liberal Federation will also be found in this publication. In this way we have endeavoured to make this our first publication complete in itself.*

*We sincerely thank Mr. Marmaduke Pickthall, Editor of the "Bombay Chronicle," for acceding to our request to write a Foreword to this booklet and obliging us.*

*We leave this book in the hands of the public with a word that the success of our enterprise depends upon the good will of the general reading public.*

VANDE MATARAM.

Opp. Portuguese Church,

Girgaum, 1st February 1921.

## NON-CO-OPERATION IN CONGRESS WEEK.

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### Mr. Achariar on Non-Co-operation.

*The following are the extracts from the presidential address delivered by Mr. C. Vijnayaghavachariar at the 35th Session of the Indian National Congress held at Nagpur.*

The question for us to consider is whether in our own interests, the principle and programme of non-co-operation actually adopted is justifiable and adequate for the purpose we have in view. The exact nature and scope of the principle has not been defined and it is difficult to define it. It is to be hoped that the principle is elastic enough to include passive resistance on concrete occasions and to specific measures whether legislative or administrative, and also to include strikes, sectional, vocational and otherwise. You will remember that His Excellency the Viceroy in Council has pronounced the principle of non-co-operation as unconstitutional, because it is intended to paralyse the existing administration. It is a most astounding pronouncement. His Excellency in Council, who is in the main, responsible for the darkest page in the British history of India, would have done us a great service if, in the same remarkable communique, he had vouchsafed for our benefit what exactly our constitution is and where it is to be found. If, for a moment, it is pretended that the constitution of England is applicable to India, would he be pleased

to tell us what part of it, what principle in it, the principle and plan of non-co-operation offends? On the other hand, the whole British system of administration rests on the basis of non-co-operation, of conqueror against conquered, of Europe against Asia, of white people against coloured people. And several discriminatory laws in India and administrative measures bristle with sinister principles of this kind of non-co-operation and are wholly unconstitutional from the standpoint of the British Constitution. The new diarchial system of provincial autonomy is one entire homage to the chronic doctrine of non-co-operation of the British bureaucracy in India with the children of the soil. It is a mockery therefore on the part of the Government to characterise Mahatma Gandhi's principle of non-co-operation as unconstitutional. On the other hand, the essential principle of this movement being renunciation and self-sacrifice and non-violence, whereas the other doctrine of non-co-operation is aggressive, selfish and sordid, we are entitled justly to claim that this principle of non-co-operation is sacred and directed to secure and preserve our legitimate rights and our honest enjoyment thereof. It is not in support of might *versus* right.

We are entitled and bound to adopt such a principle without favour and without fear of consequences and guided solely by a consideration of it as a means to the end of our self-preservation as a people. To that subject we shall now turn.

With that single aim, namely, national self-preservation and national liberty and attainment of immediate responsible Government as the only means to achieve that end, we shall proceed to examine how

far the programme of non-co-operation adopted by the Special Congress at Calcutta is suitable. As we all know, it consists of several items and a few more items are also intended to be added to them. The item relating to the abandonment of titles may be left alone, response or no response to this demand meaning very little in promoting or affecting the cause we all have at heart. It strikes me that, to the demand that the honorary offices should be abandoned, an exception might be made in favour of judicial offices as, on the whole, greater independence and justice is and can be had from non-official Magistrates and Judges than from official stipendiary ones and that too in a system where there is no separation of the Judicial from the Executive. We may also dispose in a few words of the item relating to the Reformed Councils. The issue as to this is no longer a live issue and may be treated as tried and disposed of. And it is of very little interest for the next few years. If it must be admitted that considerable success has attended this part of the programme of non-co-operation, even those who are altogether against the movement of non-co-operation can well afford not to regret this success. If several nationalists once thought it best to seek election into Reformed Councils, it was for the double reason that the Amritsar Congress and our friends in the Parliament, the Labour Members, recommended that we should enter it if only to constitute a well-organized opposition and to expose its infirmities from within rather than from without. But, on the whole, the country has come to the conclusion that the whole system is bound to be an utter failure both financially and as a temporary platform, by getting on which we are to reach responsible Government by no means

clearly looming in the horizon. On the whole, the nationalists were well advised, therefore, in finally declining to seek and occupy a position where it might be said at the end that we were responsible for the failure, and not the fatal inherent infirmities of the novel system.

The most important item in the programme relates to the withdrawal of students from Government and Aided schools. You have had the experience of the movement in this particular for the past few months. It is for you now to determine and to declare whether this part of the programme should be affirmed and carried out. Let us not, for a moment, forget the one object of the whole movement with which it has been initiated. It is to force the hands of Government to grant our very legitimate request, namely, to establish responsible Government and to redress our Khilafat grievance. Is it possible that emptying Government and aided institutions would anyway paralyze the Government here and in England in its administration and compel it to grant our object? If Government are relieved from maintaining schools and colleges, would not the money be available for other purposes—over eight crores of rupees annually? And is this a national advantage? In order to replace them by our own national institutions should we not have funds which will give us a similar annual income for which a capital of about 200 crores would be necessary? And there is the very large amount needed for buying lands, constructing buildings, and laboratories and educational museums and furnishing them. Is it possible for the country to supply that money in the near future? All this is needed to reach the superior

benefit expected from purely national institutions—Equipment and teaching staff being equal in extent and quality, there can be no doubt that purely national institutions without any control from the bureaucratic Government would be a distinct advantage both individually and nationally. It is for you to say whether this object, to be reached by an amount of money which we cannot dream of realising in the near future, is anywise related to the initial and only immediate object of the movement, namely, redress of our grievances in less than a year. Lot of collateral and consequential matters have also to be considered by us in the working of the programme. It has hitherto been an accepted maxim of our political life that the students should be left in calm atmosphere to pursue their career and that it is injurious to them and to the rising generation to draw them into the highly excitable vortex of practical politics which is fast changing in our country as well, into party politics. Can the propaganda be carried on without violating this cardinal and very healthy maxim? We seek Swaraj. The bedrock of a healthy nation is the sound family. Will not this propaganda separate students from parents and grand-parents and from elder brothers and sisters oftener than not? How long is this process to continue if England persists, however perversely, in declining to allow us to erect our own responsible Government at once? Will not, at the end of this period—none of us can say how long it will be—the country be so much the poorer and sufferer in every way for our student population being suddenly lebarred from pursuing their further career? It would be a totally different thing if students are asked to give up Government and Aided institutions whenever

and wherever national educational institutions have been fully established and are ready to receive them and educate them.

But there is another and a most serious aspect of the problem of national reconstruction, awaiting your consideration. Is it or is it not necessary as the very first step in the process that free and universal primary education for the masses should be at once provided for and started by the people of this country? Of course we are all agreed that the country stands in need of every kind and degree of education—elementary, secondary and collegiate and professional, scientific and technical, all simultaneously. But having regard to the resources of poverty stricken Indians, is it prudent and just to the masses of the people that we should, at this grave crisis, think of replacing University, Collegiate and Secondary Institutions merely because they are in the hands of Government and more or less controlled by Government, by independent national institutions and continue to starve the masses? We must not forget that in our country about 94 per cent. of the population are absolutely illiterate while only less than 4 per cent. receive any kind of instruction in schools and colleges. We have to provide at least primary instruction for this large percentage of from 94 to 96 per cent. of the entire nation. The education of our masses is behind most civilised countries. Taking the test of the percentage of the pupils receiving primary education to the whole population, the proportion in our country is about one tenth of the same in the United States, one-eighth of it in England and Germany and one-seventh of it in France and Japan, while in secondary education

India ranks higher than France and Japan. And what would be the cost of providing for the education of our masses? The Government cost of primary education is about Rs. 11 annually for each pupil, but here, let us note, Government receives some school fees. Our institutions are to be entirely free. In addition we require hostels and scholarships if not provision for lodging and boarding in each institution for the instruction of the extremely poor. Besides, the teaching staff in the primary schools are now very ill-paid and the lower ones earn less than our unskilled labourers. In our national institutions this highly demoralising feature should be removed. We must take the cost to be much higher, therefore, than the present Government cost of Rs. 11, say Rs. 15 per pupil annually. Having regard to the short average life of Indians, let us take the approximate number of both boys and girls fit to receive primary instruction to be about 70 millions, less than a fourth of the whole population as the rule that people from 15 to 50 years of age constitute half the population of a country applies to India as well. The annual cost of providing free education for this population would be approximately 105 crores. Let us add to this the cost of providing school buildings, playgrounds, hostels, and equipping them all and the cost will be enormous. And we must take to finding all this money as rapidly as we can. But let us have some idea of our national resources. The mean annual income of the people of India is between Rs. 20 and Rs. 30, say, roughly Rs. 25 per head whereas the mean annual income of the inhabitants of England is at least twenty times that. The exact figure would depend upon the exchange of course. We must gather our money from our own



Then there is the item relating to the withdrawal of pleaders from the established courts of law. Here also to start with, we must put the test question to ourselves how such a withdrawal of our countrymen would in the least paralyse the Government and accelerate the attainment of our object. The legal profession has not been a great favourite with the bureaucracy. Now and then vague ideas were entertained by several of them of diminishing and regulating the numbers of the bar. Is it at all reasonable and practicable that thousands and thousands of young men, educated and equipped to become members of the bar at an enormous sacrifice in all poor and middle class families should be suddenly asked to cut short their career and only career for which they are fit? The sudden withdrawal of the pleaders wholesale, especially the younger ones, if practicable and actually effected would plunge their parents and families into immense misery. Are we satisfied that this course is necessary for securing freedom, our national freedom? Does history furnish us with any similar example? On the other hand does it not furnish lessons to the contrary? The great English Constitution owes its origin and development as well to the line of great English judges as to her statesmen and warriors. There is a close relation between the science and practice of politics and the science and practice of law. In fact, both may be described as one science, the science of distinguishing right from wrong. Says Burke:—"He was bred to the law, which is, in my opinion, one of the first and noblest of human sciences; a science which does more to quicken and invigorate the understanding than all the other kinds of learning put together." And therefore it is we find that

throughout the world the two classes, politicians and lawyers, are often identical. The great French Revolution, the dawn of modern political liberty, owed its success no less to the lawyers than to her statesmen and soldiers. The former two were mostly identical. The majority of the great Constitution Assembly of the glorious French Revolution were lawyers. Do you consider that this item in the programme is in grateful memory of the Constituent Assembly of immortal glory?

This demand for the withdrawal of lawyers is further based on the ground that the movement would thereby facilitate the establishment of Arbitration Courts. Here again it is for you to discuss and determine whether it is possible and desirable at the same time that the regular Courts established by law should be abolished and replaced entirely by arbitration Courts. Private arbitration is of immense value in a society. The more petty offences and plain cases of civil dispute between individuals and individuals are disposed of by private arbitration and reconciliation, the better it would be for the individuals concerned and for the society as well. But private citizens, however enlightened and experienced, would not be able to handle and investigate complex cases of law involving consideration of highly delicate questions of right and wrong, arising from contract, express and implied, and from injuries voluntary, accidental and rash. Often too grave questions both as to the interpretation and validity of law, domestic and foreign and international arise for decision. The handling of such questions requires skilled and technical experience arising from a special and painful study of

the law and jurisprudence and from experience at the bar presided over by skilled and learned judges. What is needed for obtaining true justice is a combination of both the sets of tribunals, that is Judge and Jury. If we abolish Courts and if we abolish the profession of law, and nothing less the item means to be effectual, there would be great a social want which there would be no means of supplying. The result will be immediate increase of offences and criminal cases and gradual decay of national instinct for freedom. Those who have experience of Courts and of the lower strata of society know that the masses are on the one hand unable to analyse their grievances into basis for civil actions and civil remedies and on the other, little accustomed to restrain their passions and feelings of revenge and are in consequence most apt to take the law into their own hands and commit offences, in supposed redress of their grievances but more really in revenge. Let us remember that, as civilization advances, injuries would be multiplied by design, accident, and oversight and great skill and ingenuity are needed to investigate their true nature and to find suitable remedies for the injured in respect of the novel injuries. Let us not forget that freedom means the rule of law. But it is inconcievable that the "reign" and "majesty" of law can be secured and, maintained without courts of law and without the profession of the law.

Taking these two items together I venture to think that I shall be justified in asking you to consider whether any appreciable success of the movement which I humbly deny can ever be reached does not mean an unintentional and even unconscious proposal

to rebarbarise the people of India, by no means a very auspicious preparation to establish and maintain the democratical form of responsible government which we all have so dear at heart.

You would all naturally ask me what then should be our programme if this programme is not adopted by us any longer. I will make an honest endeavour to give you an answer. In one word it is nation-building. We are bent and rightly so on having immediate responsible government for our state. But let us not forget that the state is not quite the nation and the nation is not quite the state. The state is an instrument for the purpose of the development and welfare of the nation. At the same time the healthy growth of both depends upon their interaction. If, therefore, we would have the best form of government and adopt it and develop it so as to suit the genius of the people of this country, we should renovate the people in as great a perfection as it is possible for us to do without the true state to begin with. Great progress has been made since the Congress was started in the way of the unification of the people and the mobilisation and augmentation of the national comradeship of spirit. Thank God, the cumulative effect of all the misfortunes that have recently overtaken the entire country has done more to unite us than centuries of universal national education and mission work for the purpose could have effected and this involuntary process of national unification is greatly expanded and intensified under the auspices of Mahatmaji Gandhi and the stalwart patriots who are co-operating with him; our everlasting gratitude and that of our children unborn is due to him and to them for this great and glorious

and those who have no belief. For instance, take the extreme case of Mr. Andrews. He says all hope for India is gone for keeping the British connection. He says there must be complete severance, complete independence. There is room enough in this creed for a man like Mr. Andrews also. Take another illustration,—a man like myself or Mr. Shaukat Ali. There is certainly no room for us if we have eternally to subscribe to the doctrine, whether these wrongs are redressed or not, we shall have to evolve ourselves within the British Empire; there is no room for me in this creed. Therefore, this creed is elastic enough to take in both shades of opinion, and the British people will have to beware that, if they do not want to do justice, it will be the bounden duty of every Indian to destroy that Empire.

Then we have some argument as to the means. I have the right of reply, so that I do not want to address myself on that question. I want just now to wind up my remarks with a personal appeal, drawing your attention to an object lesson that was presented in the Bengali camp yesterday. If you want Swaraj you have got a demonstration of how to get Swaraj. There was a little bit of a skirmish, a little bit of squabble, and a little bit of difference in the Bengali camp as there will always be differences so long as the world lasts. I have known differences between husband and wife, because I am still a husband; I have noticed differences between children and children because I am still a father of four boys, and they are all strong enough to destroy their father so far as a bodily struggle is concerned. I possess that varied experience of husband and parent; I know that we

shall always have squabbles, we shall always have differences; but the lesson that I want to draw your attention to is that I had the honour and the privilege of addressing both parties. They gave me their undivided attention, and what is more they showed their attachment, their affection and their fellowship for me by accepting the humble advice that I had the honour of tendering to them. If you are strong, if you are brave, if you are intent upon getting Swaraj, and if you really want to revise the creed then you will bottle up your rage, you will bottle up all the feelings of injustice that may rankle in your hearts and forget these things. I want my Bengali friends, and all the others who have come to this great assembly with a fixed determination to seek nothing but the settlement of their country, to seek nothing but the advance of their respective rights, to seek nothing but the conservation of the national honour. I appeal to every one of you to copy the example set by those who felt aggrieved and who felt that their heads were broken. I know before we are done with this great battle on which we have embarked at the special session of the Congress, we have to go probably—possibly—through a sea of blood, but let it not be said of us or any one of us that we are guilty of shedding blood; let it be said by generations yet to be born that we suffered, that we shed not somebody's blood but our own, and so I have no hesitation in saying that I do not want to show much sympathy for those who had their heads broken or who were said to be even in danger of losing their lives. What does it matter? It is much better to die at the hands at least of our own countrymen. What is there to revenge ourselves about or upon?

I ask everyone of you that, if at any time there is blood boiling within you against some fellow-countrymen of yours, even though he may be in the employ of government, even though he may be in the secret service, or he may belong to a detective department, you will take care not to be offended and not to return blow for blow. Understand that the very moment that you return the blow your cause is lost. That is your non-violent campaign. And so I ask everyone of you not to retaliate, but to bottle up all your rage, to dismiss your rage from you and you will rise braver men. I am here to congratulate those who have restrained themselves from going to the President and bringing the dispute before him. Therefore I appeal to those who feel aggrieved to feel that they have done the right thing in forgetting it, and if they have not forgotten I ask them to try to forget. Do not carry this resolution only by acclamation, though I shall want your acclamation for this resolution. I want you to accompany the carrying out of this resolution with a faith and resolution which nothing on earth can move. I know that you are intent upon getting Swaraj at the earliest possible moment and that you are intent upon getting Swaraj by means that are legitimate, that are honourable and by means that are non-violent, that are peaceful. We cannot give battle to this Government by means of steel, but we can give battle by exercising what I have so often called soul force, and soul force is not the prerogative of one man, of a *Sanyasi* or even of a so-called saint. Soul force is the prerogative of every human being, female or male, and therefore I ask my countrymen, if they want to accept this resolution, to accept it with that fixed determination and to understand that it is

inaugurated under such good and favourable auspices as I have described to you. May God grant that you will pass this resolution unanimously; may God grant that you will also have the courage and the ability to carry out the resolution, and that within one year. ( Cheers. )

**Lala Lajpat Rai.**

Lala Lajpat Rai in seconding the resolution said: Many events have happened which practically make it compulsory, almost obligatory, upon us to change the creed, and I am here to say that it could not be changed in a better way than has been done. I say it is a natural development of the policy which you adopted at the last special Congress in passing the resolution of non-co-operation. Even at the present moment I am not prepared to say that the majority of this assembly and the country are prepared to say that we will at once go in for complete independence, or that we are going to fight for it at once, or that we shall not remain within the British Commonwealth if that was possible for us to do. We shall be lacking in frankness, in patriotism, in honesty and truth if we were not to announce in the clearest possible terms the change of mentality that has come over the country. Now what this change of the creed aims at is a notice to the British public and the British Government that although we do not at the present moment directly aim to go out of the British Empire or the British Commonwealth, but if we remain in the British Commonwealth or in the British Empire we shall not remain at the dictation of anybody or by fear. There are friends here from the British Isles for whom I have the greatest respect and I ask them to convey this message



pledges whereas the whole world knows that he has broken them. Coming down from the Prime Minister, we shall examine the frame of mind of His Excellency the War Minister. Are we going to have faith in Mr. Winston Churchill, in the word of Lord Curzon, in Mr. Balfour (cries of 'certainly not.') May I ask some body of you to point out to me who among the British Cabinet is entitled to our confidence (a voice "No one.") My friend suggests here (on the platform) Lord Milner (ironical Cheers). Another friend suggests Mr. Montagu (cries of "No.") (a voice General Dyer.- Laughter). It is absolutely futile for any British statesman to expect that India can any more place any faith or any confidence in the words and pledges of British statesmen. But by this change of creed we are not even now averse to remaining within the British Commonwealth if we are allowed to remain on our terms, by our free choice, and by our free will. We will decide that question when the time comes and on the merits of the question in the light of our own interests and not by coercion or pressure.

I want to say one word to you about the play on the words 'Empire and Commonwealth'. May I ask if there is any British Commonwealth (cries of no, no. Mr. Holford Knight, 'not yet') and not yet Mr. Holford Knight says. Very well then, where is that British Commonwealth in which we can remain? (A voice: nowhere, it is all Utopia.) As to the British Empire, I will rather be a slave than willingly consent to be a part of an Empire which enslaves so many millions of human beings.

My friends say that this phrase "Swaraj" is dubious. If they mean by this that the phrase has two

meanings—within or without the British Empire—without making it clear I will say they are right, because the word has been deliberately used for the purpose of enabling us to remain within the Commonwealth if we choose when that Commonwealth is established, or go out of it when we like. That is one part of the resolution, the attainment of "Swaraj" by the people of India. The other part of the resolution is concerned with the means. I am one of those who believe that every nation has when the occasion arises an inherent right of armed rebellion against an oppressive and autocratic Government but I do not believe that we have either the means or even the will for such a large rebellion at the present time. I will not discuss the future possibilities, but I want my countrymen to have no misconception or misgiving. The leaders of this national gathering do not want them to resort to violence for the attainment of any of the objects that has been laid before them. It is absolutely necessary in the present state of feeling in this country to lay emphasis on that point because passions have been roused, feelings have been excited, there is very bitter discontent in this country against the doings of the British Government, and therefore the more we emphasise this point the greater the need of it and the greater the use of it. It cannot be too frequently and too sufficiently emphasised that we entirely abhor any kind of violence exercised against stray individuals or used rather in a fit of passion, anger, or resentment. The feelings and excitement and the anger and the passion of the country have been so much roused of late that it would be very difficult to control them by any human being. I consider that the country has displayed on the whole a sobriety and

appreciation of the situation for which we may well congratulate ourselves. I want to give here an expression that at least in my province with the exception of a few of those untoward events we have for the past year in spite of the gravest possible provocation maintained peace, which does great credit to the Punjab. If ever therefore in the future there is any disturbance in the Punjab, any recrudescence of violence, it is not we but the British people who will be responsible for it. I want to tell the bureaucracy that if they continue in their policy of repression—a cruel and uncalled for repression, absolutely unjustified in the face of circumstances they shall be responsible for the consequence, and not any of us. I think that in the whole of British India there is no administration which is more unstatesmanlike than the present administration of the Punjab (a voice “and Delhi”). Yes, I know, but Delhi is unfortunately in the Punjab. They say they want repression in the province because it is full of gunpowder. Who has made it into gunpowder (a voice General Dyer). It is they who are responsible for it. We repudiate the charge unequivocally and unreservedly. I just want to point out to you that for these very reasons it is absolutely necessary that we should stick to the language of the resolution that has been proposed to you by Mahatma Gandhi “by peaceful and legitimate means,” (cheers).

**Mr. M. A. Jinnah.**

Mr. Jinnah, in the course of a speech opposing the motion of Mr. Gandhi said:—The first part of the resolution is the attainment of ‘Swaraj’. In my opinion that means a declaration for complete independence.

Does it mean that it retains the British connection? I venture to say it does not. Mahatma Gandhi and Lala Lajpat Rai explained that it is with or without the British connection. I entirely agree with Lala Lajpat Rai in most part of his indictment that he levelled against the Government. I do not think there is any difference of opinion between myself and him on the wrongs of an enormous character which have made our blood boil but that is not the question for the moment before us. Lala Lajpat Rai has told you that in 1907 those who adopted the present creed of the National Congress felt that there was neither the will nor the means of making the proposed declaration. To-day he said the majority have the will. I entirely agree that the majority have the will to make that declaration, but the second point is, have we got the means placed before you to-day by Mr. Gandhi (voices—"Say Mahatma")—Yes, Mahatma Gandhi (laughter)—are legitimate and peaceful. Therefore Mahatma Gandhi thinks that, having declared for complete independence for India, he will achieve it by peaceful means. But I make bold to say that you will never get your independence without bloodshed. If you think that you are going to get it without bloodshed, I say you are making the greatest blunder (cries of "No"). Therefore you are making a declaration which you have not the means to carry out. On the other hand you are exposing your hands to your enemies. I cannot really understand the argument of Lala Lajpat Rai that this resolution is intended to give notice to the British Government. No organisation, much less a national organisation, adopts for its object a creed which can be considered as a notice. If that is your intention and object you must pass a resolution and

not change the creed. By all means pass a resolution and say to the world and to the British Government that it is a "*Sine Qua Non*" that unless you redress our chief grievances we give you notice that we shall sever from you altogether. Now I ask what is the use of this camouflage. Is it possible for us after this creed is passed to stand on the same platform, one saying that he wants to keep the British connection and another that he does not want it. Do not, therefore, blind yourselves. Do not in your temper, in your desperation, take a step in haste which you may have to regret. Lala Lajpat Rai said there was not one British statesman whose word could be taken any better than that of a grocer. Then may I know why you still say you will keep connection with them. If you want to give notice to the British Government, I have no objection at all. The moment you pass this resolution you are going to tell the people that Congress has made a bid for complete independence or, as Mahatma Gandhi said, that you want to destroy the British Empire. But how are you going to destroy the British Empire. In my opinion to-day it is a mere dream. In spite of the fact that we have 30 crores and more the only reason I have been able to get for a change in creed beyond mere sentimental feelings and an expression of anger and desperation from the supporters of this creed was given to me in the Subjects Committee by Mr. Mahomed Ali (cries of—"Say Maulana.") No I will not be dictated to by you. Mr. Mahomed Ali (cries of Shame). If you will not allow me the liberty to speak of a man in the language in which I think it is right, I say you are denying me the liberty which you are asking, for I am entitled to say Mr. Mahomed Ali. I say the only reason that

Mr. Mahomed Ali gave me was that there are some people who find it impossible to sign the Congress Creed and therefore the Congress Creed must be changed. Do you think that is a sufficient reason? The creed you are going to insert is going to take a permanent place in your constitution. You cannot change it next year. The constitution must be sacred to us. The constitution, if it is changed, must be changed at least with this object in view—that you see at least a quarter of a century ahead of you. I am unable to agree that it is politically sound nor wise nor capable of being put into execution. Knowing as I do that Mahatma Gandhi has a vast influence over a majority of the audience, I make a personal appeal to him to cry "Halt".

**Mr. B. C. Pal.**

Mr. B. C. Pal, supporting Mr. Gandhi said:—If I had my way I would have very much liked to have the adjective "democratic" before the word "Swaraj". Because it is the distinct duty of this great assembly to give a lead not only to the present generation but to those who are coming after us in regard to the ideal form of Government that we must have in India in consonance with the spirit and traditions of our people. But I do not press that point here because we lost it in the Subject Committee. Considerable confusion has been sought to be created by clever people in regard to the meaning of the word "Swaraj" and its connection with the Empire. I know there is a small volume of sentiment in this country which wants to keep on to this which is called the Empire, but what is this Empire. The Empire is either an idea or a fact. As an idea this British Empire exists in the brains of British

Imperialists like the Round Table politicians and in the head of the members of the present Coalition Cabinet. Their idea of Empire is of a dual Empire—one the self-governing Empire consisting of the self-governing Colonies and the other the dependent Empire, consisting of the non-white races. The trend of the present day war-cry of British Imperialism is to consolidate the White Empire with a view to the political and economic exploitation of the non-white Empire. Are you for keeping yourself within the loving embrace of this Empire? (Cries of No, No) Let us therefore not waste our breath upon this question whether we want to be inside or outside the Empire. The question, has not been asked by anybody whether we will be within the Empire. When somebody asks that question, it will be time to make a stipulation but the time has come now when the world must be told once and for all that in time to come India declines to be inside an Empire to be treated as a serf by that Empire and this resolution makes that declaration. We do not say that we shall be inside or outside the Empire. We have left that open enough to suit every opinion, to suit every conscience. The old creed does not represent the public opinion of India at the present time and we assembled in this congress are bound to put on record the seal of our authority upon what is the deliberate conviction of the vast masses of our countrymen whom we represent in this hall that their conviction is that the time has come and now is when India must bid for her birthright of complete political freedom. Yes, I want independence. If it is a crime to say that I want independence I am prepared to pay the penalty of that crime.

**Col. Wedgwood.**

Colonel Wedgwood, who received an ovation, opposed Mr. Gandhi's resolution. He said:—In the House of Commons I often ask the other members of that House to try to put themselves in the position of Indians and to think what they would do if they were Indians and the Indians were Englishmen ruling them, and now I have to ask you what you would feel like if you were in my shoes addressing a subject race who have suffered injury at the hands of my countrymen. What, for instance, would Mr. Shaukat Ali feel if he was asked to face an audience of Armenians and Greeks? I think that he would feel very much as I feel, a sympathy and yet a feeling that he had got to stand up for the sake of his countrymen—(cries of "No! No!" and a voice "For truth")—and for truth at the same time. Now Lala Lajpat Rai, for instance, charged all British statesmen with being breakers of words and faithless individuals. Let me tell you that charge has been levelled and will be levelled and can be levelled against all statesmen of all times. (A voice: "Not against Mahatma Gandhi") Mr. Gandhi is not a statesman, but as you know, a saint on this earth. I remember at one meeting saying a word in defence of Mr. Montagu, and just because I want to test your self-control I am going to say a word to you about Mr. Montagu—one of those accursed and satanic Secretaries of State. The *Independent* of Allahabad accuses me of being an emissary of Mr. Montagu, but I want you to observe this about Mr. Montagu—that he has done more than any previous Secretary of State in history to earn his wages from the people who pay them. And I ask you to observe further that at a time



when he is being damned daily by the *Morning Post* in England and the Anglo-Indian press in Calcutta, at a time when he has lost the confidence of the Cabinet, when he is shouted down in the House of Commons as being a traitor to his country, at that particular moment Indians had better be quiet. (A voice "Non-co-operate:") Judge your men, from their friends and from their enemies, and then exercise a little charity.

I remember when I first met Lala Lajpat Rai, he spoke to me, as he has spoken to you and to me ever since, of the wrongs committed by my countrymen against India, and I need hardly say to you that I am going to spend the rest of my time fighting those wrongs and putting an end to them. But after he had retailed all their crimes he turned to me and said, "Ah! Commander Wedgwood! but England is nothing compared to America. Here there is no press and no public man who dares to stand up for an unpopular minority. Here there is no freedom because the popular will dominate and no man may speak against popular will." There is truth in that. That truth applies to India also. Be careful that in your Swaraj, your new creed, you have real Swaraj, based upon self-control, as well as upon self-government. The most hopeful, the most delightful thing that I have seen in India was the workshop in the Benares Hindu University. There they were making self-reliant, self-respecting Indians who would hold up their heads and do their work well, and the one thing that has created the worst impression upon me (I am only an outsider, I know, but it was a thing that created the worst impression) was the treatment meted out to Mr.

Jinnha, Mr. Malaviya and Sir Ashutosh Choudhari yesterday in the Subjects Committee.

Mr. Shamlal Nehru rose to a point of order.

The President:—No; other speakers referred to the Subjects Committee also.

Colonel Wedgwood continuing, said:—I want to tell you that you cannot expect to hear the truth from your leaders—you cannot expect your leaders to face what they have to face in this country unless you allow more fair play and more freedom of speech. It is a perfect scandal that an old lady of eighty years of age was shouted down at Bombay. (A voice: "She calls everybody a liar.") Call her back again, but allow freedom of speech, not in the interests of Mrs. Besant or in the interests of Mr. Jinnah, but in the interests of India. Free speech is the only basis upon which democracy can survive.

I have seen the Irish struggle for independence, and I have seen the Boer struggle for independence. Let me tell you that in Ireland the parties were divided far more bitterly than they are in this country. The feeling between the Parnellites and Anti-Parnellites and Mr. O' Brien and Mr. Dillon was far more bitter than between the politicians in this country. But they always behaved to each other like gentlemen and gave one another a patient hearing. Save India from this awful position that your public men become afraid of public life and retire into private life. I do not know enough about Mr. Jinnah's politics to say whether I agree with him or not, but I do know that a man who has the courage to come to this audience and tell you what he has told you is a man for my

money. The first thing is every political leader is not brains, but courage. If you are changing your creed I deplore that change of creed merely because it may make it more difficult for that union which your President rightly asked for between the Congress, the Nationalist Indians and the Labour Party at Home—not impossible but more difficult. I beg of you when you effect that change in the constitution, you will at the same time see that that Swaraj is a real Swaraj, democratic Swaraj and not a mobocracy, not the sort of rule that maintained itself in France a hundred and thirty years ago, but a real live passive movement such as your great leader desires and such as he has followed. Follow him not only in passive resistance but in allowing every minority, however small, to secure justice and fairplay in the India of the future. (Cheers.)

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### **Congress Resolution on Non-Co-operation.**

*The following is the text of the resolution on Non-Co-operation passed by the Indian National Congress.*

Whereas in the opinion of the Congress the existing Government of India has forfeited the confidence of the country and whereas the people of India are now determined to establish Swaraj, and whereas all methods adopted by the people of India prior to the last special sessions of the Indian National Congress have failed to secure due recognition of their rights and liberties and the redress of their many and grievous wrongs, more specially in reference to the Khilafat and the Punjab; now this Congress while reaffirming the resolution on non-violent non-co-operation passed at the special session of the Congress at Calcutta declares that the entire or any part or parts of the scheme of non-violent non-co-operation with the renunciation of voluntary association with the present Government at one end and the refusal to pay taxes at the other should be put in force at a time to be determined by either the Indian National Congress or the All-India Congress Committee and that in the meanwhile to prepare the country for it, effective steps should continue to be taken in that behalf.

(A) By calling upon the parents and guardians of school children (and not the children themselves) under the age of 16 years to make greater efforts for the purpose of withdrawing them from such schools as are owned, aided, or in any way controlled by Government and concurrently to provide for their training

in national Schools or by such other means as may be within their power in the absence of such schools,

(B) By calling upon students of the age of 16 and over to withdraw without delay irrespective of consequences from institutions owned, aided, or in any way controlled by Government if they feel that it is against their conscience to continue in institutions which are dominated by a system of Government which the nation has solemnly resolved to bring to an end, and advising such students either to devote themselves to some special service in connection with the non-co-operation movement or to continue their education in National institutions.

(C) By calling upon the Trustees, managers and teachers of Government affiliated or aided schools and municipalities and local boards to help to nationalise them.

(D) By calling upon lawyers to make greater effort to suspend their practice and to devote their attention to national service including boycott of law courts by litigants and fellow lawyers and the settlement of disputes by private arbitration.

(E) In order to make India economically independent and self-contained by calling upon merchants and traders to carry out a gradual boycott of foreign-trade relations; to encourage hand-spinning and hand-weaving and in that behalf by having a scheme of economic boycott planned and formulated by a committee of experts to be nominated by the All-India Congress Committee.

(F) And generally inasmuch as self-sacrifice is essential to the success of non-co-operation by calling

upon every section and every man and woman in the country to make the utmost possible contribution of self-sacrifice to the national movement.

(G) By organising committees in each village or group of villages with a provincial central organisation in the principal cities of each province for the purpose of accelerating the progress of non-co-operation.

(H) By organising a band of national workers for a service to be called the Indian National service by taking effective steps to raise a national fund to be called the All India Tilak Memorial *Swaraja* Fund for the purpose of financing the foregoing national service and the non-co-operation movement in general.

This Congress congratulates the nation upon the progress made so far in working the programme of non-co-operation specially with regard to the boycott of councils by the voters, and claims that, in the circumstances in which they have been brought into existence that the new councils do not represent the country and trusts that those who have allowed themselves to be elected in spite of the deliberate abstention from the polls of an overwhelming majority of their constituents will see their way to resign their seats in the councils, and that if they retain their seats in spite of the declared wish of their respective constituencies in direct negation of the principle of democracy the electors will studiously refrain from asking for any political service from such councillors.

This Congress recognises the growing friendliness between the police and the soldiery and the people and hopes that the former will refuse to subordinate their

creed and country to the fulfilment of orders of their officers and by courteous and considerate behaviour towards the people will remove the reproach hitherto levelled against them that they are devoid of any regard for the feelings and sentiments of their own people and this congress appeals to all people in the Government employment pending the call of the nation for resignation of their service to help the national cause by importing greater kindness and stricter honesty in their dealings with their people and fearlessly and openly to attend all popular gatherings whilst refraining from taking any active part therein, and more specially by openly rendering financial assistance to the national movements.

This Congress desires to lay special emphasis on non-violence being the integral part of the non-co-operation resolution and invites the attention of the people to the fact that non-violence in word and deed is as essential between people themselves as in respect of the Government and this Congress is of opinion that the spirit of violence is not only contrary to the growth of a true spirit of democracy but actually retards the enforcement (if necessary) of the other stages of non-co-operation. Finally in order that the Khilafat and the Punjab wrongs may be redressed and *Swaraja* established within one year this Congress urges upon all bodies whether affiliated to the Congress or otherwise to devote their exclusive attention to the promotion of non-violence and non-co-operation with the Government and inasmuch as the movement of non-co-operation can only succeed by a complete co-operation amongst the people themselves, this Congress calls upon the public associations to advance

Hindu-Muslim unity and the Hindu delegates of this Congress call upon the leading Hindus to settle all disputes between Brahmins and non-Brahmins wherever they may be existing and to make special efforts to rid Hinduism of the reproach of untouchability, and respectfully urges the religious heads to help the growing desire to reform Hinduism in the matter of its treatment of the suppressed classes.

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Mr. C. R. Das, in moving the above resolution said:—

I ask you to consider very carefully word by word, line by line, because I most emphatically deny the charge that the non-co-operation resolution, which was passed by the Subjects Committee is weaker and not stronger than the resolution which was passed at Calcutta. Let me put before you in a few words the scheme of it. We say our wrongs, including the Punjab and the Khilafat wrongs. I do not want to enumerate the wrongs, because there are so many of them, but each wrong so far as I am concerned, is the cause of the attitude that I have taken up. We declare that our wrongs can be righted by our attaining Swaraj. We declare that our wrongs are of such a nature that we must attain Swaraj immediately. Then we declare that all methods we have employed up to now have failed and that the only method which is left to us is the method of non-violent non-co-operation. We declare, so that there may not be any mistake about it, that this Congress has resolved distinctly and clearly without any ambiguity that the whole of that scheme of non-co-operation shall be put



into force to secure all our rights and Swaraj. We declare further that, in the meantime, those things which we resolved upon at Calcutta are to continue and we are to continue our activities in other directions as well. Here I pause for a moment to consider the question which I regret has been raised, *viz.*, that this resolution is weaker than the Calcutta one. May I ask you to consider in what respect it is weaker? I claim that it is stronger, fuller and more complete. In the Calcutta resolution there was no clear declaration that this nation has resolved to put in force the entire programme of non-co-operation down to the non-payment of taxes. Although I believe Mr. Gandhi thinks that it may not be necessary, still if it is necessary, I want it to be clearly stated that the people of India will not shrink from putting that into force. We say in the meantime till that call is sounded and you must remember that when that call is sounded, that call has to be abided by all lawyers, students, merchants, agriculturists, everybody in every section in the country and must be responded to by all. Do you understand what that means? It means that the tyrannical machinery of the Government, which is not regulated but is driven, not by the beauracracy but by Indians. It means that the moment that call is sounded every Indian has taken his hands off from that machinery and tells the Government "Do what you like but ours are not the hands which will move the machinery that is putting into force the scheme".

Let us consider what we have to do in the meantime. The Calcutta resolution was confined to student and lawyers and was a general resolution about the boycott of foreign goods. Here we say we keep the

same injunction about students, we are differentiating however between the students under 16 and over 16. With regard to the lawyers, we keep the same. Not only do we reaffirm the Calcutta resolution, but we say that we are not satisfied with the way in which that resolution has been responded to by lawyers and we say greater efforts must be made to secure that. We also refer to the settlement of disputes by private arbitration. With regard to the economic questions, we say that the economic wrong is one of the greatest wrongs from which we have suffered. We must say that a committee of experts should be appointed at once to form and organise a formal boycott of foreign goods. As regards the boycott of Councils, that has succeeded. We say further what naturally follows from that, namely, that the men at present occupying the seats are not the representatives of the people of India. Do we stop there? No. We go further and say that these people who pretend to represent do not represent us. Therefore, we call upon the voters not to take any political assistance from these people. We appeal generally for amity in favour of every suppressed class and in favour of every section of the community which requires the protection and development. This is the scheme of the resolution. Is it weaker in respect of lawyers? I say, no, because it reaffirms it, continues to call upon lawyers to act up to that resolution. Is it weaker from the point of view of students? I say no. We have guarded against students coming out of a false sentiment. I think it is only right that the greatest national assembly should declare that those students who feel the call of duty and conscience should immediately, regardless of all consequences, give up their schools. (Loud and continued applause).

**Mr. B. C. Pal.**

Mr. Pal, in supporting the resolution, said:—  
I desire to say a few words to clear my own position in justice to myself and to you all. Somehow or other I had fathered the amendment at the Special Congress. If I had felt that that amendment so far as it represented my personal view was in opposition to the present resolution, I could not have given my support. As I read this resolution, it contained the spirit and substance of the more important things that I pressed to the attention of the Special Congress. We all want Swaraj and the only way to attain it under existing conditions is by Non-Co-operation. I have never been against the principle and policy of Non-Co-operation. I have preached it times out of number in the columns of the "Independent" when I had the honour of being its editor. I had said that Non-Co-operation was our only and last chance. No doubt there were differences between Mr. Gandhi's original programme and my own programme, but now that that programme has been modified to contain the spirit and substance of my Calcutta amendment I have no hesitation in saying that I would wholeheartedly give my support to this resolution in the interest of unity, forgetting all minor differences. I will therefore call upon students to suspend their studies, the parent to withdraw their children from schools concurrently with the establishment of national schools, the lawyers to suspend their practice all with a view to attain Swaraj that is likely to be established, within one year and if I wholeheartedly worked for this movement then I would give up my studies and work for it. I would also call upon merchants and traders

to strike at the root of British Capitalism which was the soul of British Imperialism and world domination. The present resolution antagonises no single interest and it is essential that there should be no antagonism of interest in great national movement. If we could pull up strength together, I have no doubt that we would achieve what we have in view within one year.

#### **Lala Lajpat Rai.**

Lala Lajpat Rai in supporting the resolution said:— I congratulate the drafters of this resolution upon the form they have given it. In my judgment it is much more comprehensive, much more effective and much more practical than the language of the old resolution weakening it in its essentials. It is much more stronger and removes all objections that objectors had against the form of the old resolution and it gives a distinct lead to the country how to proceed with the business of Non-Co-operation. According to the previous resolution, the All-India Congress Committee had appointed a subcommittee to give detailed instructions and there was unfortunately a slight difference of opinion among the people who drafted that report. There are clear indications in the present resolution as to how the nation is to proceed with boycott of foreign goods and no one reading this resolution can bring any charge against that, although we passed this resolution, we are not carrying it out in practice. As regards boycott of Government schools and colleges, the wording had been so very well put that it leaves absolutely no doubt as to the essential parts of that resolution. Supporters' intentions and resolutions have been much more clear. The Mahatmaji has

explained that so far as school children under sixteen are concerned, he did not intend and never intended that they should go over the heads of parents. In order to remove all possible misapprehension I might have possibly preferred to leave school children from our consideration, but in the interpretation given to it and in light of the new wording I have given my consent and support to the present resolution in its new form. That removes all possible objection that I had against the old resolution.

After the Calcutta resolution was carried, I said in my concluding speech, that once it was passed, it becomes our bounden duty to obey it and carry it into practice so that no one shall say that we passed a resolution, but did not give effect to them. It is unfortunate that some people in the country, very few of them who really belonged to the Congress camp, have considered it advisable and were even bold enough to defy the mandate of the Congress with regard to Councils. I am really sorry for them. I do not question their motives, but still I am here to affirm that the success which Congress propaganda has achieved in the matter of Council elections must be eye-opener to the bureaucracy. No doubt there were great differences of opinion among a large body of Nationalist in Maharashtra, in Bengal, and in other provinces about the resolution on boycott of Councils; but as soon as the Indian National Congress passed the resolution, most manfully and patriotically they declined in a body to enter the Councils and abided by the resolution. No other country in the world can afford to show such an example of absolute obedience to National constituted authority as the Nationalists did in obedience to the

National Congress. Men high in National Councils, high in economic position were very keen on going to the Councils as they thought that was the best way of serving the nation, but within a week of passing the resolution at Calcutta, there was practically unanimity amongst all Nationalists ranks in every part of India to abide by that resolution. I congratulate the nation upon that action and this will point out to the bureaucracy the finger of God in that conduct and behaviour. Government has been making much of minor differences among us but when it comes to the point of conduct and action they must learn that we can show a united front.

I wish that the agitation with regard to Councils did not stop here, but should be carried to its logical conclusion which is embodied in the resolution. We must continue to work so as to show by persistent declarations that the men who have gone into the Councils do not represent us. By doing so, you will be registering more men and making your own electorate much stronger. I beg of you to put forth your greater effort in that part of the resolution and register all voters against the people who have gone to Councils. I now rejoice that the name of Tilak had been added in the resolution to give more effective support and Tilak will now rejoice that the country has taken the right step if he reads this resolution. The success not only depends upon our true, loyal and faithful obedience to this resolution. We shall stultify ourselves in the eyes of the world and we will be setting an example of extreme demoralisation if we fail to achieve success that we aim at. It may be our work is difficult as it is uphill work. We must be prepared to take serious

steps and to face every serious consequence. I also rejoice that in the preamble the first place has been given to Swaraj and I again rejoice at that change. In my view that is the point that should be constantly kept in mind, that Swaraj is our final goal.

As regards police and soldiery, in no way does the resolution mean that they should be untrue or false to obligations which they have undertaken, but if it involves violation of their duty to Dharma and their duty to their country, they should resign their post, and come over to the side of national service. This great assembly in no way calls upon them to come away from service, but they should not forget that they are members of this nation and owe a duty and obligation to their own people. I ask you to accept these resolutions without any amendment. (Loud cheers.)

**Mr. M. K. Gandhi.**

Mr. Gandhi, in supporting the Non-Co-operation resolution of Mr. C. R. Das, spoke in Hindi for a few minutes, afterwards in English, in the course of which he referred to Moulana Hasarat Mohani's amendment for the deletion of the Conscience Clause, and said there had been absolutely no violation of obligation. It is a misconception and misconstruction of the purport of the resolution. The Congress resolution does not bind a man's conscience, and is never intended to supersede a man's conscience. I have never made a fetish of the mandate of the Congress, and even now although I feel that the majority are of the opinion that I hold, I make bold to say that I shall never be a party to making the Congress itself a fetish or its mandate a fetish, I shall reserve the right of following

my conscience, whenever that conscience pricks me and tells me that it is against the mandate of the Congress. If a single Muhammadan feels that it cannot be a matter of conscience with a boy under sixteen that he has no right to think for himself, he has no right because these are the implications. If he feels he has no right to consult his parents, all is well for him. The Congress will not prevent him, but he will not say this in the name of the Congress. Similarly with reference to boys of twelve or under sixteen. You must leave alone boys under sixteen, because they are of a tender age. That is the practice hitherto adopted, and that must remain the practice if we want to stand justified before the bar of public conscience and before the bar of civilised opinion. If there is a boy of twelve years who finds that it is against his conscience to stay in these schools, there is no power on earth that can prevent him from doing according to his conscience. I am not a man to quicken his conscience. It is his father's special prerogative. Lala Lajpat Rai has told you about the service of the Police. I accept every word of what he has said. I think it is right we should know that we are not tampering with the obligations of the services imposed on employees of the Government, whether Civil, Military or Police. But we are asking them not to kill their conscience. I want to make the point clearer; I would have held it a sin if I had been one of those soldiers to receive the command of Gen. Dyer to shoot these innocent men in Jallianwala Bagh. I would have considered it a duty to disregard that command. I know the discipline of the soldiery, and I say if a soldier received the commands of his officer



which he considers to be in conflict with his religion, or his duty to his country, he may certainly disregard them at the peril of his life. Now I ask you to carry this resolution with acclamation from the deepest recesses of your heart that you are prepared to obtain Swaraj by means that have been declared by the Congress in this resolution. You will also forget all differences and acrimony that have grinded our public life during the last three months. You will eschew violence in thought, deed and word, whether in connection with the Government or with ourselves, and I would repeat the promise that I made. We do not require one year, we do not even require nine months to get Swarajya.

Messrs. Jitendralal Banerjee, Shyam Sunder Chukrabutty, Hakim Ajmalkhan of Delhi, Dr. Kitchlew, Mr. Kasturiranga Aiyanger and His Holiness the Shankaracharya of Sharada Peeth further supported the resolution.

#### **Pandit Malaviya's Message.**

Mr. Gandhi announced in the Congress to-day that he had received a message from Pandit Madan Mohan Malaviya that on account of his illness he could not attend the Congress. This morning the Pandit had seen a copy of the Non-Co-operation resolution, but he was not all in favour of it and that if he had been in the Congress he would have noted his respectful protest. He was not in sympathy with the Creed either, and thought it his duty to transmit his message to his countrymen and leave it to them to judge.

### President's Closing Address.

The President rose amid roaring cheers and, in concluding the proceedings, said:—

Ladies and Gentlemen,—My duty to-day is somewhat different from the duty with which you called upon me to open the proceedings. Then I was bound to lay before you the situation of our country and to lay also for acceptance wholly, or in parts for rejection, what I believe to be the views of the country arrived at by a careful survey and scrutiny of the whole situation and in consultation with friends, Hindu, Mussalmans and even some Europeans, who are not merely amidst us, but also of us, as of Rev. Mr. Andrews. My duties now are different. One is personal, the other to the country. My duty to the country is to interpret the resolutions arrived at, and what lies behind those resolutions to our rulers, to the 'non-official Europeans and to the world. It is not the list of resolutions that you have passed that will give them any idea of the National Soul that is being roused and that is making a rapid march towards the destiny which you are determined to elevate and under the law of God and processes untampered by anybody, moulded solely by ourselves. National passion of freedom is roused and and the Mahatmaji fired your enthusiasm for getting into that freedom from which you have been long kept for over one hundred and seventy years. Your enthusiasm has now reached a degree which, I am sorry to say, the bureaucrats have not been here to see. It is this enthusiasm which is behind all the resolutions which you have passed.

I am not ashamed to say that. That is the commencement of the true democracy. Democracy means universal education and universal suffrage. It is very necessary that thinkers are brought down very often from the heights of imagination and they think with the people and act with the people. In no democracy can a few people hope to be leaders of the whole country. It would then cease to be a democracy. I already alluded to the general fall of Athens from Pericles because they allowed Pericles to think for the whole country and they declined to think for themselves. On that day degeneracy began. But a contrary process has begun here and I am glad to see that it is exhibited here.

The bureaucracy would probably be reminded of the incident which in an English story is well described. There was a heavy storm, a sublime storm and the ocean began to put forth huge waves. People who were hitherto living in safety began to fly inward with all the things available. There was one old lady and she did not like to go inward and carry the things with her. She took her broom, went to beat back the waves with curses. This will be the act of our bureaucracy if they try by repression to put back your spirit. It is impossible for them to put back our spirit. They would be in the position of the old lady who not only was beaten by the waves, but in her attempt to beat the waves with the broomstick, she lost what she had in her cottage, did not know where the cottage was and she became a beggar. Very much like that would be the position of our bureaucracy. It is time that they revise their old ideas about us. It is time that they no longer confess our sins, but their own sins.

It is time that the bureaucracy and non-officials and the Anglo-Indian Press cease to confess our sins for us. Let them confess their own sins.

When the war began, President Wilson, M. Clemenceau and many others said that they would fight for the noble cause and that freedom is coming on the horizon. When the war is concluded, we find that so many statements which referred to sacrifice, men, money and material have all been re-edited. I do not know whether any very really grand words were substituted, for, the old term sovereignty of the people now reads as self-determination; the statement that each people is to solve its own problems has been set aside when they dealt with Turkey. This was applied to the European minorities. It was said that the League of Nations shall interfere with the Turkish administration in these territories on behalf of minorities. The word European minorities is not there, but it means European minorities. Wherever their minorities are Turks, no provision is made in the Treaty. Our duty now is to carry on the culture of the spirit to accelerate the revolution of the national ideal as you have been doing. Hitherto the mass soul as distinct from the individual soul has begun to move forward and never comes backward.

Whatever be the method which we adopt eventually for achieving our freedom and whatever be the exact form which may be reached by us, the culture of the national ideal, the grand movement of the mass soul, ought to be kept up. Unless it is kept up, if any re-action takes place, our doom is sealed. We must take to the education of the masses and see that the

mass soul receives more and more of fire and impetus and purges itself of impurities that may have lurked hitherto. Then, and not till then, you are likely to enter the dawn of freedom.

Nagpur, as I told you in my address, is the Thermopylae alike in the history of the Congress and of our country. Thermopylae is a figurative expression, although originally it was not. There people wanted to arrest the progress of Xerxes and were slaughtered almost to a man. The persons were there only for a short time, while the epitaphs written by a poet over the graves of those who died at Thermopylae is: "Here we died for our country's sake," All those who would be subject to repression, if you mean to adopt and carry out the principle of renunciation and sacrifice, you shall have to act whether you shall wish or not, brothers and children, mother and father. "Here we suffered and here we shall die for our country's sake". My interpretation of this Congress is that in whatever name the world may call it, whether Non-Co-operation or compromise or whatever it is, all that is behind is the people, ill-educated men, women and children who are up for freedom, a freedom lost to us for the last hundred and seventy years. The evils of the absence of that freedom have been accentuated in two or three years. Ever since the Punjab tragedy began our duty is independent of the particular methods that might be adopted and which may be revised from time to time. Our duty is to educate ourselves and march onwards and onwards.

The other aspect of this Congress is that we have received a message of fraternity, a greeting from the

English Labour party. While I ask you that we should depend upon ourselves for our salvation, it would be unfair, it would even be improper that so selfless an offer of friendship and alliance as by the Labour party should not be availed of by us and it is important that we should cultivate the camaraderie of spirit with the English Labour party. Do not forget the resolution to which my new friend, Mr. Spoor alluded to, for our freedom which was passed by the Labour party unanimously. That is a rare event and what is more, they sent through Mr. Spoor a message to give us their greetings in your name and by your implied authority, I would ask Mr. Spoor to convey our message to the Labour Party in England, our fraternal greetings to them. Let us hope that the friendship and alliance thus begun will admit of no obstacle and that everything will promote comraderic of spirit between the two peoples.

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### **Mr. Chintamani on Non-Co-operation.**

*Presiding over the third Session of the All-India National Liberal Federation held at Madras, the Hon. Mr. C. Y. Chintamani after referring to the events of the year said :—*

This summary of the principal political events of the year is illustrative and not exhaustive. There are other and similar acts and omissions which could be pointed to as evidence of a spirit in the Government which is far from being conducive to the creation of opinion in its favour, to the strengthening of the belief which all advocates of ordered progress and constitutional action are naturally desirous of fostering, that there is a genuine and earnest desire on the part of the Government to act in the spirit of the reforms and the Royal Proclamation that heralded them, to accelerate our political progress and economic development. Certainly I do not imply that nothing has been done by the Government worthy of our commendation. Even one such outstanding event as the appointment of Lord Sinha to the exalted office of Governor stands to the credit of British statesmanship and is calculated to keep bright our hope for the future of India as a free nation in the British Common-wealth. Yet it stands to reason that in the face of a succession of disappointments anger is apt to overcome reason in the not highly instructed popular mind, and any political method that looks heroic and promises quick results naturally finds ready acceptance, particularly when preached by a political Sanyasi widely revered for the rare moral grandeur of his character and among

a people to whom anything even seemingly spiritual makes an irresistible appeal.

In promulgating their resolution on non-co-operation the Government of India evidently looked at its cause and cure from a different view-point. There was no perception that their own mistakes and those of their masters chiefly accounted for the amount of public support that the movement had succeeded in obtaining, or that the remedy lay in their own hands. No exception can be taken to their appeal to the sober elements of society to make a bold stand against the disruptive propaganda, and I am grateful for the wisdom that resisted the temptation to embark on a fresh campaign of repression. Coercive action by the state would only have added to the number of heroes and martyrs and the movement stood to gain everything from an excess of zeal on the part of the guardians of law and order. If it has been a failure, as fortunately it has been, the result is due to its own inherent unsoundness and to the commonsense of the people of India. But the good sense of the Government has also contributed to the result and it is to be hoped that the lesson of the different policies of last year and this will not be lost upon Simla and Delhi. There are two points which should be emphasized in this connection. One is that the Government of India should not imagine that all trouble is over with the failure of the non-co-operation movement. They ought to realize that there is acute discontent in the land and that immediate remedial measures are imperatively needed. They owe it to themselves to regain the lost confidence of the people. Without the support of opinion their position will become increasingly un-



tenable, but they cannot hope to have it on their side notwithstanding the introduction of the reforms, until their acts speak for them and convince the people that though partly alien in personnel the interests and the honour of India are safe in the keeping of the Government of India as in that of a national government. The narrative of events that I have placed before you is proof positive that at present it is impossible for Indians to cherish such a feeling for the British Government. On behalf of the party whose watchword, in the language of Sir Pherozshah Mehta, is loyal patriotism, none of whom seeks a destiny for the Motherland outside the British Empire, I would send forth from this platform of the National Liberal Federation an earnest appeal to the Government of India to change their policy, not to do anything that may justify the suspicion that they are less regardful of Indian interests, Indian life and Indian honour than of British. to be vigilant in the removal of wrongs, to substitute Justice for Prestige as their rule of conduct, to initiate and carry forward measures to secure economic development, social efficiency and political equality. Without positive action along these lines, no appeals to the people and no costly publicity bureaus will avail them. Once they regain their credit, they can defy fomentors of trouble to do their worst.

Fellow-Liberals, the Government resolution on non-co-operation was, as you are aware, utilized in certain quarters to teach us our duty at this juncture. It was said that we were lethargic, it was assumed that it was in our power to stop the movement if we but exerted ourselves, we wanted courage to face

unpopularity, we timidly followed the extremists at a distance, our weakness would be responsible for repression by Government to end a pernicious campaign if it could be suppressed by no other means. I have pleaded 'not guilty' to these and other accusations as often as they were uttered, and I do so again in your name and on your behalf. Our critics forget that extremism is the direct product of the policy of the Government and our unpopularity is in reality the expression of the public distrust of its motives and measures. When English friends refer to our party's lack of influence I invariably tell them that it is a tribute to the character of their administration and the reputation they enjoy, rightly or wrongly, after a hundred and fifty years of rule. Is it not remarkable that every Indian who is suspected of a kindly feeling for Englishmen and their Government should lose caste with his own people? I would ask them to reflect upon the meaning of this phenomenon. We have a straight policy. We are neither apologists nor enemies of the British Government. Our supreme concern is the well-being and advancement of our Motherland and we approach every problem from this single point of view. And we speak our mind freely in disregard of consequences to ourselves—it is immaterial whether we offend extremists on the one side or the other—but with a deep solicitude for the public interests. And all who judge our acts and utterances by any other standard must necessarily be disappointed time and again.

I have stated that our opposition to non-co-operation springs from our conviction of its inutility, the harm it would do to our cause and our countrymen.

Your time need not be taken up by an attempt at a detailed consideration of the several items of the programme. So much has been said upon them that there is little need to adduce arguments again to demonstrate their unwisdom. At first it was put forward as a protest against the Punjab and Khilafat wrongs; it has since developed into a political method to obtain Swaraj in twelve months—nearly four of which have expired. If electors did not vote and politicians declined to go into the councils; if lawyers gave up the practice of their profession and students left colleges and schools, and if imported goods were boycotted, we should be within sight of "*nirvana*." Mr. Gandhi's explanations on the platform and in the press leave me for one in some doubt as to his idea of the Swaraj we are to enjoy: the government of the country or of our individual selves. Frantic efforts were made, at various places and in as many ways, although there was a family resemblance between the tactics employed at all places,—some of them not so 'non-violent' after all, and at some places, e. g., Agra and Cawnpore, positively disgraceful,—to restrain voters and defeat obnoxious candidates. But the electors recorded votes and the councils have been filled. No client is inconvenienced to-day by a dearth of practising lawyers. Nor has any school or college had to be closed for want of teachers or students, in spite of the reprehensible advice given to them to disregard parental authority and give up their studies, for sooth, because we are 'in a state of war.' I may be blamed for employing strong language, but I confess I cannot condemn too strongly this sinister ingredient in the non-co-operator's specific

for obtaining immediate Swaraj. I am not aware that an impression has been made upon Lancashire's business with India. Unfortunately, too, 'the race for honours, not honour' is in full swing as ever, while I verily believe that the number of candidates for honorary as well as stipendiary offices is still largely in excess of the numbers required. It has all along been my conviction that the negative creed of non-co-operation is opposed to the nature of things, and no raging, tearing propaganda, no whirl-wind campaign, no shock tactics, no, not even such social tyranny as was practised the other day in Delhi, can bring it success.

Neither can Swaraj, immediate or remote, within or outside the Empire, be attained by such means. We can and shall reach our political goal of complete self-government such as the dominions enjoy, by constitutional action inside the councils and outside, by demonstrating our fitness in office and in council, and by building up the strength of the nation. Unceasing work in the various spheres of national life so as to make of Indians a more efficient as well as a more united nation, and organized and sustained efforts in the political field to secure much needed reforms in administration, military not less than civil, are the only means by which we can hope to achieve success. They may be commonplace and unheroic, there may be nothing about them to catch the fancy, they are certainly old fashioned and not novel or sensational. But originality in politics is not always a merit and not everything that is new is good. To those, however, who are impatient for immediate Swaraj, I must frankly admit that our well-trying

method offers no hope. Let there be no make-believe or self-deception; let us call things by their proper names. Immediate Swaraj is an euphemism for revolution. And revolution cannot be accomplished by appeals to constituted authorities. But non-co-operation cannot achieve it either. To those into whose soul the iron has entered and who have worked themselves into the conviction that any state of existence would be better than life under this Government, the only path that is open is armed revolt. If they think they can, if they feel they must, let them go forward and risk it. I will deplore their folly but will respect their courage and straightforwardness. But to desist from such a course of action and at the same time to denounce constitutional agitation as another name for mendicancy, while you go on stirring up feeling and undermining respect for law and authority among the masses who have not developed an intelligent understanding, is, I confess, beyond my poor comprehension on any assumption that does not savour of uncharitableness. Whether such persons adopt Mr. Gandhi's programme or more modestly content themselves with the acceptance of the 'principle of non-co-operation,' then while releasing their surcharged feeling by the denunciation of us Liberals, so dear to the heart of a species of extremist publicists, they equally mislead themselves and their hearers and followers and only act as clogs in the wheel of progress. In this view of the matter, I deplore the attempt that is being made to alter the creed of the Congress. We shall lament the blunder if it should be perpetrated, and as an old, if humble Congressman I cannot but wish that in that event

they may also decide to call that institution the Swarajya Sabha or anything else—anything, in fact, but the Indian National Congress.

One word more on this subject. It is desirable that people should understand whither it is that Mr. Gandhi would lead them. For this purpose they cannot do better than to acquaint themselves with the contents of his book, "Indian Home Rule." It will be an eye-opener. In fact, fellow-Liberals, it strikes me that it will not be a bad investment for our Liberal leagues to arrange for the wide distribution of copies of that publication, in English and in the languages of the country. I rather think that the glimpse it will afford into Mr. Gandhi's Swarajya will disillusion the people and we shall have won back at least a respectable number of our temporarily misguided countrymen to the path of political sanity.

#### EDUCATION.

It may be temerity on my part to plead for extended facilities for the education of the people in days when adored popular leaders are enlarging upon the patriotic necessity of destroying schools and colleges. But fortunately the country has given an unmistakable reply to the unholy war upon educational institutions, while we of the Liberal party never have had and never can have a doubt about the paramount necessity of more and better education for the people if the country is to have a future. Establish by every means in your power as many institutions as you possibly can, independent of state aid or recognition, and impart the kind of education in which you

believe. Every sensible well-wisher of the country will pray for your success. But do not speak or act as if existing schools and colleges were a curse, as if the products of the present system were the worse for the education they have received. Mahadeo Govind Ranade and Guru Das Banerjee, Krishnaswami Iyer and Bishan Narayan Dhar, among those, alas! now no more; Sir Ramkrishna Bhandarkar and Sir Jagadish Bose, Sir Sivaswami Aiyer and Pandit Madan Mohan Malaviya among our living worthies, were and are the ornaments of their race and the pride of their country not in spite but on account of English education. Mr. Gandhi himself has borrowed his ideas of non-co-operation from western sources. We do want, gentlemen, and want before and more than anything else, 'education in widest 'commonalty spread.' And we trust that one of the certain fruits of the reformed governments constituted in provinces will be the expansion and reform of education, of all grades and in all its branches. They ought not to shrink even from the unpleasant necessity of new taxation if it be a *sine qua non* of progress in this direction. The education of women and of the backward classes, and agricultural and industrial education should receive special attention.

#### AN APPEAL TO GOVERNMENT.

I would make an appeal to the Government and put forward a few suggestions for your consideration regarding work in the immediate future.

To the Government I would say:—"Make an honest and earnest attempt, by the aid of sympathetic

imagination, to understand correctly the present temper of the country. Be candid to yourselves and own that yours is the responsibility for the political distemper of India. The authors of revolution in the ultimate resort are the reactionaries and obscurantists who oppose reasonable reform. The tragedy of Russia is certainly a warning to our extremists against 'catastrophic changes.' But still more is it a warning to the Government. For Bolshevism is the child of Tzarist Russia. It is not yet too late. Act on the principle that trust is wisdom, that generosity is wisdom. Lord Rosebery has defined statesmanship as the foresight of commonsense, and patriotism as the self-respect of a people. Let your statesmanship assert itself and prevent the latter from being irretrievably hurt. For then will be bad days both for you and us. A brilliant pro-consul, who however was a failure and went away discredited, boasted that there was no problem that could not be solved by statesmanship.

It was Lord Morley's view that British statesmanship had never broken down anywhere. But it has, in Ireland. Profit by the examples of Canada and South Africa, as well as by the warning of Ireland. Win the confidence of the people of India. Avail yourselves of the developments in Greece and revise the treaty with Turkey. Then will the Mussalmans of India be your friends again. Soothe the heart of the Punjab. Treat our countrymen in other parts of the Empire as human beings and British citizens. Do let the people derive the fullest advantage from the reforms; give no cause for suspicion that you are the unwilling instrument of a power you are compelled



to obey. Do justice to my countrymen in all the public services. Let me say again that your military policy will be the test of your sincerity. Repeal whatever laws act as a restraint on the freedom of expression, for parliamentary government, of which we are about to witness the first small beginnings, is government by discussion. In all financial transactions, never forget that your country is incomparably richer than ours, that you have laid upon you the honourable obligation of trustees until we shall have become masters in our own household, that you ought not to perpetrate what Fawcett would have stigmatized as acts of 'melancholy meanness.' Some one in your own land has summed up the English character in the phrase, 'always the purse, often the brain, seldom the heart.' As one who feels a genuine admiration for many qualities of your race and for much of your great work in and for my country, I beseech you for your sake as much as ours, so to act in the future as to enable us to forget whatever of the part and the present is not to your credit.

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### **Liberals on Non-Co-operation.**

"The Federation expresses its emphatic disapproval of the policy of Non-Co-operation as calculated to destroy individual liberty of speech and action, to incite social discord and retard the progress of the country towards Responsible Government, but the Federation feels that the best way of successfully combating the Non-Co-operation is for the Government to redress the wrongs that have led to its adoption."

#### **Mrs. Besant.**

In moving the above resolution Mrs. Besant said:- In placing this resolution before you, there are two points of view from which we are asking you to record it: the movement itself regarded in its effect upon the country and then the duty of the Government and the responsibility which lies on the Government for the present condition of the Government. We also feel that the whole of the blame for it, if you regard it as mischievous, should not be thrown on those who are taking part in it, but that the Government has a large share in the responsibility for the movement, that it has done nothing to help us who have been working against the movement and that the Government is in some ways playing into the hands of those who look upon Co-operation as useless. One very favourite way of treating the subject by a very considerable portion of politicians in the country has been to separate principle and practice and say that they approve of the principle of Non-Co-operation, but where practice comes in, then a very large difference arises. I submit that to begin with it is not desirable to formulate an opinion on a patriotic principle

without knowing how the people who are asserting it are going to carry that principle out. None of us, probably, who are well acquainted with modern history, none of us who have watched the struggles of western nations to reach freedom need say that, in principle removed from all circumstances of practice, we disapprove of revolution. I am using the word *revolution* deliberately in order that you may see why some of us decline to say that we approve of the principle of Non-Co-operation. Non-Co-operation, as it is now admitted by its advocates is a direct attack on the Government. But there must be in case of revolution the power to carry it out. Mr. Gandhi acknowledged that there was no power to carry out revolution. Non-Co-operation is, I think, another way of revolt, in principle the same as revolution, opposed to reform which is the gradual improvement of the condition of things, by catastrophe, an upset of the power and starting again on a new line. I cannot deny that inherent right of people. You cannot separate principle and practice when you are dealing with political affairs. Your principle is empty and in the air unless you suggest some practical means of carrying it out. We have taken up the line that we object to this practice and we will not empty say that we approve of or admit the principle. We come then to look at the practice. I will remind you of the remarkable changes through which this so-called programme has passed. When it began about last April in an indefinite form, Mr. Gandhi published his four steps of progressive Non-Co-operation. Those were put frankly, straightly and very precisely, so that every one could understand them. Non-Co-operation was only to remedy the Khilafat wrong as a protest against the breaking of the promise that

the Turkish Holy Lands would be left to Turkey. That was the special cause of complaint together with a general attack on the Turkish rule in Europe. Only the other day I was indignantly told by a Musalman that they never asked for restoration to Turkey of the *status quo ante bellum*. On that Mr. Gandhi spoke very very strongly. In the Conference held in Allahabad it was said that it would not be possible for the country as a whole to move merely on the Khilafat question, and it was suggested that the Punjab tragedy should be part of the cause for Non-Co-operation. Also at that meeting the Reform Act was discussed and the Hunter Report was also brought in, so that we went out then with three things against which Non-Co-operation was to be used, a weapon, *viz.*, the Khilafat, the Punjab tragedy and the Hunter Report. Those were intended to bring in all the Congress people who by themselves might not be sufficiently moved by the wrongs to the Musalmans.

A large number of things are placed and many of those people who said that the mandate of the Congress must be obeyed took the principle of picking and choosing as to which part of the mandate they would themselves obey. No one apparently was prepared to obey the whole of it. Unkind people outside said that every member wanted other people to sacrifice what they had and encouraged them to do it while he himself was not prepared to sacrifice any thing. No one should go into the Council; that was Mr. Gandhi's plan which was carried. Mr. Das's plan was that people should go into the Council and obstruct everything. On the whole Mr. Das's plan would have been more effective, but that is now out of court. The Councils are filled and members are getting ready for

them the more bitterly, because he felt that he could not redress it. The result was great anger against the Government, against the British Nation, and Mr. Gandhi has given a channel for that anger. That is why the movement is strong. The movement says to the Government, to the English: 'I am disgusted with you, I hate you, I do not want to have anything to do with you, get away from me.' It is the expression of unnatural anger and unnatural helplessness for a disarmed nation whose voice cannot make itself heard and whose right hand is empty of weapon. In that feeling of helplessness, with a sense of wrong which they could not redress, Non-Co-operation is before the people, and people are rushing through it because it is the expression of the anger that they feel and the desire to defend their Motherland against such wrong in the future; and so this resolution blames the Government as we have a right to blame it, and we have a right to ask it to do something in order to make our task more possible before the masses of the people and we say to the Government: 'Do your share, we are doing ours. We are doing it at the risk of obloquy of every kind. Will you help us and not hinder us by continuing the wrong?' (Cheers.)

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**Mr. B. S. Kamat.**

In seconding the resolution, Mr. B. S. Kamat said: I have been grappling with the Anti-Non-Co-operation movement, moving from village to village and explaining to the masses the evils of Mr. Gandhi's Non-Co-operation movement. It seems to me that the country at the present time is in the midst of two great evils and is suffering at the hands of two great

persons and the two figures are Mr. Gandhi and his Non-Co-operation movement and Lord Chelmsford. Our resolution, which consists of two parts, first speaks of the evils of the Non-Co-operation movement and then appeals to Lord Chelmsford's Government to redress his wrongs. In my campaign I have often spoken regarding the evils of Non-Co-operation movement and the fourfold programme of Mr. Gandhi. Mr. Gandhi's programme regarding the boycott of Councils has wrecked the reform scheme and has brought incalculable mischief upon political reform in India. So far as the boycott of Schools and Colleges is concerned, Mr. Gandhi has done there indescribable mischief. In fact he has shaken the very foundation of society, has divided family from family, father against son and brother against brother. He has tried to demolish old educational institutions without bringing into existence new ones. As regards lawyers and Law Courts, he is simply talking in a most romantic manner about Arbitration Courts in India. He throws the country a century or two behind the times as regards the tendency and procedure of the people. As regards boycott of foreign goods, he is treading upon the most chimerical and impracticable ground. Mr. Gandhi is running amock. If Mr. Gandhi is responsible for all this mischief to the country, we cannot absolve the Government of India with Lord Chelmsford at its head. Lord Chelmsford is responsible for the peace and good administration of this country, and we cannot absolve him from responsibility. He has been silently looking on this movement of Non-Co-operation without giving a moment's thought. As the representative in this country of the King is it his duty or not to interpose? Probably he believes that the Punjab atrocities and

the whole of that affair is a settled fact. Indians, whether Moderates or Extremists, do not believe that the last word has been said as regards the Punjab tragedy and if at all Lord Chelmsford has the welfare of this country at heart, I do think that it is still in his power to make amends. So far as we Moderates are concerned, he has given us adequate insult and added wrong to the Moderates in as much as he has shut out the motion which the Hon. Mr. Srinivasa Sastri, a sober, thinking and wise man among the Moderates, wanted to bring in the Council. Recently you had from the Government of India a communique in which a reference has been made to the sobering influence of the Moderates. Here an attempt was made by Mr. Sastri to intervene to the best of his lights and so well known a Moderate with all his good intentions was brushed aside by the Government of India under the name of prestige. I say that it is just conceivable that in the new regime, either in the Council of State or in the Imperial Assembly a fresh opportunity may possibly be given either to the Hon. Mr. Sastri or any of the Moderates if the Government of India care to have a fresh occasion to re-consider the position. Is Lord Chelmsford in the name of harmony and peace of this country, prepared to reconsider the position if a notice of a similar resolution is given by Mr. Sastri or any other member? If he is in a mood of repentance the whole question can be re-considered and an attempt made to make amends. It is still open to Lord Chelmsford, if he has the peace of this country at heart, to allow the question through the new channel and say that he is repentant for all that he has done.

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## INDIAN MILITARY EXPENDITURE

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### INTRODUCTION.

AT this juncture when, in response to enlightened Indian opinion, as voiced by the people's representatives in the Viceregal Legislative Council in March last, the Government of India, in the Finance Department, is busily engaged in the arduous task of investigating into the details of our overgrown public expenditure, with a view to economy and retrenchment, it would not be unuseful to rivet public attention on one important branch thereof which now absorbs almost the whole of the net land revenue of the Empire. That revenue, according to the latest parliamentary return, stood in 1909-10 at 20·55 million £ or 30·82 crore rupees exclusive of that derived from forests. On the other hand, the net expenditure on military services, namely, the army, marine,



military works and special defence works, stood at 19·11 million £ or 28·66 crore rupees. Ten years ago, the net land revenue stood at 16·73 million sterling, while the net army charges amounted to 15·47 million £. Accordingly, land revenue has increased during the interval to the extent of 22·8 per cent. against military expenditure which has increased 23·53 per cent. If, therefore, we say that military expenditure has mounted during the period at a faster speed than land revenue, we shall be strictly giving expression to what is the bare truth. Of course, we are perfectly aware of the reasons urged in justification of the increase as more specifically outlined in the annual Financial Statement. But their soundness or unsoundness could only be ascertained by impartial experts outside the pale and influence of our Indian Military bureaucracy. None, however, will have the temerity to deny that sufficient grounds exist for investigation into the details of the army charges with a view to finding out how far there is room for substantial retrenchment. After all, it should be remembered that an annual heavy expenditure on an army on a warfooting in times of peace is really an economic waste. A poor country like India can never afford the luxury of such wasteful expenditure which at the best is unproductive and a great bar to that healthy economic development which the Government and the people are most anxious of promoting. It is said that the cost annually incurred on an army on warfooting is a good

“premium of insurance.” But even such a premium, let it be borne in mind, has to be incurred in proportion to the ability of the country buying the security. There is such a thing as underwriting a remote risk at too exorbitant, if not “killing,” rate. In ordinary life, no individual could ~~afford to~~ insure his life or property at a premium which he cannot afford unless he wishes to incur a heavy debt or go into insolvency. There is a certain well-defined limit in this matter. To go beyond it is in reality to waste the assets of a people. Accordingly, to maintain a costly army, in times of piping peace, on a warfooting, is really a policy of waste, altogether inexcusable in a country like India, admittedly poor in comparison with the poorest countries of the West. The expenditure so incurred could be more wisely and profitably utilised instead for the greater moral and material progress of the people. Scores of objects of popular utility remain unaccomplished by reason of the necessary lack of funds. But while funds in ever-increasing amounts have been and are invariably found for army expenditure, this excuse about the want of eternal pence for useful public objects is pharisaically urged by the Government—say, for such objects as education and sanitation and for the fostering and development of industries and manufactures which create wealth. The history of Indian military finance from 1885 to date furnishes the amplest evidence of the fact just stated. Look at the sums in increasing amounts annually spent on that expenditure and contrast them with those spent on pressing objects of

the highest public utility. As the late Sir Auckland Colvin and Mr. (now Sir Courtenay) Ilbert observed in their joint minute of dissent of 14th August 1885, a minute to which I have made reference at length in the sequel, "a standing army which is larger than is necessary for home requirements will be a tempting and almost an irresistible weapon of offence beyond the border." The imperative necessity under the circumstances of curtailing army expenditure on a war footing in times of profound peace must be apparent to any person who cares to bestow some serious thought on the subject. While the luckless tillers of the soil, to be counted by 20 crores, work hard, year in and year out, midst abundance or scarcity which spells their prosperity or adversity, and pour into the State treasury fully 30 crore Rupees per annum, the product of their incessant toil, here is the Government lavishing on its pampered army of only 2½ lakhs, a thousandth part of the agricultural population, the same 30 crores! and yet that authority is never tired of proclaiming *urbi et orbi* that the land revenue is the backbone of the country's finances! If that be so, do not commonsense and prudence alike dictate that such a backbone should be conserved and made stronger instead of being weakened and wasted in the manner that it is being constantly done? It will, therefore, be readily admitted, that no branch of public expenditure at this juncture stands in greater need of a fair and reasonable retrenchment than the overgrown expenditure of our army.

## FULL INTENSITY OF GROWTH OF ARMY EXPENDITURE.

So far reference has been made to the fact of the growing army expenditure which eats away the substance provided for by the labour of the poorest masses, tillers of a soil far from rich. But this growth during the last ten years gives but an inadequate idea of the unproductive expenditure. If we are to emphasise the imminent expediency of retrenchment at this eventful crisis, when the Government finds itself at its wit's end to bring back an equilibrium between revenue and expenditure, we must travel back further afield and endeavour to apprehend the full intensity of the growth since 1885-86. That memorable year first saw the commencement of a new foreign policy, and, consequently, of that larger army expenditure which is now acknowledged in all disinterested quarters to be intolerable. During the preceding years, say, from 1861-62, the process of the consolidation of the Empire was going on. Retrenchment and economy of a severe type were strictly enforced, thanks to the economic conscience of such vigilant and argus-eyed watchdogs of finance as Sir John (afterwards Lord) Lawrence, Lord Mayo, Lord Northbrook and Lord Ripon. The work of consolidation was fully accomplished by the year 1871-72. Between that year and 1876-77 the net army expenditure had averaged 14'50 crore rupees. During the next few years the country was unfortunately at war with the Amir of Afghanistan. It averaged 15'41 crore rupees. In 1880-81 it rose exceedingly high, say, over 21 crores, owing to the

disasters which fell British arms in the fresh campaign which had to be embarked upon by reason of the murder of Louis Cavignari, the British plenipotentiary at Kabul. The war expenses were all adjusted and paid for by 1882, when the Government of Mr. Gladstone gave a large contribution in aid thereof. Lord Ripon's Government, with Major Sir Evelyn Baring (now Lord Cromer) as Finance Minister, was able to bring back military expenditure to 16·50 crore rupees, after having given substantial relief to the taxpayers by a reduction of 8 annas per maund of the salt duty and by the abolition of all import duties save on liquor and arms.

The growth of the army expenditure then from 1884—85 may be exhibited as follows :—

		Crore Rs.
1884-85 ...	...	17·05
1885-86 ...	...	20·06
1890-91 ...	...	21·09
1891-92 ...	...	22·66
1893-94 ...	...	23·53
1894-95 ...	...	24·31
1898-99 ...	...	23·05
1899-1900 ...	...	26·44

It will be noticed that the first big jump was taken in 1885—86. From 17·05 crore rupees during the preceding year, it mounted up as high as 20·06 crore rupees which was an increase by one bound of fully 3 crore rupees. The year, it should be remembered, was the memorable one which witnessed

the warlike activity induced by the Penjdeh "incident" and the expedition immediately after that event to Upper Burmah for the acquisition of the kingdom of the ill-fated King Theebaw under divers hollow pretexts which might be profitably learned from the Blue Book on that subject. As if that increase of 3 crores was not enough the expenditure was allowed to run higher and higher till in 1899-1900, it rose to 26·44 crore rupees. In other words, in thirteen years more, the increase amounted to 6·38 crore rupees.

The next expenditure between 1900-1901 and 1909-1910, was as follows:—

		Crore Rs.
1900-1901	...	23·20
1901-1902	...	24·24
1902-1903	...	26·44
1903-1904	...	27·21
1904-1905	...	31·03
1905-1906	...	29·50
1906-1907	...	30·25
1907-1908	...	28·86
1908-1909	...	29·40
1909-1910	...	28·66

The annual average amounted to 27·87 crore rupees which is in excess of 1·43 crore of that for 1899—1900. But if we take that the expenditure fairly stood at 23·20 crore rupees at the commencement of the century, then the growth in the last ten years amounts to 5·46 crores or an increase of 54·60 lakhs per year! Thus, the real intensity of the growth

may now be gauged. In 1884-85, the expenditure stood at the reasonably moderate figure of 17'05 crores. In 1909-10 it stood at 28'66 crores or an increase of 11'61 or, say, at the rate of nearly 46'44 lakhs per annum. We might under the circumstances of the growth just described, very well presume, that were the Government to sound enlightened public opinion to-day by means of a plebescite on the particular expenditure which it should deem well suited for a substantial retrenchment, there could be no two opinions that it would be in favour of the overgrown army charges which absorb almost wholly the net land revenue of the empire. The industrious ryot is taxed in order to provide the needed "food for powder."

CAUSES OF THE INCREASE.

I have already observed that the colossal increase has been sought to be justified year after year. Divers reasons have been assigned for it; but the soundness or unsoundness thereof, I repeat, can only be ascertained by impartial experts. These increases have been incurred, according to the annual financial statement, for a variety of purposes, such as warlike expeditions on the frontiers and beyond the statutory boundaries of India as defined in the Parliamentary legislation of 1858 for the better Government of India; on the increase in 1885-86 of 30,000 troops, 10,000 European and 20,000 Indian, against which all India protested; on the construction of a larger number of military roads and defence works, apart from that of strategic railways, the cost of which is not included in the ex-

penditure ; on continual better equipment so-called of the army in general by way of arms and ammunitions, —arms and ammunitions sanctioned and obtained to-day to be rejected as obsolete or not quite up-to-date to-morrow and the day after ; on pay and pensions of the European branch of the army ; on pay and pensions of the Indian branch ; on mobilisation, the cost of which after being declared in black and white as non-recurring has been off and on incurred under a variety of pretexts, in hatching which the Military Department is, of course, an expert ; on a score of minor objects of supposed military efficiency or utility ; and, last, though not least, on what are known as the home military charges demanded in the spirit of Shylock by that masterful and omnipotent organisation known as the British War Office—charges or exactions of a permanent character, to be computed by lakhs of rupees against which the Government of India itself has repeatedly entered vigorous remonstrances but in vain.

GROWTH DEMANDS SEARCHING SCRUTINY.

But be the reasons what they may, justifiable or unjustifiable, sound or hollow, there can be no two opinions that the army expenditure has steadily grown to a colossal figure and that at a faster speed than the growth of revenue which now demands the most searching scrutiny and overhaul for purposes of reasonable retrenchment and economy without impairing its efficiency, though unfortunately the public have never been informed exactly in what that efficiency is supposed to consist. Each Commander-in-Chief seems to have his own no-



tions of efficiency. What one militant Amurath has laid down as a standard of efficiency is rejected by his successor. Thus, the standard of efficiency has been a shifting one. It has fluctuated with the views of the head of the military department for the time being. Were the Finance Department to go minutely into the question, it is to be feared that it will have to lay at the door of this shibboleth of efficiency many an expenditure that has been wasted in the past. It is exceedingly doubtful whether it will undertake a task so disagreeable. We have a vivid recollection of the way in which the majority of the Welby Commission under the dominant influence of the War Office and Treasury officials who were its members, tried to explain away, most apologetically, of course, this branch of Indian public expenditure. Their report so far was extremely disappointing, nay, against the weight of the convincing evidence, submitted with a variety of statistics adduced by the Government of India itself, and, also against the weight of the evidence of the Indian witnesses and the Secretary of the British Congress Committee in London.

CRY FOR RETRENCHMENT FOR THE LAST MANY YEARS.

Now, it may be observed at this stage that the public demand for a reduction of the growing army expenditure is not a subject of to-day or yesterday. The Government has been appealed to and memorialised time out of number during the last quarter of a century. It has been *the one* theme of continuous agitation and discussion in the press and on the

public platform all over the country since the inglorious days of the Penjdeh "incident" and the forcible seizure of Upper Burma. Many a leading public body has petitioned the Government here, and occasionally even that highest Court of Justice, the British Parliament, which unluckily for us has for years relegated to Providence the trust which Providence had confided to it for our better welfare and greater contentment. The Congress, too, as voicing all shades of responsible Indian public opinion, has, from the very day of its birth, continued to attract the attention of the governing authorities to the subject in its Resolutions. Again, in the Viceregal Legislative Council our representatives, from 1893 to date, have consistently protested against the growing expenditure and appealed for a reasonable retrenchment. It will be thus perceived how much this dead weight of the military octopus has been felt by the taxpayers and for what a prolonged period.

TWO FUNDAMENTAL CAUSES OF GROWTH.

- (1) Amalgamation Scheme of 1859.
- (2) Change of Policy.

Without entering into the details of the growth or animadverting on the injustice or justice of many a charge, we may endeavour to ascertain the fundamental causes which have largely contributed to the expenditure which has now assumed such colossal proportions and which, if allowed to grow unchecked in time, is liable to plunge Indian finances in the most serious embarrassment. These are: (1) The

fateful army amalgamation scheme of 1859 ; and (2) the change of policy of the Government of India in relation to the frontier and transfrontiers since 1885. As to the amalgamation scheme, it is superfluous at this time of the day to describe it. Sufficient to say, it was forced on the Government of India in 1859 by the Home Government against the almost unanimous opinion of the most trusted and experienced British officers who had served for a lifetime in the army in this country, notably General Sir G. Balfour whose vigorous condemnation of it may still be read with profit in the evidence recorded by the East India Finance Committee of 1871-74. The net result of that fateful scheme has been that lakhs upon lakhs have been claimed and exacted by the British War Office for a variety of purposes, often of a most unfair and unreasonable character, which have from time to time formed the subject of vigorous remonstrances by successive Governments of India and by many a Secretary of State. These unjust exactions have not been a little fruitful in disturbing the estimates of Indian Revenue. And it is evident to those who have fully studied the financial evils of the greatest magnitude which have flowed from this onerous scheme during the last 50 years and more, that lakhs upon lakhs will continue to be claimed and exacted by the rapacious British War Office in the future till the hardened conscience of England in this matter has been aroused by some great parliamentarian in the House of Commons and the scheme knocked on the head.

Before the direct government of the country was assumed by the Crown in 1858, the European branch of the Indian army, it should be remembered, was partly recruited in this country and partly in England. Its combined strength at the outbreak of the Sepoy Mutiny was 39,375 British and 214,985 Indian troops. After the close of that Mutiny it was decided that the Indian army should be recognised on the basic principle of one European soldier to every two Indian. The entire organisation of the army was to be directed from England by the War Office. Whatever changes took place in the army organisation these had to be adopted here without one if or but, without counting their cost and without a consideration of Indian conditions which are so widely different from those of England. In short, the Indian Government was to be deemed next to negligible and the Indian taxpayer never to be thought of. Is it a wonder that such an one-sided and unfair scheme was condemned *in toto* by Indian military experts from the very day of the amalgamation? The exceedingly burdensome nature of the scheme was fully inquired into by the East India Finance Committee, consisting of members of both Houses of Parliament, who recorded evidence on Indian affairs from 1871 to 1874. No member thereof was more assiduous in getting at facts, and searchingly sifting them to the bottom than that great friend of India, the late Professor Fawcett. Sir Charles Trevelyan, who was Governor of Madras and afterwards Finance Minister in 1865, observed in his evidence on

the scheme, "it was based on a principle which has been found to be extravagant and crushing in practice." Mr. Fawcett himself, after having ably mastered the full details of this "extravagant and crushing" scheme, condemned it in the following scathing terms:—"A few years after the abolition of the East India Company, what is known as the Army amalgamation scheme was carried out in direct opposition to the advice of the most experienced Indian statesmen. India was then, as it were, bound hand and foot, to our own costly system of army administration, without any regard apparently being had to the fact that various schemes of military organisation which may be perfectly suited to a country so wealthy as England, may be altogether unsuited to a country so poor as India \* \* A partnership has been established between England and India and as one of the countries is extremely rich and the other extremely poor, much of the same incongruity and many of the same inconveniences arose as if two individuals were to join in housekeeping, one of whom had £20,000 a year and the other only £1000. An expenditure which may be quite appropriate to the one whose income is £20,000 would bring nothing but embarrassment to the one whose income is only £1000. The money which is expended may be judiciously laid out, but if the man with the smaller income finds that he is gradually becoming embarrassed with debt because he has to live beyond his means, it is no compensation to him to be told that he is only called to contribute his proper

share of the expenses. His position would be the more intolerable if, like India, after having been compelled against his wish to join the partnership he is forced to continue in whether he desires to do so or not."

FINANCIAL BURDENS OF THE AMALGAMATION SCHEME.

This, is exactly the position to which India has been reduced by the mischievous amalgamation scheme of 1859. It has been in force for 52 years during which many embittered controversies have taken place between the India Office and the War Office but in which the former has hardly been ever completely successful. Heavy claims, sometimes of a most irritating character, were preferred against India on which the Secretary of State had had to arbitrate with but little relief to the Indian revenues. More or less he was worsted by the masterful War Office with its clever "experts". Sometimes matters were of so delicate and complicated a character that a small departmental committee or a commission had to be appointed to settle the differences between the War Office and the Indian Government. One of such commissions was presided over by no less a personage of experience and influence than the late Earl of Northbrook who was Viceroy of India from 1872 to 1876. Of course, the claims of the War Office had been somehow arbitrated upon. But even then they were declared to be exorbitant if not "scandalous."

It would be asked what is the nature of the charges which have been so fruitful of a periodical investigation and the subject of so many indignant

and emphatic protests by the Government of India. These might be fully learned from the numerous despatches addressed by that authority to the Secretary of State as occasions arose. But I will give here some of the most important of them. (1) Capitation allowance; (2) depot charges; (3) transport charges; (4) store charges; (5) regimental pay of officers and soldiers and their allowances; (6) furlough charges; (7) field and ordnance arms and ammunition charges, (8) miscellaneous, and last though not the least, pensions to retired officers and soldiers. The total of all these, it may be mentioned, came in 1908-09 to 4.67 million sterling or, say, 7 crore rupees! But they were not half so burdensome 30 years ago, though even then, the Government of the day used to inveigh against it. For instance, in its despatch of 8th February, 1878, it was observed, "that placed as it was under the serious responsibility of so administering the affairs of the greatest dependency of the British Crown, that while British supremacy is strictly guarded, the means of securing that end shall not unduly weigh on the people of the country, it was constrained to represent to Her Majesty's Government that the burden thrown upon India on account of the British troops is excessive, and beyond what an impartial judgment would assign in considering the relative material wealth of the two countries and the mutual obligations that subsist between them \* \* All that we can do is to appeal to the British Government for an impartial view of

the relative financial capacity of the two countries to bear the charges that arise from the maintenance of the army of Great Britain, and for a generous consideration of the share assigned by the wealthiest nation in the world to a dependency so comparatively poor and so little advanced as India." Again, the Simla Army Commission, which was appointed in 1879 and presided over by so brilliant and able an administrator as the late Sir Ashley Eden, then Lieutenant-Governor of Bengal, and which counted among its members Colonel Sir Frederick (now Field Marshal Lord) Roberts and other experienced military officers serving in India, was constrained in its report to observe as follows:—Para 185:—"We think that the position of the army employed in this country should be organised and administered with due regard to the interests of the people of India, and not for the purpose of supplying defects in the system of home defences, and above all, that it should not be made the means of obtaining, at the cost of India, advantages for the army at Home which do not entirely affect the interests of the country." In its Military Despatch of 22nd May 1879, the Government of Lord Lytton observed: "A large part of the Home expenditure is for pensions, furlough allowances, the overland troop transport service and stores. The remainder is for payments to the Imperial Government on account of Imperial troops which have been repeatedly investigated, but with results we have not been able to accept as satisfactory." Two years later, the Go-



vernment of Lord Ripon remonstrated on the burden of these charges on the following telling manner. Para 44 of despatch No. 401 of 1881 :—“ It has to be observed that, whereas the British garrison in India has practically remained unaltered in respect of numbers and efficiency for many years past, its cost has been in course of constant increase from the various changes which have been made with organisation of the British army, changes made entirely, it may be said, from Imperial considerations in which Indian interests have not been consulted or advanced \* \* \*

It has to be remembered that charges which do not cause any very serious addition to the English estimates, and which are carried on without the least reference to India involve very much larger charges on the Indian revenues by reason of the much more liberal allowances enjoyed by officers in the country. The conversion, for example, of the first captains of Royal Artillery into Majors gives the officer so promoted an increase of 5 shillings a day in England ; in this country the difference between the pay of a Major and a Captain of Artillery is Rs. 342 a month.”

Later on, Lord Ripon’s Government followed its previous despatch of 1881 by another, of 21 Nov. 1884, in which it gave a succinct account of the principal increases in the Home military charges, from 1864–65, entailing on the aggregate a permanent burden of £ 800,000. The despatch said :—“ These additional charges amount to more than 800,000 £ a year. Some of them were necessary for improvements ;

others were imposed with little or no reference to Indian wants, and in most cases without the Indian Government having any voice in the matter."

To give a fair idea of the difference merely in the pay of regimental officers in the British and the Indian army, I would give authentic figures as were submitted in a series of statements to the Welby Commission by the India Office. These will at once inform you of the cogency and reasonableness of the main argument advanced by Lord Ripon's Government as just stated above, namely, that a single change in organisation or an increase of pay entails an enormous burden on Indian revenues which is hardly ever taken into account by the Imperial Government at home.

	Monthly pay: Artillery.	
	British	Indian
Colonel Commandant	Rs. 883	910
"    "	568	1665
Lieutenant Colonel	589	1002
Major	316	789
Captain, with higher rank	263	417
"    without    "	231	417
Lieutenant after 10 years	175	265
"    3    "	159	265
Lieutenant on appointment	130	213

Monthly pay. Cavalry.		
	British	Indian
Colonel	Rs. 950	1033
Lieutenant Colonel	„ 519	1437
Major	„ 393	809
Captain with higher rank	„ 289	503
„ without „	„ 289	503
Lieutenant after 10 years' Service	196	305
„ 3 „	196	305
„ on appointment	„ 178	250
Sub-Lieutenant	„ 132	250
Monthly pay. Infantry.		
	British	Indian
Colonel	Rs. 888	918
Lieutenant Colonel	„ 422	1402
Major	„ 340	759
Captain with higher rank	„ 273	445
without „	„ 240	445
Lieutenant after 10 years' Service	170	256
„ 3 „	„ 153	256
Lieutenant on appointment	„ 133	202
Sub-Lieutenant	„ 136	202

It would be seen how costly was an officer of the Indian army in 1895-96, compared to that of the British. But costly as he was in that year, it is superfluous to inform you that he is even more costly to-day owing to the higher pay since allowed and at the lower exchange of 16 instead of 22*d*. The European

soldier, too, is similarly a costlier machine to-day than what he was fifteen years ago.

I may now quote another extract from the Government of India's despatch of 20th February, 1895, in which it discussed four ways of reducing military expenditure, but was perforce obliged to say that constituted as the army was, there was no hope of effecting "any material reduction of its expenditure." All that it can do was "to endeavour to restrict the increase of the cost of the army within the narrowest limits compatible with the maintenance of the peace and security of the Indian Empire." In this despatch, the Government further observed as follows in regard to the pay of the British troops:—"The pay of the British troops serving in India is not fixed by the Government of this country. It is fixed in sterling by the Majesty's Government and India has to pay in its depreciated currency an increasing number of rupees according as the gold value of the rupee diminishes. Moreover, nearly every alteration in organisation in the British army and changes connected with the interior economy of regiments and batteries have been productive of expenditure and have necessarily been followed by corresponding charges in expenditure on India." In the last 30 years the cost of these measures has amounted to £9,34,640, say, 1.40 crore rupees and this in one single item! But we all know that since 1895, the pay of the British soldier has been greatly augmented, so that to-day the charges under this head may be placed nearer at 2 crores at the least.

ances, for provisions, for clothing, for stores and war material, for exchange, for mobilisation, for transport service and so on; also for pensions. These are intolerable charges which the army amalgamation scheme has entailed on India during the last 52 years and is still destined to entail till the country is one day relieved of this great incubus.

Such being the case the following extract from the Military despatch of the Government of India of 25th March, 1890, will be perfectly intelligible in reference to its criticism on the unctuous plea, eternally urged by the War Office, that the charges entailed on India are actual cost only and no more. Para 7. "The actual cost to the British exchequer, if calculated by a purely arithmetical method, is undoubtedly the cost of the force in the United Kingdom, which would not need to be kept up if the Empire of India did not exist, and no army had to be maintained in India; but it is nowhere proved that the charges raised on account of that force represent the actual extra cost to the British Exchequer, while there are many other conditions which would have to be considered before this method of calculation could be accepted. The difficulties in the organisation of the British Army, and the necessity for inducing men to join the Army cannot be admitted to arise from the presence of a portion of the Army in India. These difficulties, we apprehend, arose from a variety of causes, which have no direct relation to India. Again, in India Office letter No. 161-W., dated 21st March, 1876, Lord Salisbury

distinctly declined to accept the contention of the War Office on this head. "Nor can we accept", says the Indian Government, without questioning the statement that the Indian drafts are the first reserve for the Indian Army, and that in order to avoid employing these elsewhere, the Home Government pay £50,0000 a year for the army reserve. In the first place, it must be pointed out that the regiments, batteries and drafts, sent out to India are despatched during the whole of the trooping season to supply the places of men being sent home discharged to the reserve or invalided, and to make good the annual waste of life, so that the assumption of the War Office, in assuming that the 11,500 men referred to will be efficient as a "first reserve" for India could hold good only if war were imminent at a particular moment before the commencement of the trooping season. If war broke out after the trooping season had closed, these 11,500 men would not be available as a "first reserve." In the second place, Mr. Stanhope observed in his letter of 14th February, 1888, that "it was far from improbable that the same circumstance which necessitated a mobilisation in India might also render it impossible for this country to part with any considerable portion of the small number of regular troops in the United Kingdom." We infer from this statement that India cannot reckon with certainty on receiving even these 11,500 men in case of emergency. If this inference be correct, then it seems to us it cannot be alleged with accuracy, that the reserve is kept up

because the services of these 11,500 men are hypothecated to India, and generally it appears hardly reasonable to assume that in regulating the strength of the reserve of the British army, the annual drafts for India have been or ought to be counted in fixing the strength of the army reserve. We do not understand that 16,000 men are kept up all the year round; and the army reserve was instituted in order to give the British army a reserve of trained soldiers and to enable a reduced army to be maintained at home in the interests of India were in no way specially considered. And yet it is on the assumption of the character which the Government of India has proved to be inaccurate that the War Office makes an annually exorbitant charge under capitation allowance and pretends to say that the cost is the actual cost when it is nothing of the kind!

The short service system, whereby there is a more rapid change of British troops, has been similarly alleged by the War Office to be a real benefit to India. The Indian Government was able to point out the fallacy of that statement also. Shorter service means more frequent transport service and other larger expenses. It was established, as that authority correctly says, "because men could not be obtained under existing conditions, under the long service system, and that the Government of the day believed that short service with reserves was better suited to the circumstances of the time than the existing system. It was no consideration for the efficiency of the army or India that asked the short service system.

and its suitability to the Indian requirements has been gravely questioned on more than one occasion." True, indeed, the short service was introduced because under the industrial condition of England, soldiering had lost all the attraction it had once possessed. The industries and manufactures of Great Britain offer a more remunerative and safe employment compared to the poor and insecure employment of a mere soldier. Had India been allowed to recruit its own European army in this country itself as was the case with the East India Company, no such difficulty would have occurred and the British troops might have been raised at 50 per cent. less cost. To-day recruiting for the territorial army created by Lord Haldane is even more difficult and it is notorious from the immense difficulties recruiting sergeants have met with in their annual campaign of capturing the raw material to be converted or manufactured into "food for powder." The recent organisation of "boy scouts" tells us plainly to what straits the War Minister has been driven to fill up his territorial army to the required strength. In the proportion of the difficulty larger baits by way of pay, bounty, and other douceurs have to be offered. All that may be very well for wealthy England but it becomes a crushing burden for poor India.

So far the fact cannot be gainsaid of the grievous consequences that have hitherto flowed, and are still flowing without any check or control, from the unfair and altogether one-sided army amalgamation scheme



of 1859. England is to call for any tune she pleases without let or hindrance and India must pay the piper—that is the greatest iniquity.

CHANGE OF FOREIGN POLICY AND ITS DISASTROUS  
CONSEQUENCES.

We may now turn to the other fundamental cause which has contributed to the growth of military expenditure. In the polity of nations, it is a recognised maxim that expenditure depends on policy. As a government conceives, whether wisely or unwisely need not be considered, what should be its defensive and offensive policy, so are public funds expended in pursuance thereof, very often irrespective of the ability of a people to bear the burden of expenditure. In the debate on the Lords' amendment to the Veto Bill, Lord Haldane said: 'It was perfectly obvious that with every Government the Budget of the year must develop some *policy*. *The budget of the day was part of the political programme of the year*. With regard to the budget of 1909 I should think that the *governing purpose of that budget was to embody policy*'. Continental nations, like Germany, Russia and Austria, with extensive land frontiers and surrounded by warlike neighbours, consider the maintenance of large land forces imperative for purposes either of repelling invasion or taking the offensive, provoked or unprovoked. On the other hand, a nation situated as the English, surrounded on all sides by sea, and having no land frontiers at all, has to maintain a large navy both for attack and defence. Again, there is a

country like France with three large seaboard and also an extensive land frontier beyond which are militant neighbours. Such a country has to maintain both a powerful army and navy. Thus the policy of each country, according to its physical and other conditions, dictates whether, and what sum it should spend on the army or the navy or both. The expenditure, however, may be reasonable, and within the ability of the people to bear it or it may be most burdensome entailing heavy taxation which may be deemed intolerable. All depends for the time being on the views of statesmen at the helm of Government. Men imbued with the spirit of Spread-eaglesism or Chauvinism or Imperialism may maintain forces so large as to entail an exceedingly heavy expenditure. While there may be persons at the head of State who may hold more pacific views, intent on productive rather than unproductive expenditure, and fully alive to the ability of the taxpayers to bear the burden. These would incur a moderate expenditure for the maintenance of the army and the navy. Sometimes this policy wholly depends on the character of the head of the State alone, be he Kaiser or Tsar or Emperor whose will is law. With a military despot as such the burdens are more or less most grievous.

India is no exception to this general rule. The Indian Government changes from time to time. One adopts a wise policy of neutrality and pacific intentions towards its near and distant neighbours, and therefore maintains a force which is the least costly.

But another succeeds and lays down a policy of an altogether opposite character under a variety of pretexts and keeps up an army, the cost of which is exceedingly intolerable to the taxpayer. Apart from the colour of the changing administrations, there is the subordination of the administration itself to the Secretary of State. That functionary, in his turn, has to acquiesce in the decision of the British Cabinet of which he is a member. The Cabinet may decide on a particular line of army policy to be pursued for India. It may happen that such a policy may be fraught with no advantage to the country. All the same he must acquiesce in it. If his conscience would not permit of such acquiescence he might resign to give place to another who would be sufficiently pliant. Thus to the original evil of the policy which the Indian administration itself might adopt at a time there is the added evil just referred to arising from India's condition as a dependency of England. It is right, therefore, to say that India is in reference to army expenditure, between the upperstone of the Cabinet at home and the netherstone of the Indian Government for the time being at Calcutta.

#### THE FORWARD SCHOOL.

Instances may now be recalled how the Military policy pursued by the Indian Government has led sometimes to economy but oftener to large and burdensome expenditure on the army. It is well known, that tranquillity had been restored after the dark events of 1857. Sir John Lawrence, who was the

Viceroy from 1864 to 1869, firmly maintained a pacific policy towards the tribes and powers beyond India's natural line of defence and was never tempted by any Chauvinistic spirit to unprovoked aggression. That was recognised as a wise and statesmanlike policy conducive not only to peaceful relations on the border, but to greater domestic progress of a useful character. But there was at the time a school in England, led by Sir Henry Rawlinson, formerly a British ambassador at the Court of Persia, and later on a valiant member of the India Council, who from 1855 had striven most sedulously to push India's boundary beyond its natural lines, with the deliberate intention of ultimately acquiring Baluchistan and Afghanistan. That school, owing to the events of 1857, had receded somewhat in the background, but was making strenuous efforts in 1864 to revive the old projects originally put forward by General Jacob and Sir Henry Green two very able "frontier" officers. That school was called the "Forward school," and, thanks mainly to the agitation led by Sir Henry Rawlinson, it condemned Sir John Lawrence's pacific policy. It was nicknamed the policy of "masterly inactivity". "Masterly statesmanship" should be the more appropriate epithet seeing how that statesmanship, so well directed by Sir John Lawrence, was continued by his successors till the Viceroyalty of the Marquis of Ripon, barring that of Lord Lytton. Each firmly resisted all attempts, overt and covert, made by divers means by the Forward School to give a fillip to their pet project of expansion

and aggression. In the Council of Sir John Lawrence there was that soldier statesman—no other than Sir William Mansfield, afterwards the first Lord Sandhurst, whose scathing minute against the spreadeagle policy so forcibly advocated by Sir Henry Rawlinson, may still be read not only with interest but instruction. Both the Viceroy and the Commander-in-Chief were convinced by their knowledge and experience of the true condition of frontier affairs, and even the first important advance of Russia in Central Asia as signalled by the occupation of Khiva, that it would be most mischievous to the interests of India ever to succumb to the seductive, but by no means wise or statesman-like, policy of the fire-eating forwards who contemplated on some suitable opportunity to extend the thin red line of the map of India to the Oxus and the Pamirs on one side and to Kandahar and Herat on the other.

#### THE POLICY OF GLORY AND GUNPOWDER.

The reception of the embassy of Russians at Kabul by Shere Ali in 1875—6 was the first opportunity the Forward School had of pushing their design. And luckily for them, but most unluckily for India, there was at the time at home a Jingo Government in office, at the head of which was Mr. Benjamin Disraeli, afterwards Lord Beaconsfield, who from his inner consciousness had evolved what has since been known as "the scientific frontier"—that is, such a fluctuating frontier that the more you tried to make it scientific by pushing it forward, the more you shifted it nearer the

territories of friendly neighbours for stripping them naked of their vineyards. Lord Northbrook was asked to find some *casus belli* with the Amir and provoke hostilities. That statesman, with a single eye to the interests of India, and with a profound spirit of righteousness worthy of an old fashioned Whig of the days of the seventies, with its robust Liberalism, sternly declined to comply with Mr. Disraeli's mandate. He courageously withstood it till the importunities became so pressing that he deemed it expedient rather to lay down his high office than be a party to the crime of unprovoked aggression against the Amir. Lord Lytton, his successor, came carrying in his pocket the new policy of Glory and Gunpowder on which his great *guru* had set his heart. Within eighteen months of his arrival, the fat was put into the fire. The match to the gunpowder, as wistfully desired by his guru, was ignited. Of course, there was a conflagration. But we need not further go into the history of the origin of the Afghan War. All that I would request you to remember at this stage is the change of policy—from masterly inactivity to unprovoked aggression resulting in the unrighteous war against the Amir Shere Ali. The Jingo Government at home with the reddest of red "Imperialists" in the person of Mr. Disraeli as Prime Minister, and the Viceroy in India as his obedient instrument, the bold scheme of the Forward School was actively launched. It is a truism to say that that policy entailed untold burdens on India by way of military expenditure till the 2nd Afghan War lasted,

bringing little or no credit either to British statesmanship or British arms.

Happily for India, there was a change of Government in England in 1880 which, true to its Liberal traditions, had in opposition severely condemned the war and the original unrighteous policy which provoked it. With Mr. Gladstone at the helm of the new Government peace was soon restored, a relief was afforded to the revenues of India by a contribution of 5 millions sterling from the British Treasury, and a most broad-minded, sympathetic and conscientious Viceroy, a Liberal of Liberals, was sent to rule over the people.

During Lord Ripon's Viceroyalty, we witnessed the re-establishment once more of the old and wise policy of Sir John Lawrence, namely, of confining within the natural lines of the country's defence. Meanwhile, the whole field of military expenditure, as presented by the light of the stirring events of the immediate past had been just surveyed by the Simla Army Commission and Lord Ripon's Government fully supported its recommendations.

But with the close of Lord Ripon's Viceroyalty, Sir John Lawrence's policy, it is rueful to state, also came to a final close. The so-called "Imperialism" was slowly coming to the front even in old England, and India got her first "Imperial" Viceroy in the person of Lord Dufferin trained and versed both in Oriental and Occidental diplomacy which might well be characterised as Jesuitical. A change of Government,

soon after his arrival here, took place. Lord Randolph Churchill, with his Imperialistic ideas, became Secretary of State. He completely overthrew the old policy. At each end, say, at Westminster and Calcutta, there was to be found at the helm of affairs a person deeply imbued with the spirit of Spread-eaglesism. The Bengal Chamber of Commerce was vigorously plying its suit for the opening up of Upper Burmah by any means. It was urged that British merchants in Mandalay were molested and otherwise obstructed. Exaggerated, if not fallacious, accounts of the so-called anarchical condition of the dominions of King Theebaw were circulated by a venal Press. As a combined result of these events, Lord Randolph Churchill resolved to hoist the British flag at the capital of the Alamporas. The first preliminary step was taken, namely, of augmenting the Indian Army. In defiance of the recommendation of the Simla Army Commission that 60,000 British and 120,000 Indian troops would amply suffice to meet all emergencies and requirements, internal and external, that masterful Secretary issued his mandate to increase the forces by 10,000 European and 20,000 Indian soldiers. Thus the Jingo policy was fully set in motion and it is a truism to say that since that time, more or less with temporary interruption, that policy has been allowed to have its free sway in India. It was brought in evidence before the Welby Commission by Sir David Barbour and Sir Auckland Colvin, two of the ablest Civilian Finance Ministers we have had, that the military policy, leading



to large military expenditure, happens to be greatly in the ascendant when there is a strong Commander-in-Chief and a weak Viceroy or when both are strong. Conversely, with a strong Viceroy, full of pacific intentions, the military policy receives a considerable check.

Thus, it has happened that every impetus given to the military policy has constantly disturbed our finances. A budget balanced with some care and caution has been converted into one of deficit. Observed Sir A. Colvin: "One disturbing element in Indian finance is the constant frontier trouble—small expeditions with a nearly balanced budget may just have the effect of creating a deficit." And speaking of expeditions generally, he further observed that they are "inherent in the Indian system as that they have been more frequent of late in consequence of the adoption of a certain policy." Indeed, he emphatically declared that the net result of a strong military policy was the wrecking of Indian Finance. And the late Sir Edwin Collen was obliged under the cross-examination of Lord Welby to admit that "everything depends on an economic Viceroy."

It is superfluous to say that more or less the military policy held its ascendancy during the Viceroyalty of Lords Lansdowne and Elgin. There was the Kashmir imbroglio and the subsequent occupation of Gilgit, Hunza and Nagyar. The Chitral expedition followed and later on the inglorious expedition to Tirah. All these were the fruitful products of that

ascendency. But the policy became exceedingly mischievous during the masterful and "strenuous" Viceroyalty of Lord Curzon. No Viceroy came to India more steeped in the reddest of red Imperialism than he. It eventually led to that so-called "peaceful" expedition to Lhasa, with the ulterior object of threatening China in South-west Yunan. His ludicrous Spread-eaglesism and pompous Caesarian attitude in the Persian Gulf is well-known. In his person Lord Curzon demonstrated to the hilt the truth of the statements made by high officials of State before the Welby Commission, that Indian finance was liable to the greatest disturbance with a strong Commander-in-Chief and a too militant Viceroy. But for the fat profits chiefly derived from the enormous coinage of rupees, the financial disturbances would have been seen at a very early date. The taxation imposed last year might have been earlier imposed by Lord Curzon himself. His surpluses were in reality windfalls and spent after the manner of spendthrifts, though we must acknowledge the remission of the salt duty. No doubt Lord Kitchener fell out with Lord Curzon, but the quarrel had reference rather to an administrative than a military problem. The autocratic Viceroy could not brook another Turk near his throne. But in the matter of the new fangled organisation carried out by Lord Kitchener entailing further permanent burden on the revenue, Lord Curzon was one with him. To add to India's misfortunes, there unluckily happened throughout the three Viceroyalties that she had weak

Secretaries of State, with no grit, to check and control the strong military policy which was having its full and free sway in the Viceregal Council. Thus, the policy having been what I have described above, is it a matter of surprise that from the days of Lord Dufferin to those of Lord Curzon, military expenditure, as already shewn in the early part of this paper, was allowed to mount upwards by leaps and bounds?

WILL THERE BE ANY MATERIAL RETRENCHMENT?

I think, I, have fairly demonstrated how far two fundamental causes have largely operated in the growth of army expenditure; firstly, the mischievous amalgamation scheme, and secondly, the equally mischievous "forward policy" of both the Government of India and the Home Government since 1885. Unless, therefore, the two principal causes which have contributed to the increase of 11'61 crores of rupees from 1885-86 are removed partially or wholly, I for one am not sanguine of any substantial reduction of military expenditure. We may take it for granted that the able officers at the head of the Finance Department will conscientiously discharge their duty, minutely examine the increases under each head of the grant for the annual army services, and recommend such reduction and economy as to them may seem reasonably compatible with "efficiency", whatever may be understood by that word. We may consider ourselves lucky if they can show a saving of half a crore if ever so much. But assuming that it comes to that amount, we may inquire how long will it last and how soon

may it be absorbed by fresh recurring expenditure. Experience informs us that all this labour which the Finance Department may undergo and all the savings they may effect will be so much labour lost and wasted. Reductions there have been in the past, but they have been uniformly swept away by the force of the irresistible tide of military requirements. To take the latest and most striking instance. It would be in your recollection that the Welby Commission had recommended that India should be allowed a reduction in its Home military charges to the extent of £2,50,000. But before two years had elapsed the War Office jumped a mine on the Government by saddling our finances with £7,86,000 of annual permanent expenditure by way of increased soldiers' pay. That fresh burden would have been impossible had there been no amalgamation scheme.

Then as to the policy. If you take into consideration that the new policy of aggression and expansion commenced with the augmentation of 30,000 soldiers, you will find that the additional cost by way of small wars, expeditions, mobilisation, up-to-date ordnance and other arms of precision, war material &c., have absorbed many a lakh of rupees every year. In reality the military candle has been kept burning on both these accounts without a thought of the burden on the inarticulate tax-payer. On the one hand, the amalgamation scheme entails from time to time a burden on our far from elastic revenue which the Government of India is powerless to prevent, and on

the other hand, there is the ascendancy of the military element in the Viceregal Government which leads to other increases of expenditure. It would be obvious, therefore, that until the amalgamation scheme, I repeat, is denounced in Parliament by some member of the vast military knowledge and experience of the late distinguished Sir Charles Dilke, and another of an equitable character is substituted instead there can be no hope of any cessation of additional expenditure of a permanent character. You will never be able to keep it rigidly stationary at a certain figure as was the case from 1861-62 to 1884-85, with slight interruption. Policy also must be modified. That can partly be accomplished in two ways by our Indian representatives in the Viceregal Council. Firstly, by vigorously supporting the Government of India which for years past has been unsuccessfully remonstrating with the Home Government in respect of charges dictated purely by Imperial interest in which India has no concern or next to none. Secondly, by a vigilant watch over all branches of military expenditure incurred in India which under existing circumstances may be deemed voidable.

REDUCED EXPENDITURE POSTULATES CHANGE OF POLICY.

In reference to policy it may be of importance to draw your attention to the very pertinent observations made by the Government of India in their despatch of 25th March, 1890, to which I have made reference in the sequel.

Much water has flowed under the bridge since then, but it may be fearlessly said that the Government is no way nearer to-day in successfully achieving its object than it was twenty years ago.

SIMLA ARMY COMMISSION'S REPORTS.

I now come to my last point, namely, the proposed reduction in the strength of the army itself. I need not want, gentlemen, to inform you that if even half of the additional troops which were increased in 1885, is reduced, there would result a substantial saving which would afford great relief to the revenue and which might be very well utilised for some of the most deserving and trying objects of public welfare. But before I further descant on this part of my subject, which is of immediate practical urgency I would detain you for a few minutes by taking you back to the report of the Simla Army Commission as it is of the highest importance in the consideration of the proposed reduction.

In its letter to the President appointing the Commission the Government declared the main object for which it was instituted, namely, "to assist Government in determining what share of the unavoidable reduction can be borne by the military charges without injury to the general efficiency of the army, and in what manner such savings can best be effected. In order that the Government may be put in a position to decide on this most important question, investigation of your Commission must be comprehensive and exhaustive, embracing in fact the whole subject of

military organisation and expenditure; you are requested to study carefully the improvements in administration which have been recently introduced into the British and other European armies and to consider how far such changes can be advantageously introduced into the Indian armies. The great problem of modern military organisation is to provide the largest and most efficient force in war with the smallest permanent peace establishment and expenditure; and it is to a solution of this problem that the labours of your Commission must specially be directed." The Commission responded to this reference as follows :—

"Nearly two-thirds of the border of the Indian Empire is protected by the sea. So long as Great Britain is the mistress of the seas, the seacoast of India is protected by the fleet of England and the Indian army need provide only for defences at four or five seaports. The external foes which the Indian army may have to meet on its land frontier are, Russia and Afghanistan on the north-west; Nepal or Bhootan on the north-east; wild tribes of the Assam, Cachar and Arracan border on the east; and Burma on the south-east. It is not probable that India will come in contact with China or Persia on the land frontier of British India for sometime to come. For operations against Russia or Afghanistan assisted by Russia, a force of two army corps of 50,000 to 60,000 fighting men might possibly be necessary. None has ever suggested that the army of India should be maintained at a strength necessary to put into the field a larger

force than this. Two divisions of all arms would probably suffice for the requirements of a war with Nepal; while, against other external foes a single division of all arms would, if communications were mentioned, be enough."

It will be noticed that the recommendation of the Army Commission to have 50,000 to 60,000 European and 100,000 to 1,20,000 Indian troops was made after due deliberation and a most cautious and careful survey of the conditions on the frontier and the then position of Russian advance in Central Asia. The recommendation was agreed to by Lord Ripon's Government. But on his retirement and on the change in the Ministry in 1885, the Forward School found in Lord Randolph Churchill an active advocate to carry out its design. His mandate went forth to increase the European troops by 10,000 and Indian by 20,000. Nothing special had happened on the frontier and no change in the attitude of Russia had occurred to justify such an increase. Two of the members of Lord Dufferin's Government were so convinced of not only the non-utility of the increase but of its possible evils that they placed on record their trenchant dissent which bears date 14th August, 1885. Both the late Sir Auckland Colvin, that brilliant administrator, who was then Finance Minister and Mr. (now Sir Courteney) Ilbert observed in their joint minute that "there seems every reason to apprehend that the increase of our forces beyond the needs enumerated by the army commission



may prove a weapon less of defence than of aggression. We are of opinion that as no circumstances have arisen which from a military point of view have not already been foreseen and guarded against the proposal to increase the strength of the army of 27,000 men should be negatived. We are further of opinion that it may lead to the advocacy and possibly to the adoption of projects for the extension of our present frontier." And again: "It has been already pointed out that the existence of such a force would be no mean agent in bringing about the very risk which it is meant to obviate. A standing army which is larger than is necessary for home requirements will be a temptation, and almost an irresistible weapon of offence beyond the border." How prophetic was the warning will be readily admitted when we recall the events which have taken place on the frontiers since 1885. Who is unaware of the acquisition of Upper Burmah, of the occupation of Gilgit, Hunza and Nagyar which eventually culminated in the expedition to Chitral. Later on there were those expeditions in the Malakand Pass and the territories of the Afridis and Oekzais. Still later on there was that disastrous expedition to Tirah. All these have cost millions of money which might have been well avoided. But the addition to the forces was, as the two members of the Government wisely forewarned, a direct incentive to frontier expeditions and land-grabbing. The plea has been put forward that they were all necessary in order that the frontiers may be kept free of turbulent

tribes and Russian intrigues and complications. Russia had all through been held up as a bogey and Imperial interests were urged for the purpose as if the quarrels of Great Britain with Russia on the European Continent had any concern with India to justify an unnecessarily large standing army on the Indian border. The Government of India felt sore on this point. It had more than once remonstrated with the Home Government but in vain. In one of these most important despatches they were constrained to observe as follows :—“Millions of money have been spent on increasing the army in India, on armaments and on fortifications to provide for the security of India, not against domestic enemies, or to prevent the incursions of the warlike peoples of adjoining countries, but to maintain the supremacy of British power in the East. The scope of all those great and costly measures reaches far beyond Indian limits and the policy which dictates them is an Imperial policy. We claim, therefore, that in the maintenance of British forces in this country a just and even liberal view should be taken of the charges which should be legitimately made against Indian revenues.” But all through the remonstrances and appeals of the Indian Government have gone in vain while many more millions on arms and ammunitions, mobilisation, fortification, strategic railways and a variety of other objects too numerous to be detailed here, have been incurred from year to year, till the entire military expenditure, exclusive of strategic railways, stood at 28·66 crores in 1909-10.

OPINION OF TWO MEMBERS OF THE WELBY COMMISSION  
ON ARMY CHARGES FOISTED ON INDIA.

I hope I have now made it clear how far the *policy* pursued by the Imperial Government has been largely contributory to the expenditure which now absorbs the whole of the net land revenue of the empire. So able and levelheaded a member of the Royal Commission on Indian expenditure as the late Sir James Peile, in his separate minute to the Majority Report, has observed : " It is needful to remember that the foreign military policy pursued in India, while it certainly aims at the safety of India, is also the policy of a great European State, and therefore a policy of mixed elements. The dictum that India should contribute part of the cost of British military operations in which India has a direct and substantial interest may easily be turned round. Here there is a partnership which implies joint objects and interests, and that I think is a reason for great consideration in dealing with the home effective charges." Again, the late Mr. Buchanan, who was also a member of the Commission, and became afterwards Under-Secretary of State for India, observed in his own minute that " in so far as the military defence of India is concerned, India pays everything and the United Kingdom nothing, and yet the maintenance of the military defence of India is one of the greatest of Imperial questions. The military strength of India is the main factor in the strength of our Empire in

the East. In virtue of that strength Great Britain is a great Asiatic Power."

PRIMA FACIE GROUNDS FOR RECONSIDERING PRESENT  
ARMY STRENGTH.

The question then remains whether the time has not come when the entire policy of the Imperial Government, so far as it is a great Asiatic power, should not be impartially considered on its own merits. If that policy is to be firmly maintained, then how may the growing expenditure be kept under check and control? Indian revenues, as we are all aware, are subject to the greatest fluctuations either on account of physical calamities or external economics and politics which the policy of the Imperial Government force on this dependency. At present the Indian Government is sorely tried as to how to balance the two sides of the annual account. With the threatened extinction of the opium revenue, the position two years hence is certain to be more embarrassed than it is at present. Either enhanced or new or both kinds of taxation will become inevitable or ways and means of retrenchment must be found to bring about an equilibrium in the balance sheet. As far as retrenchment has to be considered, I do not think that there can be any two opinions about military expenditure being the first which ought to be taken on hand. We may economise civil expenditure as best we may; but it is neither so burdensome nor so crushing, let alone its productivity, as military. Having regard to the fact that the Russian bogey has

been dispelled and that there is no reason whatever to apprehend any external attack from that Power on our frontiers in future there is no reason to have such a large standing army as is maintained at present. Moreover, many more miles of railways, strategic included, have been constructed at the expense of crores of rupees which have vastly facilitated transport and mobilisation. That fact ought to add additional weight towards the consideration of the question of retrenchment. There is, again, a considerable force of armed police which did not exist when the Simla Army Commission made the report. Next, the reserves and the Volunteer force also have been greatly augmented. Thus view as you may the position at present from any point you are irresistibly led to the conclusion that on every ground a case for retrenchment has been made out. Even so redoubtable an organ of the military bureaucracy as the *Pioneer* observed in its issue of 7th July as follows: "The argument that because a certain establishment laid down fifty years ago was appropriate to the wants of the Indian Empire, this estimate can never be liable to modification is surely one that could have only been brought forward from a scarcity of better ones. Circumstances are always altering, the balance of power is substantially shifting, the dissolution of old combinations and the formation of new, events in the outside world, such as new railways, new lands, new inventions, not to speak of campaigns and battles in whatever distant lands they may occur, are

continually altering the relations of a country's military resources to the necessities, and making the forces that were ample at one time insufficient at another and *vice versa* \* \* . The menace that looked so black has rolled away for good, as far as human foresight can go. A strange shift of international politics has brought us into relations of friendliness and common interests with the power who for many long years seemed infallibly destined to close with us in a life and death struggle for the possession of India. Can it be said that the removal of such a weight offers no *prima facie* grounds for a reconsideration of the scale of our own military establishments?" But the Russian hogey having been laid low by the Anglo-Russian agreement, the Forward School is now screaming that China is massing troops on the Nepaul Frontier and that affairs in the Persian Gulf, owing to the construction of the Bagdad railway, demand watchfulness and preparedness! These are two new bogies but they need not frighten anybody. For on the face of it it is absurd to expect China, or for that matter Siam, ever contemplating an attack on the north-east frontier. Says the *Pioneer*: "To suppose that China would contemplate serious hostilities in those remote jungles while she lies open to blows over the heart from the British Navy would be to suppose her statesmen infatuated indeed. Then we are warned about the political situation of the Gulf, but it is not obvious how matters there should affect the Indian Army."

might be otherwise inevitable. With even a reduction of 5,000 European and 10,000 Indian soldiers the saving will be about 1¼ Crore Rupees.

Of course, the *Times* and other Chauvinistic papers in London, and their counterparts here, have been screaming aloud against the reduction of a single European soldier, but it is to be hoped that the prudent and economic Government of Lord Hardinge will not be deterred by that irrational hue and cry from courageously facing the financial situation in the face and rendering that just financial relief to India which is called for. There is the greater hope of this, seeing how vigorously has the Under-Secretary of State in his budget speech laid emphasis on army retrenchment. By all means maintain the basal principle of having one European soldier for every two Indian. But it would be most unjust that while a European costs Rs. 1,404 per annum and an Indian only Rs. 492, to curtail the strength of the latter only and wholly maintain that of the former. That would be a crying injustice and otherwise impolitic from all points of view. But if the Chauvinist organs of British public opinion are anxious to see no European soldier reduced, then, they ought to be prepared in all conscience and equity to recommend to the British Treasury to bear a part of the cost of the European army in India, seeing that it is partially maintained in Imperial interests alone.

This brings me to the second alternative of the contribution to the Indian revenues from the British.

Treasury. So unbiassed and fair-minded a member of the Welby Commission as Mr. Buchanan observed in his minute to the Majority Report that "on general grounds and from our recent experience of the help that India's military strength can give to the Empire it is established beyond question that India's strength is the Empire's strength, and that in discharging these Imperial duties India has a fair claim that part of the burden should be borne by the Imperial exchequer. There may be difficulties as to the method of making the charge and the amount. As to the equity of the claim on the part of India there can be no doubt." I am sure every enlightened and fair-minded person, be he European or Indian, will endorse the justice of the suggestion which Mr. Buchanan had made but which, of course, did not commend itself to the majority of his colleagues. But the cogency of his reasoning and the fairness of his proposal must be deemed to stand as good, if not better, to-day than they were first made fourteen years ago.

#### CONCLUSION.

Summarising, I may say that no substantial retrenchment can be effected in the Army expenditure unless the strength of the entire force, European and Indian, is brought back to what it was in 1885. There are most cogent reasons for such a reduction, seeing that the conditions which prevailed from 1885 till the date of the Anglo-Russian convention have altogether changed for the better. There can be no fear of



external aggression from any European or even Asiatic Power, either from the north-west or north-east. The internal duties of the troops have been considerably lightened by the increased reserves, by the larger volunteer force, by the armed native police and by the trained Army of Native States. Thirdly, there has been enormous improvements and facilities of communication. Fourthly, more fortifications, military defence works, and strategic railways have been constructed. Lastly, the army to-day is infinitely more efficient everyway in arms and accoutrements than it was in 1885. Each and every one of these are *strong reasons in favour of a reduction*. Apart from that it is highly imperative to modify considerably the Army Amalgamation scheme of 1859 which has been the perennial source of increased Army charges for European troops, not infrequently of a character to embarrass the Indian exchequer as the Government of India has to its cost felt time out of number. It is an unequal partnership of a most burdensome character and withal so unjust that it offers next to no voice to the Indian Government to resist crushing charges imposed from time to time. The scheme, from the very first, has been condemned by experts some of whom have not been slow to observe that it is a convenient instrument for the War Office when opportunity offers to serve the exigencies of British estimates. Such an one-sided and grossly iniquitous scheme needs either to be ended or mended. And, lastly, the Imperial policy in reference to the maintenance of its supremacy as an

**Asiatic Power in the East requires to be so far modified as to diminish to a large extent the financial liabilities and obligations it imposes—liabilities and obligations which should equitably fall on the British Treasury and against which the Government of India has persistently protested and appealed to the Imperial Government but hitherto in vain.**

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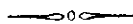
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## CONSTITUTION

OF THE

Indian National Congress Organisation.

*(As adopted by the Congress of 1908, amended by the Congress of 1911, and further amended by the Congress of 1912.)*



### Objects.

#### ARTICLE I.

The Objects of the Indian National Congress are the attainment by the people of India of a system of government similar to that enjoyed by the self-governing Members of the British Empire and a participation by them in the rights and responsibilities of the Empire on equal terms with those Members. These Objects are to be achieved by constitutional means by bringing about a steady reform of the existing system of administration and by promoting national unity, fostering public spirit and developing and organising the intellectual, moral, economic and industrial resources of the country.

#### ARTICLE II.

Every Delegate to the Indian National Congress shall express in writing his acceptance of the Objects of the Congress as laid down in Article I of this Constitution and his willingness to abide by this Constitution and by the Rules of the Congress hereto appended.

**Sessions of the Congress.**

**ARTICLE III.**

- (a) The Indian National Congress shall ordinarily meet once every year during Christmas holidays at such town as may have been decided upon at the previous session of the Congress.
- (b) If no such decision has been arrived at, the All-India Congress Committee shall decide the matter.
- (c) An extraordinary session of the Congress may be summoned by the All-India Congress Committee, either of its own motion or on the requisition of a majority of the Provincial Congress Committees, wherever and whenever it may deem it advisable to hold such session.
- (d) It shall be open to the All-India Congress Committee to change the venue of the Congress to some other town when such change is deemed by it to be necessary or desirable owing to serious or unforeseen difficulties or other contingencies of a like nature.

**Component Parts of the Organisation.**

**ARTICLE IV.**

The Indian National Congress Organisation will consist of :—

- (a) The Indian National Congress;



- (b) Provincial Congress Committees;
- (c) District Congress Committees;
- (d) Sub-divisional or Taluka Congress Committees affiliated to the District Congress Committees;
- (e) Political Associations or Public Bodies recognised by the Provincial Congress Committees;
- (f) The All-India Congress Committee;
- (g) The British Committee of the Congress; and
- (h) Bodies formed or organised periodically by a Provincial Congress Committee, such as the Provincial or District Conferences or the Reception Committee of the Congress or Conference for the year.

## ARTICLE V.

No person shall be eligible to be a member of any of the Provincial or District or other Congress Committees unless he has attained the age of 21 and expresses in writing his acceptance of the Objects of the Congress as laid down in Article I of this Constitution and his willingness to abide by this Constitution and by the Rules of the Congress hereto appended.

**Provincial Congress Committees.**

## ARTICLE VI.

To act for the Province in Congress matters and for organising Provincial or District

Conferences in such manner as it may deem proper, there shall be a Provincial Congress Committee with its headquarters at the chief town of the Province in each of the following nine Provinces :--

I Madras; II Bombay; III United Bengal; IV United Provinces; V Punjab (including N. W. Frontier Province); VI Central Provinces; VII Behar and Orissa; VIII Berar; and IX Burma.

ARTICLE VII.

Every Provincial Congress Committee will consist of :--

- (a) Such persons in the Province as may have attended as many sessions of the Congress as Delegates as may be determined by each Provincial Congress Committee for its own Province;
- (b) Representatives elected in accordance with its terms of affiliation by every affiliated District Congress Committee;
- (c) As many representatives of recognised Political Associations or Public Bodies referred to in clause (e) of Article IV as each Provincial Congress Committee may think fit to determine;
- (d) All such Ex-Presidents of the Congress or Ex-Chairmen of Reception Committees of the Congress as ordinarily reside within the jurisdiction of the Provincial Congress Committee and may not have been enrolled as mem-

bers of the said Committee in accordance with clause (b) of Article VI of the Constitution of 1908 or by virtue of the provisions contained in any of the foregoing clauses of this Article ;

- (e) The General Secretary or Secretaries of the Congress ordinarily residing within the jurisdiction of the Provincial Congress Committee, such General Secretary or Secretaries being added as *ex officio* member or members of the said Committee.

**ARTICLE VIII.**

Every member of the Provincial Congress Committee shall pay an annual subscription of not less than Rs. 5.

**District or other Congress Committees  
or Associations.**

**ARTICLE IX.**

The Provincial Congress Committee shall have affiliated to itself a District Congress Committee or Association for each District, wherever possible, or for such other areas in the Province as it deems proper, subject to such conditions or terms of affiliation as it may deem expedient or necessary. It will be the duty of the District Congress Committee or Association to act for the District in Congress matters with the co-operation of any Sub-divisional or Taluka Congress Committees which may be organised and affiliated to it, subject in all cases to the general control and approval of the Provincial Congress Committee.

**ARTICLE X.**

Every member of the District Congress Committee or Association shall either be a resident of the District or shall have a substantial interest in the District and shall pay an annual subscription of not less than one Rupee.

**ARTICLE XI.**

No District Congress Committee or Association or Public Body referred to in Clauses (c) and (e) of Article IV shall be entitled to return representatives to the Provincial Congress Committee or Delegates to the Congress or to the Provincial Conference unless it contributes to the Provincial Congress Committee such annual subscription as may be determined by the latter.

**ARTICLE XII.**

Each Provincial Congress Committee shall frame its own Rules not inconsistent with the Constitution and the Rules of the Congress. No District or other Congress Committee or Association mentioned in Article IX shall frame any Rules inconsistent with those framed by the Provincial Congress Committee to which it is affiliated.

**The All-India Congress Committee.****ARTICLE XIII.**

The All-India Congress Committee shall, as far as possible, be constituted as hereinbelow laid down :—

15 representatives of Madras ;  
15 " " Bombay ;

		20 Representatives of United Bengal (including Assam) ;
15	” ”	United Provinces ;
13	” ”	Punjab (including N. W. Frontier Province) ;
7	” ”	Central Provinces ;
15	” ”	Behar and Orissa ;
5	” ”	Berar ; and
2	” ”	Burma,

provided, as far as possible, that one-fifth of the total number of representatives shall be Mahomedans.

All Ex-Presidents of the Congress, residing or present in India, and the General Secretaries of the Congress, who shall also be *ex officio* General Secretaries of the All-India Congress Committee, shall be *ex officio* members in addition.

#### ARTICLE XIV.

The representatives of each Province shall be elected by its Provincial Congress Committee at a meeting held, as far as possible, before the 30th of November for each year. If any Provincial Congress Committee fail to elect its representatives, the said representatives shall be elected by the Delegates for that Province present at the ensuing Congress. In either case, the representatives of each Province shall be elected from among the members of its Provincial Congress Committee and the election shall be made, as far as possible, with due regard to the proviso in Article XIII.

**ARTICLE XV.**

The names of the representatives so elected by the different Provinces shall be communicated to the General Secretaries. These together with the names of the *ex officio* members shall be announced at the Congress.

**ARTICLE XVI.**

The President of the Congress at which the All-India Congress Committee comes into existence shall, if he ordinarily resides in India, be *ex officio* President of the All-India Congress Committee. In his absence the members of the All-India Congress Committee may elect their own President.

**ARTICLE XVII.**

(a) The All-India Congress Committee so constituted shall hold office from the date of its appointment at the Congress till the appointment of the new Committee.

(b) If any vacancy arises by death, resignation or otherwise, the remaining members of the Province in respect of which the vacancy has arisen shall be competent to fill it up for the remaining period.

**ARTICLE XVIII.**

(a) It will be the duty of the All-India Congress Committee to take such steps as it may deem expedient and practicable to carry on the work and propaganda of the Congress and it shall have the power to deal with all such matters of great

importance or urgency as may require to be disposed of in the name of and for the purposes of the Congress, in addition to matters specified in this Constitution as falling within its powers or functions.

(b) The decision of the All-India Congress Committee shall, in every case above referred to, be final and binding on the Congress and on the Reception Committee or the Provincial Congress Committee, as the case may be, that may be affected by it.

#### ARTICLE XIX.

On the requisition in writing of not less than 20 of its members, the General Secretaries shall convene a meeting of the All-India Congress Committee at the earliest possible time.

#### **Electorates and Delegates.**

#### ARTICLE XX.

The right of electing Delegates to the Indian National Congress shall vest in (1) the British Committee of the Congress, (2) Provincial or District or other Congress Committees or Associations formed or affiliated as hereinabove laid down, (3) such Political Associations or Public Bodies of more than two years' standing as may be recognised in that behalf by the Provincial Congress Committee of the Province to which the Political Association or Public Body belongs, (4) Political Associations of British Indians resident outside British India of more than two years' standing recognised by the All-India Congress Committee,

requesting the President, already elected in the manner hereinabove laid down, to take the chair.

**Subjects Committee.**

**ARTICLE XXIV.**

The Subjects Committee to be appointed at each session of the Congress to settle its programme of business to be transacted shall, as far as possible, consist of :—

not more than 15 representatives of Madras :

”	15	”	”	Bombay;
”	20	”	”	United Bengal ;
”	15	”	”	United Provinces;
”	13	”	”	Punjab (including N.W.F. Province) ;
”	7	”	”	Central Provinces;
”	15	”	”	Behar and Orissa;
”	5	”	”	Berar ;
”	2	”	”	Burma ;
”	5	”	”	British Committee of the Congress ;
And additional	10	”	”	the province in which the Congress is held ;



All the abovementioned representatives being elected, in accordance with Rule 9 of the "Rules" hereto appended, by the Delegates, attending the Congress from the respective Provinces.

The President of the Congress for the year, the Chairman of the Reception Committee of the year, all ex-Presidents of the Congress and ex-Chairmen of Reception Committees, the General Secretaries of the Congress, the local Secretaries of the Congress for the year, not exceeding six in number and all the members of the All-India Congress Committee for the year, shall in addition be *ex-officio* members of the Subjects Committee.

**ARTICLE XXV.**

The President of the Congress for the year shall be *ex officio* Chairman of the Subjects Committee and he may nominate 5 Delegates to the Subjects Committee to represent minorities or to make up such deficiencies as he may think necessary.

**Contentious Subjects**

AND

**Interests of Minorities.**

**ARTICLE XXVI.**

(a) No subject shall be passed for discussion by the Subjects Committee or allowed to be discussed at any Congress by the President thereof, to the introduction of which the Hindu or Mahomedan Delegates, as a body, object by a majority of  $\frac{3}{4}$ ths of their number; and if, after

the discussion of any subject, which has been admitted for discussion, it shall appear that the Hindu or Mahomedan Delegates, as a body, are by a majority of  $\frac{3}{4}$ ths of their number, opposed to the resolution which it is proposed to pass thereon, such resolution shall be dropped; provided that in both these cases the  $\frac{3}{4}$ ths mentioned above shall not be less than a  $\frac{1}{4}$ th of the total number of Delegates assembled at the Congress.

(b) In any representations which the Congress may make or in any demands which it may put forward for the larger association of the people of India with the administration of the country, the interests of minorities shall be duly safeguarded.

#### **Voting at the Congress.**

##### **ARTICLE XXVII.**

Ordinarily, all questions shall be decided by a majority of votes as laid down in Rule 21 of the "Rules" hereto appended, but in cases falling under Article XXX of this Constitution or whenever a division is duly asked for in accordance with Rule 22 of the "Rules" hereto appended, the voting at the Congress shall be by Provinces only. In cases falling under Clause (1) of Article XXX, each Province shall have one vote, to be given as determined by a majority of its Delegates present at the Congress. In all other cases of voting by Provinces, the vote of each Province, determined as aforesaid, shall be equivalent to the number of

representatives assigned to the Province in constituting the All-India Congress Committee.

**The British Committee of the Congress.**

**ARTICLE XXVIII.**

The Reception Committee of the Province, in which the Congress is held, shall remit to the British Committee of the Congress, through the General Secretaries of the Congress, half the amount of the fees received by it from Delegates, subject to a minimum of Rs.(3,000) Three Thousand.

**General Secretaries.**

**ARTICLE XXIX.**

(a) The Indian National Congress shall have two General Secretaries who shall be annually elected by the Congress. They shall be responsible for the preparation, publication and distribution of the Report of the Congress and they shall submit a full account of the funds which may come into their hands and a Report of the work of the year to the All-India Congress Committee at a meeting to be held at the place and about the time of the session of the Congress for the year; and copies of such account and report shall be previously sent to all the Provincial Congress Committees.

(b) The All-India Congress Committee shall make adequate provision for the expenses of the work devolving on the General Secretaries, either out of the surplus at the disposal of the Reception Committee or by calling upon the Provincial Con-

gress Committees to make such contributions as it may deem fit to apportion among them.

**Changes in the Constitution or Rules.**

**ARTICLE XXX.**

No addition, alteration or amendment shall be made (1) in Article I of this Constitution except by a unanimous vote of all the Provinces, and (2) in the rest of this Constitution or in the "Rules" hereto appended except by a majority of not less than two-thirds of the votes of the Provinces, provided, in either case, that no motion for any such addition, alteration or amendment shall be brought before the Congress unless it has been previously accepted by the Subjects Committee of the Congress for the year.

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**RULES**  
**for the Conduct and Regulation**  
OF THE  
**Indian National Congress Meetings,**  
*as adopted by the Congresses of 1908, 1911 & 1912.*

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1. The Indian National Congress shall ordinarily hold an annual session at such place as may have been decided upon in accordance with Article III of the "Constitution" and on such days during Christmas week as may be fixed by the Reception Committee. An extraordinary session of the Congress shall be held at such town and on such days as the All-India Congress Committee may determine.

2. Each Congress session shall open with a meeting of the Delegates at such time and place as may be notified by the Reception Committee. The time and place of subsequent sittings of the session shall be fixed and announced by the President of the Congress.

3. The proceedings on the opening day and at the first sitting of each Congress session shall, as far as possible, consist of :--

- (a) The Chairman of the Reception Committee's inaugural address of welcome to the Delegates.
- (b) The adoption of a formal resolution, to be moved, seconded and supported by such Delegates as the Chairman of the Reception Committee invites or permits,

requesting the President elected by the Reception Committee or the All-India Congress Committee, as the case may be, to take the chair, no opposition by way of a motion for amendment, adjournment or otherwise being allowed to postpone or prevent the carrying out of the said resolution.

- (c) The President's taking the Chair and his inaugural address.
- (d) Reading or distribution of the Report, if any, of the All-India Congress Committee and any statement that the General Secretaries may have to make.
- (e) Any formal motions of thanks, congratulations, condolence, &c., as the President of the Congress may choose to move from the chair.
- (f) The adjournment of the Congress for the appointment of the Subjects Committee and the announcement by the President of the time and place of the meetings of the Delegates of the different provinces for the election of the members of the Subjects Committee and also of the first meeting of the Subjects Committee.

4. No other business or motions in any form shall be allowed at the opening sitting of the Congress session.

5. The Chairman of the Reception Committee shall preside over the assembly at the first sitting until the President takes the chair. The President of the Congress shall preside at all sittings of the Congress session as well as at all meetings of the Subjects Committee. In case of his absence and during such absence, any Ex-President of the Congress present, who may be nominated by the President, and in case no Ex-President is available, the Chairman of the Reception Committee shall preside at the Congress sitting ; provided that the Subjects Committee may, in such cases, choose its own Chairman.

6. The President or the Chairman shall have, at all votings, one vote in his individual capacity and also a casting vote in case of equality of votes.

7. The President or Chairman shall decide all points of order and procedure summarily and his decision shall be final and binding.

8. The President or Chairman shall have the power, in cases of grave disorder or for any other legitimate reason, to adjourn the Congress either to a definite time or *sine die*.

9. The election of the members of the Subjects Committee shall take place at meetings of the Delegates of the different provinces held at such place and time as may be announced by the President. Each such meeting, in case of contest, shall have a Chairman who will first receive nominations, each nomination being made by at least 2 Delegates, and then after announcing all the nominations he

may ask each Delegate to give in a list of the members he votes for, or he may put the nominated names to the vote in such order as he pleases, or if there are only two rival lists, he shall take votes on these lists and announce the result of the election and forthwith communicate the same to the General Secretaries of the Congress.

10. The Subjects Committee shall deliberate upon and prepare the agenda paper for the business to be transacted at the next Congress sitting. The General Secretaries shall, as far as practicable, distribute among the Delegates a printed copy of the agenda paper for each sitting before the sitting commences.

11. At each sitting of the Congress, the order in which business shall be transacted shall be as follows :—

- (a) The Resolutions recommended for adoption by the Subjects Committee.
- (b) Any substantive motion not included in (a) but which does not fall under Article XXX of the "Constitution" and which, 25 Delegates request the President in writing, before the commencement of the day's sitting, to be allowed to place before the Congress, provided, however, that no such motion shall be allowed unless it has been previously discussed at a meeting of the Subjects Committee and has received the support of at least a third of the members then present.



12. Nothing in the foregoing rule shall prevent the President from changing the order of the Resolutions mentioned in Rule 11 (a) or from himself moving from the chair formal motions of thanks, congratulations, condolences or the like.

13. The proposers, seconders and supporters of the Resolution recommended for adoption by the Subjects Committee shall be Delegates and shall be selected by the said Committee. The President may allow other Delegates to speak to the Resolutions at his discretion and may allow any distinguished visitor to address the Congress. Nothing in the foregoing, however, shall prevent the President from moving from the chair such Resolutions as he may be authorised to do by the Subjects Committee.

14. An Amendment may be moved to any motion provided that the same is relevant to the question at issue, that it does not raise a question already decided or anticipate any question embraced in a resolution on the agenda paper for the day and that it is couched in proper language and is not antagonistic to the fundamental principles of the Congress. Every amendment must be in the form of a proposition complete in itself.

15. When amendments are moved to a motion, they shall be put to the vote in the reverse order in which they have been moved.

16. A motion for an adjournment of the debate on a proposition may be made at any time and so also, with the consent of the President or Chairman, a motion for an adjournment of the House. The

President or Chairman shall have the power to decline to put to vote any motion for adjournment if he considers it to be vexatious or obstructive or an abuse of the rules and regulations.

17. All motions, substantive or by way of amendment, adjournment, &c., shall have to be seconded, failing which they shall fall. No motions, whether those coming under Rule 11 (b) or for amendment, adjournment, closure, &c., shall be allowed to be moved unless timely intimation thereof is sent to the President with the motion clearly stated in writing over the signatures of the proposer and seconder with the name of the Province from which they have been elected as Delegates.

18. No one who has taken part in the debate in Congress on a resolution shall be allowed to move or second a motion for adjournment or amendment in the course of the debate on that resolution. If a motion for adjournment of the debate on any proposition is carried, the debate on the said proposition shall then cease and may be resumed only after the business on the agenda paper for the day is finished. A motion for adjournment of the House shall state definitely the time when the House is to resume business.

19. A motion for a closure of the debate on a proposition may be moved at any time after the lapse of half an hour from the time the proposition was moved. And if such motion for closure is carried, all discussion upon the original proposition or amendments proposed to it shall at once stop and the President shall proceed to take votes.

20. No motion for a closure of the debate shall be moved whilst a speaker is duly in possession of the House.

21. All questions shall be decided by a majority of votes, subject, however, to the provisions of Articles XXVII and XXX of the "Constitution." Votes shall ordinarily be taken by a show of hands or by the Delegates for or against standing up in their place in turn to have the numbers counted.

22. In cases not falling under Article XXX of the "Constitution," any twenty members of a Congress sitting may demand a division within 5 minutes of the declaration of the result of the voting by the President and such division shall be granted. Thereupon the Delegates of each Province shall meet at such time and place as the President may direct and the Chairman of each such meeting shall notify to the President the vote of the Province within the time specified by the President.

23. Every member of a sitting of the Congress or of the Subjects Committee shall be bound (a) to occupy a seat in the block allotted to his province, save as provided for in Rule 30, (b) to maintain silence when the President rises to speak or when another member is in possession of the House, (c) to refrain from hisses or interruptions of any kind or indulgence in improper and un-Parliamentary language, (d) to obey the Chair, (e) to withdraw when his own conduct is under debate after he has heard the charge and been heard thereon, and (f) generally to conduct himself with propriety and decorum.

24. No member shall have the right at a Congress sitting to speak more than once on any motion except for a personal explanation or for raising a point of order. But the mover of a substantive motion (not one for amendment or adjournment) shall have the right of reply. A person who has taken part in a debate may speak upon an amendment or motion for adjournment moved after he had spoken. The President or Chairman shall have the right to fix a time-limit upon all speakers, as also to call to order or stop *any speaker* from further continuing his speech even before the time-limit expires, if he is guilty of tedious repetitions, improper expressions, irrelevant remarks, &c., and persists in them in spite of the warning from the President.

25. If a person does not obey the President's or the Chairman's orders or if he is guilty of disorderly conduct, the President shall have the right, with a warning in the first instance, and without a warning in case of contumacious disregard of his authority, to ask such member to leave the precincts of the House, and on such requisition the member so ordered shall be bound to withdraw and shall be suspended from his functions as a member during the day's sitting.

26. If the President considers that the punishment he can inflict according to the foregoing section is not sufficient, he may, in addition to it, ask the House to award such punishment as the House deems proper. The Congress shall have the power in such cases of expelling the member from the entire Congress session.

27. The Reception Committee shall organise a body of such persons as it may deem fit for the purpose of keeping order during the meeting of the Congress or of its Subjects Committee or at divisions. There shall be a Captain at the head of this body and he shall carry out the orders of the President or the Chairman.

28. Visitors may be allowed at the sitting of the Congress on such terms and conditions as the Reception Committee determines. They may at any time be asked to withdraw by the President. They shall be liable to be summarily ejected from the House if they enter the area marked out for the Delegates, or if they disobey the Chair, or if they are guilty of disturbance or obstruction, or if they are in anywise disorderly in their behaviour.

29. The meetings of the Subjects Committee shall be open only to the members of that Committee and the meetings of the Delegates of each Province at divisions shall be open to the Delegates of that Province only, subject in either case to the provisions of Rule 27.

30. The Chairman of the Reception Committee and the President as well as the Secretaries may, at their discretion, accommodate on the Presidential platform (1) Leading members of the Congress, (2) Distinguished visitors, (3) Members of the Reception Committee, (4) Ladies, whether Delegates or visitors, and (5) Members of the All-India Congress Committee.

31. The foregoing Rules shall apply, *mutatis mutandis*, to the Provincial or District Conferences organised by the Provincial Congress Committees as provided for in Article VI of the "Constitution".

## FOREWORD.

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THE following articles which appeared in *The Jnanprakash* are re-printed with a hope that the subject-matter discussed therein might be given due attention at the present moment, when a New Era dawns upon the British India, as the future of the Princes and People of the Indian States is closely associated with it.

I take this opportunity of publicly acknowledging the help of the two gentlemen—one who contributed four articles on the "Responsible Government in Indian States," and the other who besides contributing the articles headed "Native States and Constitution" and "Federation of Kathiawar States" un-

ceasingly toiled for *The Janprakash* with a "labour of love" simply in the interest of our *Matrubhumi*. It was due to such contributors that *The Janprakash* was appreciated by its readers.

September 1920.

PUBLISHER.

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## RESPONSIBLE GOVERNMENT IN INDIAN STATES.

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[ I. — 1 January 1919. ]

".....If the wheels of administration are to run smoothly, the stirring times in which we live, and, particularly the *events of the past few months have emphasised the danger that attends the exercise of autocratic rule without proper regard to the interest of the people. In the vast majority of the countries of the world, the realization of this danger has led to the substitution of Government by the people for the uncontrolled authority of an individual sovereign. The rulers of Indian States in virtue of their protection by the British Government, enjoy an unusual degree of personal control over the welfare of their subjects and the responsibility that lies upon them is correspondingly great.*" ( Italics are ours ).

SINCE the Montague-Chelmsford reforms have been on the anvil, there has been a stir in the minds of some of the public spirited citizens of the Indian States as to how their destiny is to be shaped. The active spirits started an association called the Cutch Kathiawad Association and began to preach doctrines of the extention of the principle of responsible government to



best they work upon the same. To our mind the question is one for solution by the States and their people themselves. The British statesman in the speech admits the peculiar status of the rulers of the States behind a sure shield of the British protection. His Excellency the Viceroy's prominent reference to the fact clearly shows that the British statesman fully realizes the special feature of the problem which has its own uniqueness about it. Now that His Excellency the Viceroy has touched the question and has thus brought it to the forefront of practical politics, we think we are bound to discuss it from the public stand point. The Rajas and Maharajas, the Nababs and the Jagirdars have already had their full say when the Moutague-Chelmsford Scheme was on the anvil. The Chiefs' Conferences were right awake to the prospective safeguarding of the rights and privileges secured to them under the treaties. They also raised important issues to have their status improved on the score of services rendered in the time of the war to the Empire. It does not therefore require to be told that in the reconstruction of India at the end of the war the Native States will find in many ways their status and prestige are enhanced. The Political Department of the Government of India will have to recast and revise

their code of instructions to their Political Officers who have been attached to these Courts as Residents and Political Agents. In course of time if the idea of federation develops, the Political Officers must be only a channel for the exchange of business on both sides. They must, if that development takes place, renounce their claim to use their so-called influence with the various Darbars. They shall cease to be the arbiters in the Inter-Statal disputes which go to special Commissions mentioned in the Scheme. There will be much less to negotiate on questions of Imperial Policy too, as in case of difference the proposals shall have to go to the Standing Committee of Chiefs chosen from amongst the Council of Chiefs. The form of constitution thus evolved will therefore bring additional power to the rulers who have already, inspite of the so-called exercise of diplomatic influence by the representative of the Paramount Power, virtually all the powers of the mightiest autocrats.

The question therefore for the people in the Native States is how they have to get their constitutions changed; There is in the first place this great difference in the form of Government in Native States and in British districts that while the Government in the British districts, even as it

cut and dry issue for them to decide and we for the present leave them here to think over the question thus raised. The public of the Native States have before them the declaration of the Policy by His Excellency the Viceroy and we leave it to themselves to see how they evolve their constitutions from amongst the difficulties due to the peculiar characteristics of the Native States themselves. It is for them to work out their salvation or to migrate to the neighbouring British districts where they can have their own form of Government. This contingency can be avoided if the Rulers in their own interests, either by themselves or through the advice of the Imperial Government choose to part with some of their powers in favour of their own subjects to whom they are bound by ties of long connection and by ties of heredity and affection.

[ II. — 16 January 1919. ]

We again now return to the subject which demands further discussion if the problem merits some solution at a future date. Those of us who are the subjects of the Native States or those of us who live in the midst of a large group of States must admit the importance of the subject which touches all of us at every point. So far as the

foreign relations of States with the Paramount Power and with sister States are concerned, they are quite safe into the hands of the Chiefs themselves. The Chiefs for all these years have been seeing to them and they will see to them in future as they are the backbone of their very existence as States. There is no class of Aristocracy in the world which have been so careful of the preservation of the cherished rights and privileges as the Native States. In fact the Rajas, and their ministers, have generation after generation worked towards the preservation of these rights and privileges and this is one important reason why the Native Darbars are so many repositories of the rank conservatism of the Indian society in all its aspects. The Native States know full well that their very existence is bound up with the conservation of the old traditions, the old customs and the very old forms. As shown in the previous article, though the will of a Ruling Chief can make and unmake Laws, still, one with any experience of Native States can boldly say that no laws in Native States will be revised or passed once in fifty years even when legislation on the subject has been amended, revised or re-enacted half a dozen times in the British Districts. The spirit of the Native States is one of conservation only. It only takes a leap when it is

manifestly advantageous to the person of the Chief or to his estate or to his purse. If the phrase "Happy is the land that has no laws" can be appropriately applied to any state of society anywhere, it can be easily applied to the administrations of the Native Darbars. It will thus be clear that the public discussion of the subject mentioned at the top has nothing much in it from the stand point of conserving the States as they are. The question of the "People's rights and privileges" is one which demands full discussion in its various aspects. Those of the Rajas and Maharajas who think that they have at heart the interests of the people committed to their charge and the people themselves who from generation to generation have accepted quietly the good, bad or indifferent government by these their Rajas and Nabobs, would, we believe, like to see whether there are chances in the society as it is constituted at present for some move in the matter. If the fact is allowed to be accepted that the Rajas, Maharajas, Talukdars and Chiefs are the proprietors—owners—masters of the States as they rightly or wrongly in the latter day developments of their earthly existence are likely to believe, then there is no question of further changes being introduced into their polity. The States—so many geographical

units—are then the private property of the Chiefs and the people are their so many chattel and then the problem does not require much thought to be expended there on. But then we have the pronouncements from time to time of the Viceroys, the Presidency Governors and the Political Officers not made here and there on rare occasions but in public speeches on most solemn occasions of Installation and Investiture Darbars, which tell quite the other tale. Nearer at home there is the oft quoted speech of Mr. J. B. Peile, one of the most capable Political Agents in Kathiawad which breathes therein a spirit of Rajas' Governments existing for the people and for the benefit and welfare of the people over whom, as the extract at the top from the latest pronouncement shows the Rajas are called on to rule under the cover of Protection by the Paramount Power. The deposition of His Highness Malharrao of Baroda and the deprivation of powers of Chiefs nearer at home fully establish the fact that the idea of "Responsibility" somewhere and to someone runs through the whole system. Similarly the Distinctions and Honours to the Ruling Chiefs from generation to generation carry, or are supposed to carry, with them the mark of approbation for the several administrations. Now then the question is one of

creating and fixing a definite standard of *the sense of responsibility* in these Rajas and Maharajas who as a class have not yet shown any very great regard for the public interests of States over which they have been called to preside from generation to generation. The early Political Officers when they went into charge of some of the States as Administrators during the minority of the Chiefs created a tradition of the civil list of the Ruling Chiefs being limited to a definitely fixed monthly grant from the State revenues, but then, where is the guarantee to show that these fixed monthly grants are the only emoluments of the reigning chief for the time being ? There are few States, whether well or ill-governed, which can show the marked differentiation between the Public Revenues of a State and the private purse of the Ruling Chief for the time being. There is nothing and there has been nothing to prevent a Ruling Chief to draw upon his State Treasury for all sorts of things whether they be for the State or for his person. Even States which by frugal management and prudent economy have saved large balances cannot be allowed to take credit of having voluntarily foregone as a principle their birth-right of State revenues to be so much as their own private revenue. In these

cases frugality and economy are part of character of the Ruling Chief for the time being and are not part of the Constitution of the State. Nothing prevents a Raja in extravagantly spending his revenues on his personal pleasures which may bring no return to the State as on works of public utility which would benefit the State and the people. There is nothing in the Constitution of the States which would prevent a ruling Chief in embarking on schemes of private or public trade which may both ways affect the treasury of the State. An intelligent and a hard working capable Chief may as much enrich a State by his successful enterprizes as he would on the other hand ruin his State by his unlucky ventures. The mighty ex-Tzar of Russia or the ex-Kaisar of Germany with their unlimited powers on the disposal of State problems had atleast a limited Privy Purse. His Majesty the King-Emperor whose vassals these Indian Rulers are has his civil list fixed and yet these rulers of Native States have the full unlimited control over their State Treasuries the sole function of which is to pass the bills and honour the cheques drawn on them without a querry. The State Treasury Officers must find out ways and means for meeting the demands. It is no duty of theirs to go to the Chiefs and tell



them that a particular item is one that has no provision in the budget or is one which should not fall on the State Treasury but should go to the personal monthly grant budgetted for the person and the household of the Chief. The question of "Responsible Government" in Native States first demands the solution of this moot point in the polity of the Native States. The point can be solved either by the public spirit of the individual Rajas voluntarily endowing their States with a Constitution on the subject so as to fix as a part of the State Constitution a sum for the upkeep of the household of the Raja and for the upkeep of the prestige and dignity of the Chief for the time being, or by the diplomatic advice of the Paramount Power or by some power which it is not within our power to name at the present stage of the history of the Native States. All the same we as part of our duty ought not refrain from publicly asserting that the first move would be a source of and a forerunner of any constitutional reforms to follow in its train. We leave the subject here again to come back to other aspects of the question of constitutional evolution of these Political Entities later on.

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[ III. — 1 February 1919. ]

In the two previous articles, we have brought out the two main principles on the policy of having in them Responsible Government, *i. e.*, the principle of establishing Government by Law and the abrogation of the present system of Government by the Executive, and the principle of fixing the limit to the power of the Chiefs and Rulers for the time being of drawing upon the State Exchequers. These two principles are and should be the main lines of work for the people who desire the advancement of Native States towards the now admitted and the recognized fact of evolving Responsible Government in the States. People residing away from the Native States territories and quite in the interior of the British Districts have absolutely no very great idea of the mischief done by the absence of these recognized canons of Government in Native States. No man's life, no man's person and no man's property is safe in a system of Government where the Executive machinery of the Police and the Judiciary can be put into motion by Executive orders emanating from the Chief, from his Secretary and from his servile subordinates in different branches of State services. This is not a mere

imaginary picture of things as existing in the State, but there are instances—existing instances—which point to the evil. We are discussing a principle and so it is not necessary to name or cite instances to support our remarks but we without referring to them, are in a position to solemnly aver that the evil is very great and it is so great that it touches the very marrow of life of people in Native States. The second evil of having an unlimited purse for the heads of Administrations for the time being is equally far reaching in its consequences. The personal expenses of all Chiefs all round absorb the whole revenue and practically all surpluses. The Native Darbars may with pride show to the outside world the so-called progress which their States have made during all these fifty years and more after the Mutiny, but, we on our part are bold to say that the real progress was and is the fruit of the British management of the Native States during the period of the minority of the various Chiefs. The various responsible Administrators, in spite of the drawbacks due to their being out of touch with the real heart of the Native State traditions, have everywhere practically re-cast the whole States during a decade of their existences and have again chalked out lines which a young Chief on coming to the

Gadi has not dared to obliterate for a few years in his early career. The progress is visible, therefore, in a few outstanding results on the various heads, of Public Works and other allied heads which in a way are so many activities affecting the masses. We should like to add that this method of work for years together has in a haphazard way done something for the States but it cannot be all. If the work had been all round to be done on the principle of a State Exchequer being free from the control of the Chief for the time being, for all these years, the sum total of the work would have been far in excess of what we witness to day. In our previous articles we have given credit to that aspect in the personal character of Chiefs where their rule has been consistently frugal and economical, and we would like to add here that the States like these with years of frugal management are standing monuments which would help us in establishing as a corrolary the fact of *unthought of progress* all round in all States provided the same was a part of the Constitution of the various States. What we urge, and urge with very great force, is that no Government can be consistently progressive where it has to be presided over by Chiefs armed with fullest powers without any limitations placed on their Privy Purse, and

without their Government having been made to be one by Law and not by Executive. The so-called Representative Assemblies of which we heard much at the last sitting of the Legislative Council of Baroda are mere semblances and a deceptive semblances. The division of powers among several secretaries or among several officers, or among Members of the so-called Council at the head has no meaning in it where the Chief remains as he is with his surest will and with his freak and fancy to mould the destinies of his State.

We have considered these two principles as two cardinal principles and that is why we have practically reiterated the same with so much comment thereon. It is no use to expect anything out of the State so long as the Raja remains what he is. His responsible adviser, be he a Minister, a Secretary, or an adviser is virtually powerless when he has to obtain the orders of the Chief. A Political officer, with all the powers of his so-called diplomatic advice and interference would not achieve any thing for the State so long as the system of Government remains the same. The diplomatic Agents and Political Agents have their thousand and one limitations which virtually take the whole spirit out of any well-meaning and well-intentioned schemes. If the States have

to progress, if they have to be made responsible to some authority other than the presiding Chief, the responsibility must be fixed on the heads of Ministers and Members of the Council who in their turn should be made responsible to the duly accredited representatives of the people for whom the Government should exist. In this case only these so many States can legitimately claim to be the Members of the Federal Union which ultimately is the visible goal towards which the Government of India is tending. We hope that the Imperial Government will realize this aspect of the question if they think they effectively wish the various Darbars to participate in all questions of the development and the defence of the Empire. In the world to evolve at the end of the Peace, every country will have to exert its full strength to develop its full resources and we think it can be no good policy if Native States area which is one third of the British India can be allowed to remain dormant and inactive as in pre-war days. It would be so much dead loss in the Economy of India as a whole. The Native States area, if it is not pulled up, will be a drag on the upward progress which is bound to come in British India. There are various problems equally affecting both British India and the Native States area, and no

one can look askance at the slow march of history in Native States where these problems in the nature of things are inter-linked. No one part of the body politic can be allowed to lag behind without paralysing the activity of the other limb. The reminder of His Excellency the Viceroy to the Chiefs at the Delhi Chiefs' Conference to say that the British Power is the Paramount Power and that that consideration should always be present, while the various problems are being discussed, is well-timed now that every one of us is reverting to the normal conditions on the termination of the war. We leave here for the present to again come back to the question later on.

[ IV.—1 March 1919. ]

Since the important pronouncement by His Excellency the Viceroy which has formed the text of our articles, has been made, much ground has been traversed upon all the questions with which we from fortnight to fortnight have been familiarizing all who on this side of India take some interest in the solution of this important problem. The issue raised and the solution suggested by our contemporary the *Times of India* is a very bold one and we congratulate our brother on his bold stand for the interests of the masses in the Indian States. The society in these Indian

States and the Body Politic of these States are so constituted that it is almost hopeless to expect any thing out of these States as a gratuitous dole and we are therefore very glad that the cause of the Indian masses in these States is thus boldly espoused by the influential organ of public opinion like the *Times of India*. So long as the Government in these States remains one by the Executive and not by Law, it is impossible to have near at hand a Press which would voice the public opinion on the subject by focussing discussion thereon. So long as there is not the Government by Law, it is impossible to expect anything in the nature of public discussions of the main lines of policy on various questions of State Politics. The problems of Finance, of Railway, Irrigation, Revenue and judiciary all retire into the back ground before the Personality of the Chief and his representative the Minister who as a matter of fact acts the role of a defending Counsel to justify the policy as promulgated by the Chief. Under these circumstances, the stimulus to the establishment of Responsible Government must come from outside. It can only be effective when the Chiefs realize once for all that they too have in this mundane world some one and some force to whom they are accountable. The idea of "Unity" in the columns of the *Times*



*of India* is no doubt an excellent idea but we who actually live and thrive in the midst of a geographically pretty large group of states all alike in all respects know that there is nothing like Right, Left and Centre in the so called Polity of the various Native States. The Representative Assemblies and the power of interpellations, and other similar forms are merely a small dole for the time being just to tickle the plate of the hungry mass within and to earn the *vaivah* (applause) of the people without. We have in our previous articles acknowledged the advance made in several States and we have given credit for the same to the several Chiefs who had something to do with the same. But then all this is personal. A benevolent and a God fearing Chief for the time being may make his despotism benevolent and his administration strong and efficient but as against one such benevolent despot, we have hundreds of Chiefs who treat the States as their private domains and as such appropriate to themselves all the income of the State proper.

We have not yet touched the idea of federation of the various States with the British Indian Government yet, but we boldly assert that the idea of federating so many autocrats with the Res-

possible Government of India is in itself an anomaly. The various states of the Union in United States of America have their own Constitutions and so the whole United States of America has on its Union, the members who are all alike and who are responsible to their own people. If the questions of Military and Naval Defence of India have to be successfully tackled then the Native States will have to be called upon to set apart a fixed part of their revenue from year to year to meet the Imperial Liability. But then where is the guarantee that this fixed part will, as a rule be set aside when as a matter of fact our experience tells us that several Talukdars go in arrears for the Tribute be it called Peshkashi or Jama. What guarantee is there that these States can set apart a substantial part of their revenue when on appearance of a famine in any one year, they have to run to the Imperial Government for loans.

So long as they are autocratic governors of the States, they cannot levy additional taxation when they themselves squander on their person and on the person of their dependents and followers a large part of the State revenue. We know that some Chiefs in the last few years have laid heavy customs duties on the import and export trade of

their States to increase the revenue but people have yet patiently borne the weight in the hope that these measures are temporary. If the Chiefs will continue to levy heavy taxes, the intelligent people will gradually migrate to neighbouring districts and then the Native States area will remain and will be a *Muluk* (country) of agriculturists and small retail traders. The gravitation of Capital in Native States to British Districts has already commenced and if timely reforms are not made the move towards the British Districts both by the People and the Capital will be hastened. Now that we have arrived at a stage when we can develop our views on the question of federation, we stop for the present, reserving our remarks on the subject for our future issues.

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## NATIVE STATES AND CONSTITUTION.

[ I.—1 March 1918. ]

At a time when *political freedom* is the watchword of Nations and of Empires all over the world, when *Responsible Government* has been proclaimed to be the ultimate goal of the British policy in the governance of British India, when the Democracies of the World are linked together in a crusade against the Autocracy and 'one-man rule' of the Central Empires, political sagacity and morality alike require that the legitimate aspiration of a population of 66 millions whom Nature and Geography have placed under Native Chiefs should not be lightly disregarded in the onward march. While writing on 'Federation of Kathiawar States,' we pointed out that the present moment was the most opportune and the psychological one for making a departure in the existing machinery. The whole atmosphere breathes of a sort of political awakening, resulting in a universal demand for Constitutional Reforms and giving birth to various scheme of Reconstruction. The large volume of political literature and pamphleteering which confronts an editor in his study is simply amazing. The outcome of all this, however,

is that the hazy mist is cleared to an appreciable degree by the liberal education imparted by the genuine conviction and solid thought expressed therein as a result of the keen sense and rivalry among the intelligent classes. The Native States are so interwoven with other parts of India by their geographical position, common interests, ties of blood, language and religion that the highest political, economic and moral grounds cannot admit of their segregation from the camp of Constitutional Reforms. India is, so to say, a big Confederacy, all parts of which must march together in the path of Progress and Reforms. No one part can be left behind in the course of the general march without the danger of endangering the best interests of the country and the Empire. It then follows that in the scheme of Re-adjustment, Native States should not be allowed to lag behind or remain outside the scope of the fourthcoming Reconstruction.

The question as to what part the Native States should play in the scheme of Reconstruction has been brought into the arena of practical politics by more than one careful student of Native States and notably among them are Messrs. Abhyankar Gundappa, Ramchandra Rao, Mansukhlal, a number of anonymous writers in the leading news-

papers, and also the distinguished group of personages like Sir Visveswaraiya, H. H. the Maharaja of Bikaner &c. Much stress has been laid on the splendid services rendered with unstinted liberality and passionate devotion by the Chiefs to the Imperial cause and as a reward for this, it is advocated that the Chiefs should be given a separate Chamber and an influential voice through it. The secret sessions of the Chiefs that met at Bombay and Patiala and their subsequent meeting with the Right Hon. the Secretary of State shows that something in a definite shape has been proposed as an embodiment of what the Chiefs think. It is a thousand pities that except what has fallen from the pen of a very few writers, there is no general movement among the subjects of the Native States to say authoritatively what they think of the matter. The Chiefs—the vast majority of whom have proved to be autocrats of the medieval Europe—are not and cannot rightly for this purpose be called the representatives of the people. Their views therefore can be at the most considered to be the view of one party and that of the other party, *i. e.*, their people ought to be sought elsewhere. These people have as much right to be heard as the Chiefs themselves. For it is not the Chiefs but the *State* with which Government

is concerned and has always entered into relationship. Again it must be conceded that the vast sums of money which have been contributed by the Native States of India towards the prosecution of the War and the relief of the distress caused by it, have come from the pockets of the subjects of these States ; it is not within our knowledge that any Chief set apart a generous donation from his private estate or property towards this noble cause. It is thus abundantly clear that the term Native States, does not merely connote the Rulers of Native States, but includes also the subjects of Native States. It should be then equally clear that the question cannot be decided on the basis of the view expressed from the Chiefs' standpoint alone. The wishes of the people ought to be taken into account and respected as far as possible.

' A decoration to one ruling prince, a grant of personal salute to another or the conferring of hereditary distinction on a third would be looked upon as simply puerile. ' A good scheme of constitutional Reforms, to be acceptable to all classes, must of necessity include within its compass the Rulers as well as the Ruled. From the extremely secret character that characterized the proceedings of the Chiefs' conferences one cannot have an idea

of the precise nature of the conclusions arrived thereat and their final proposals, nor is there good ground to stand upon in anticipating them. We are sorry that we have no opportunity to suggest or criticise any thing thereon. We shall however attempt to say something on the proposed Chamber of Chiefs in a subsequent article, as also the measure of reforms internal and external—taking an incidental note of the much-talked of *Izzat and Prerogatives*.

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[ II.—1 April 1918. ]

In our last article we strove to make out a fairly good case why the present time should be selected to enunciate reforms in the constitution of the Native States. We are not however unconscious of the other end of the chain where people say that any attempt at the reforms should emanate from the Native States themselves. This may be true from a democratic point of view, but the present condition of India and the position of Native States in the body politic present difficulties of insuperable character to that view being accepted. The term 'Native States' takes



within its purview Chiefs and People. The latter are subjected from times immemorial to bonds of servility to such a high pitch of degree that their voice if raised at all, would be hardly audible. Nor is it any good to expect the initiation at the hands of Chiefs, a vast majority of whom are brought up in an atmosphere of *congenial autocracy* and whose energies have been from their babyhood to old age, devoted to the thorough study of the "Theory of Divine Right of Kings." Of the seven hundred Chiefs there are only a few who can be counted to have their leanings towards the constitution and fewer still who have introduced Reforms in their constitution. As far as this Peninsula, which boasts of over 100 Chiefs, is concerned, there is no dearth of enlightened and cultured rulers and yet there is not a single one who can proudly look back upon a single instance in which he gave up any of the vested rights. Solitary instances of a Council of Agriculturists or irregular Council-meetings of State officers, or continuance of municipal system established decades ago cannot be called liberal steps in the Constitutional Reconstruction. Last Christmastide, the premier Chiefs of the Province received titles—hereditary and personal—add in view of the declaration of His Majesty's Government, a hope was entertained in

some quarters that this came as an earnest of rights to be given to people of the States. That this was a vain hope, has been now proved beyond all doubt.

In spite of this, it is contended that the administrations of Native States should be freed from Government guidance and control. With the full knowledge of circumstances and being in the midst of a congeries of Native States we cannot for a moment become a convert to this doctrine. In almost all the Native States not only is the Judicial authority the same as the Executive but the latter also happens to be the Legislative. The subjects of the Native Chiefs are without some of the remedies for wrongs that are available to a subject of British India; and therefore the only beneficent checks against the abuse of authority should not be relaxed, unless new ones, more suitable ( but not less effective ) to the improved state of circumstances are introduced in order to prevent the injustice and oppression which have been the bane of the Native State Administration in the past. The question then arises as to how these checks are to be introduced. One proposal is that a 'Chamber of Princes' with certain defined powers and specified objects be created and given

several powers at present exercised by the Political Department. As is their wont, for reasons best known to themselves the Chiefs and Government have kept the public in the dark re the details, and lost the only opportunity of hearing what the other party has to say. As regards the Chamber itself however the following points require careful consideration. Are the Princes to take part in person in the debates on matters which are likely to come up for the consideration of the proposed Chamber? If so, is it fitting, in view of their position as Sovereigns of their States that they should act as their plenipotentiaries also? It is an established fact that in every State, the real work of the State is done by the Chief's ministers. Moreover, matters of common interest to Government and the State might conceivably be such as would occasion public criticism in British India. Born and bred in an atmosphere in which the ear is never teased with the rattles of the small arms of the 'Fourth Estate,' the Princes would be at a great disadvantage in fending off criticism of any kind and it would, all things considered, be much better that in controversial matters they should not face the music of batteries in any part of India. Again it would be impossible to give a Chamber of Princes a constitu-

tional position for the simple reason that it will be most difficult to observe the principle of equality of votes among brother Chiefs enjoying inequality of salutes. It is, at the same time, impossible to conceive that a fully representative character of suzerain powers, which are the basic principles of chambers, can ever be given to this chamber. Where difficulties of this type block the path, the delegation of power by an established authority to such an assemblage can never safeguard the interests of parties concerned.

We shall next see the other side of the shield, *i. e.*, a movement should take place to organize public opinion in the direction of Constitutional Government in Native States and see how far these proposals are compatible with the much-talked of *Izzat* and *Prerogatives* and what the most necessary steps in the direction are.

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[ III.—1 May 1918. ]

We invite a careful attention of our readers to the following which appeared in the editorials of the *Times of India* a few days back. The point is clear and need not be stretched too far. More

than once have we said that India is a big confederacy, all parts of which must advance together in the march of progress. In the Reconstruction of the Governance of India, Native States should not be made to lag behind. The term *Native States* we repeat, connotes Chiefs and People. It is therefore clear that for the advancement, social as well as political, practical wisdom requires raising of the position of the people of Native States and a vast modification in the system of one-man-rule. And whatever may emanate from the portfolio of Mr. Montagu, the constitutional lines adopted in British India should apply to Native States as well.

*(Times of India, 27-4-1918).*

“ In one quarter, which professes to represent the “ popular ” view, protest has been made against the inclusion of representative Princes in the Darbar, though on what ground has not been disclosed. That attitude, it appears to be, is so perverse and so anti-national in the true sense of the term, that it needs immediate challenge. What are the Native States of India ? They represent one-third of the area of this country and one-fifth of its population. They, the order which they represent, and the people over whom they

rule are Indian in every sense of the term. They have the same vital interest as the inhabitants of British India in the firm security of this country against every form of foreign aggression; they are no less concerned than the inhabitants of Calcutta or Bombay or Poona with the victory of the Allies in this war and in the ability of India as part of the British Empire to withstand every form of pressure from the enemies of freedom and civilisation.

In no other country in the world would the argument that one-fifth of the people and one-third of the country are, because more nearly than other parts they preserve the historical organization of India, to be excluded from its counsels, gain a mement's hearing.

If we survey the situation without prejudice, and with a real attempt to grasp its realities we shall see that there is no thesis more pernicious, more anti-national than the attempt to draw a sharp and absolute dividing line between the interests of Native States and the Interest of British India. In all issues connected with the immediately pressing question of defence they are

indissoluble; in all issues connected with the whole future of India they are indissoluble. Defence, customs, tariffs, railways, posts and telegraphs, currency and allied matters in greater or less degree are common to both British India and the Native States. On our social organisation the link is equally close. How is it possible to draw arbitrary distinctions between the fortunes of men living in adjacent villages, between members of the same family who live on different sides of the border? How is it possible to assert that within this single government one-third is close-compartmented and shut off from the remainder?

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“What is the true line of policy to pursue, not only now but in the future? Surely not to exaggerate and prevent the points of difference between British India and the Native States but to conserve and strengthen the points of agreement in the development of common interests. We cannot get rid of the Native States if we wished to; no intelligent man wishes to. Our obvious course is, therefore, to weld them more closely into the constitution and to increase their part and responsibilities in the governance of India. Whatever else may emerge from Mr. Montagu's

visit to India we profoundly trust that there will accrue from it a definit place for the Native States in the Indian constitution.....The common interests are immense and continuing. In the first place the participation of the Native States in the political fabric will obviously be confined to the more patent common interests like defence, customs and railways; it will develop with time. We should be the last to maintain that British India has nothing to learn from the Native States; none would put forward the converse. Direct association with and interaction between British India and the Native States is bound to be to the advantage of both. Such interaction would encourage the Princes to part with some portion of their personal authority and establish constitutions suited to the political development of their people; it would stimulate their contribution to Imperial defence; it would create fresh and more common interests with the passage of time. Then in the fulness of events we might confidently expect the full issue of something corresponding to the Bundesrath, based on common responsibility for Imperial defence and a more or less common acceptance of a system of constitutional government. But we cannot begin to move towards these ends in the preliminary stage if we erect an immense and



fined powers. Consequently the doctrine of slow progress in this arena of controversies has to be accepted. The Conferences are sometimes fruitful of desirable results. At the last of these, the question of Investiture and of Minority administration were, we understood, settled to the satisfaction of all. Nor were suggestions on Agricultural development and Horse-breeding less useful. The fact however remains that the Conference has not a vestige of right to be called a representative assembly nor has it any binding force which is essential to have its decisions respected. The only good that can come out of it is the possibility of partial evolution of some kind of political law applicable to all the States. But that is not enough. There should come into existence a body formed on proper lines where important questions concerning the States can be discussed by the Chiefs and whose decisions should be binding on all the States. A step further, and on the horizon we can discern the possibility of an assembly of Chiefs having a voice in the matters that affect their interests in common with their neighbours—we mean, people in British India. The Native States represent one-third of the soil and one-fourth of the population of the whole of India. There is a very close local relationship between the subjects of British India

and those of Native states all over the country. In fact, India is a Confederacy, and as such all parts of this Confederacy ought to march together in the scheme of reform. To ensure real progress and material welfare, it is desirable to have a closer touch between and mutual association of the subjects of British India and of Native States. But a practical scheme representing interests of both is beset with objections of insuperable character. The majority of the Chiefs, whether exercising *full* or *plenary* jurisdiction, enjoy complete and unfettered autonomy. The relations of States and British power are governed by the *treaties*. These sentimental and political grounds would not unanimously allow even a partial loss of powers and revenue. Rightly, therefore, have those assembled at the last Chiefs' Conference decided that as they did not like British India to interfere in their own affairs, they did not want to interfere in the affairs of British India. As for the proposed Council of Chiefs, we expect that a definite scheme acceptable to the Government of India and the Native States would be arrived at when the enlightened rulers of Patiala, Bikaner, Alwar and Nawanagar meet the Rt. Honourable the Secretary of State.

To come to this Province, we venture to offer a suggestion and with it our apologies, if it be con-

sidered Utopian. Kathiawar is a group of Native States and presents an ideal basis for a sort of Federation or Union. A Board of Chiefs, Ministers and Political Officers with defined powers and specified functions can form a sort of Central Authority in certain important matters. The history of several countries and especially of United States of America can furnish very good specimens of such a Board exercising Central Authority without encroaching upon the local authority of individual Chiefs in the internal administration of their own States. If the plan be successfully carried out, precious results will follow therefrom and it will present a splendid model to other similarly circumstanced groups. If this idea be acceptable to the majority of Chiefs of this Province, no one will anticipate any very serious difficulty in framing a suitable and practical scheme especially as the elite of this Peninsula possess some of the best talents coupled with richest experience. The vivid imagination of an astrologer might hesitate to predict when the auguries for such a Union could be better than now. It is a little over 100 years when some of the minor Talukdars invited Col. Walker to this land. It is exactly 100 years since the Peshwa's sphere of influence was transferred to the Government of Bombay.

and we think, nothing can please the Government more than the fact that in 100 years they have been able to grant a sort of Federal Union to the States. A couple of years would complete the period of 100 years during which H.H. the Gaekwar's sphere of influence has been managed by the Government, and what can please the progressive Ruler of Baroda more than to see a Federal Union of these States? Nor should the Chiefs feel shy of this. It behoves them to rise to the height of the occasion. The time may be short; but the opportunity is not to be lightly disregarded.

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[ II.—1 January 1918 ].

In putting forward this suggestion in our last issue, we pointed out that Kathiawar presents an ideal basis for a provincial union and that the present is the most suitable occasion for its inauguration. It must be remembered that none of the privileges, treaties or engagements has the effect of depriving the Indian Rulers or their people of their Indian nationality. The Chiefs themselves have recognised this at their last Conference in Delhi in very clear terms:—"As *Indians* again, we rejoice at the aspirations of our fellow-countrymen in British India being thus further

met by this sagacious act of British statesmanship." India is a confederacy and as such all parts of the Confederacy ought to march together in the scheme of reform. Native States cannot, therefore, remain for long outside the influence of the progressive forces which have begun to operate in all directions. While recommending the formation of a Board of Chiefs, Ministers and Political Officers to represent the Central authority for this province, it was not our intention to lightly disregard or damp the universal demand of democratic institutions even in State limits, as some of our critics would fain attribute to us. The States are by an ordainment of Providence entrusted to the care of their Rulers and therefore, the Rulers are bound to have their own internal organisations to govern and advance them. The Chiefs, of course, are under an obligation to make their administrations what they should be, characterized by proper arrangements for defraying justice, absence of corruption and the expenditure of bulk of the revenues upon ameliorating the condition of the people. Almost every Native Chief has great opportunities for ameliorating the lot of the people under his rule and rendering some service to the country as a whole in some direction or other. There is unfortunately some justification

In the criticism that in not a few States, these opportunities have all been thrown away and the existing state of things in such States cannot be regarded satisfactory. It is absolutely necessary to remedy these defects, Mr. Abhyankar of Sangli has prepared a lengthy treatise containing many thoughtful suggestions. With the same object in view but for a limited area, Mr. Mansukhlal has started an association named "The Cutch-Kathiawar Peoples' Association." The objects of this Association as outlined in the preliminary draft are such as should command the wholehearted support the Princes and people of Kathiawar. One of the suggestions of Mr. Abhyankar is that Conferences of subjects of Native States for the same areas should be held. But we believe Cutch-Kathiawar Peoples' Association in Bombay is likely to be more instrumental in bringing many abuses and grievances to the notice of the Chiefs as well as the Government. We cannot agree in entirety with Mr. Abhyankar in his strictures on the officers of Political Department and his recommendation that they should be deprived of the check they exercise over the Chiefs. We are induced to recommend that the Board of Chiefs, Political Officers and Ministers form a Central authority, while local authority in States be delegated to a

certain extent to popular assemblages of the individual States on the lines of new reforms which will be introduced in British Districts. Once these rights are granted to people, there would be no necessity for Political officers to interfere in the internal administration of States. We trust our demand for popular assemblages will not be considered extravagant in view of what H. H. the Maharaja of Bikaner as spokesman of the Native Chiefs said at the Delhi Conference : " We feel that we too must keep a definite goal in front of us and x x x our States cannot afford to lag behind in the general advance which India's association with Great Britain alone has rendered possible." These are weighty words and obviously they were not lightly spoken. We pray that the problem be given that earnest and deliberate consideration which its paramount importance demands.

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# THE VERDICT OF INDIA

By  
SIR MANCHERJEE  
M. BHOWNAGGEE,  
K.C.I.E.

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HODDER & STOUGHTON  
London. New York. Toronto



# The Verdict of India

BY

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MCMXVI

#### FOREWORD.

One of the methods by which Germany has indulged her hatred of the British nation is by roundly accusing it of having grossly misgoverned India. To justify that accusation, propagandist literature has been widely distributed in all quarters of the globe by German official writers during the last two years. The people of India have laughed to scorn this grotesque attempt, but as practically it is in their name or at least in their interest the German pretends to indulge in this abuse of the English, it is high time that their own verdict should be pronounced on the case, so that other nations may be enabled to realise what hideous fictions are sought to be passed off on them.

M. M. BHOWNAGGREE.

177, CROMWELL ROAD,  
*September, 1916.*

# The Verdict of India

BY

SIR MANCHERJEE BHOWNAGGREE, K.C.I.E.

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## INDIA'S RESPONSE TO THE CALL OF WAR.

Within a couple of hours of the declaration of war between Great Britain and Germany on the 4th of August, 1914, there happened to meet at a West End Club in London a number of prominent British Indian gentlemen, who usually foregathered there every afternoon, and there naturally arose among them the consideration of the position of India in relation to the war. Some of these gentlemen were more or less permanently resident in England, but the majority were visitors, not a few among them being men occupying public positions of distinction in their country, prominent members of the Indian National Congress, all of them belonging to that section of the Indian populace known as "educated

Indians," who have always been the fearless critics of the Indian administration, and have come to be regarded as occupying the same position in relation to it as does the Opposition in Parliament. In fact, they represented all shades of political opinion, Pro-British, Moderate, Extremist, and even Anti-British.

From the lips of all there assembled, there sprung one accordant expression, viz. :—that India's princes and peoples would, on learning of the titanic struggle in which the Kaiser of Germany had sought to engage their Sovereign, place all their resources, their armies, and even their own lives, in support of British arms. So confirmed were they in this conviction, that without waiting even for the few hours in which the telegraph would bring them the news of the actual feeling aroused in India, they, one and all, resolved to incur the heavy responsibility of becoming the spokesmen in public of the thoughts and sentiments of upwards of three hundred millions of their countrymen, and entrusted me with the drafting of an address to His Majesty giving expression to that conviction. By mid-

night on the same day the following address was engrossed, and transmitted over a large number of signatures to the Secretary of State for India for submission to His Majesty :

“ At the present juncture, when the forces and armaments of the British Empire are called upon to defend the nations in alliance with His Majesty and to protect the vital interests of his vast Dominions against the aggressive action of a foreign power, we, the subjects of His Majesty’s Indian Empire, who are now residing in the Metropolis, feel it our duty and privilege to express what we believe to be the prevailing feeling throughout India—namely, a sincere desire for the success of British Arms in the struggle.

“ We have not the slightest doubt that, as on previous occasions when the British forces were engaged in defending the interests of the Empire, so on the present, the princes and people of India will readily and willingly co-operate to the best of their ability and opportunities in securing that end by placing the resources of their country at His Majesty’s disposal.

“ We wish it to be clearly understood that, whatever differences on questions affecting the internal administration of our country might exist in peaceful times, the devotion of the people of India to the British Throne in the face of an external foe is bound to ensure such a feeling of harmony and internal peace that they can have no other thought than that of being united with the British nation in a whole-hearted endeavour to secure a speedy victory for the Empire.

“ With our fervent prayer that, by the blessing of God, this object may be realised before long, we beg your lordship to submit to His Majesty this respectful expression of our loyal sentiments.”

Not many hours elapsed before the confirmation of these sentiments was flashed across the ocean by the whole body of India's ruling Chiefs, by powerful associations, by all classes and sections of the people of India. Usually divided in innumerable castes, customs, religions, languages, at that momentous juncture in the Empire's history and fate they all united in the one simple cry : “ For the British Empire.” How the swords of

valiant Rajahs, and of the gallant Indian Army, were unsheathed at that moment, how associations of men, often engaged in controversy with Government on administrative measures, met in public to express their loyalty, how persons of different religious beliefs assembled in their temples to pray for the success of Britain's cause, how women in large towns and small villages, many of them out of the purdah and the zenana, banded together to work night and day to prepare supplies for Britain's soldiers without distinction of race and creed,—all these are matters of history, all pointing to the one solid conclusion, that India in all her diverse phases of sentiment and activity had leapt to new life, co-operating heart and soul from the first moment of Britain's call to arms with Britain's sons and daughters.

#### GERMANY'S EXPECTATION.

It has been said, not without much reason, that among the calculations of the German Kaiser in entering light-heartedly upon a war with Great Britain was the assumption that India was disaffected to British rule, and that at a

time of crisis she would go into open revolt. A prudent statesman, misled into such a belief, would have, in face of these evidences of India's attitude as briefly summarised above, realised how mistaken he was in cherishing that hallucination, and taken serious account of the mighty forces that had been stirred, not, as he wished and hoped, against, but in support of the British. If he and his advisers had formed a correct estimate of that manifestation, it is not unlikely that their policy and methods in the conduct of the war might have undergone a salutary modification, their frantic ardour for its prosecution might have been cooled, the pursuit of the cruel and fantastic enterprise on which they were bent might have even been arrested.

But it was not to be. They were evidently obsessed with the idea that in spite of all the professions and practical proofs of India's adhesion to the British Throne, she could be counted on to add to its difficulties in a time of grave peril, that she was one of those weak links in the chain of the Empire on the snapping of which they reckoned for the ultimate



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fulfilment of their ambition to effect its humiliation and possibly dismemberment. It is now scarcely to be doubted that within the sphere of the wide ramifications they had so cleverly spread over the countries of their potential enemies for years past in order to spy out their weak spots, India had occupied no inconsiderable space. Exaggerated reports of unrest, misconstruction of the differences between the Government and the leaders of the people with regard to official measures, even puerile tales of grievances against the administration were the pabulum which they greedily swallowed, oblivious of the fact that such symptoms are inherent in every country, all the more in those of such extent and of such diversified populations as those which the term "British Empire" connotes. In their highly developed military mentality which seems to have obscured their political vision, they hastily concluded from these indications that India was ready and willing to break away from British rule. To that hope they seem to have clung ever since.

## GERMANY'S ABUSE OF THE BRITISH.

Under this fond belief they have persistently continued in the last two years with increasing energy to spread reports both in India and foreign countries about the alleged misgovernment of the country by the British. They have undertaken from the first day of the war a propaganda to disparage the British, to inflame the minds of the people of India, and to excite neutral countries to a sense of horror at the alleged misgovernment of that country. A regular flood of literature has emanated from official German sources with this deliberate purpose in view ; and while one cannot but admire the versatility of its composers, since every known critic of British rule in India for a century past has been adroitly misquoted, and every evil, however trifling, laid at its door has been intelligently amplified, it is some satisfaction to reflect that the exaggeration and distortion employed in this malignant work were such as to defeat its own end. " *Indien unter der britischen Faust* " is the title of one such production ; another is headed " *De Englische Overheersung*

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in India," and so on over a long continuous series of pamphlets and handbills, spread broadcast throughout various countries, to invoke their hatred towards the British, and to justify the humane German nation for undertaking the punishment and humiliation of the perfidious Briton for having been the cause of so much evil and misery to the people of England's colonies in general and of India in particular! An excited party in a conflict is always apt to overstate his case and never recognises that by that very exaggeration he puts himself out of court. The German at present is overwrought and highly inflamed, and no wonder that he fails to see that his fierce diatribes against his foe have no bearing on the direct issue between them but betray his own weakness and malice. No impartial and intelligent judge can be influenced by his one-sided and transparently malicious indictments. At the same time it cannot be denied that there are in neutral and other countries, which have not been brought into touch with India, large masses of people who, if they heard only one side of the case, might be led to place some credence on accusations

of this kind, and one purpose of this brochure is to place before them the plain facts of the case.

But another and by far the more important object is to find out what the party most concerned in these allegations, the people of India, have themselves to say regarding the German allegations. The primary motive of those allegations is not hidden ; it is to show to the world as one of the principal causes of the German challenge to the British nation that that nation has been a curse to humanity in that it has betrayed its obligation to govern more than three hundred millions of human beings according to the dictates of a beneficent rule, and that consequently the Kaiser holds himself justified in attempting to wrest from it some "places in the Sun," of which it possesses so many and himself none. Divested of all sophistry and pretensions, this is the German claim, and this is the plea for it ; the main witness, nay the jury, between the two parties being the people of India, called in support of the indictment by the Germans themselves. In fact to India the Kaiser has appealed, unto India shall he go.

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THE ACCUSATIONS.

In an investigation of this nature, it would be a fruitless task to go over the one-sided catalogue of German accusations against British rule during the two centuries of its prevalence over India, as they mainly consist of what has been left undone, without taking any note of what has been done, and some trivial instances of personal hardships or grievances such as in all countries political societies and associations recognise and discuss and appeal to their government to redress. The only charge which to one unacquainted with the conditions of India might seem to be a grave one is in relation to the sufferings caused by natural visitations such as famines and plague, the causes of which are beyond human control, in regard to which, as everyone knows, human ingenuity and activity can only avail to modify their severity and limit their extent. To hold the Government of a country responsible for such unfortunate dispensations is mendacious and childish, and yet the German pamphlets are full of the most hideous descriptions of the sufferings of the people by famines, duly illustrated with pictures of emaciated

men and women and groups of corpses, thereby insinuating and even asserting that they portrayed the results of British rule in India! The true test of the capacity and humanity of a Government in respect of such catastrophes is the measures it has adopted and the efforts it has made to remedy the sufferings caused thereby, to arrest their prevalence, and to minimise as far as human endeavour can the chances of their recurrence. Not even an enemy of the British, provided he is honest, can assert that, judged by this test, the administrators of India have neglected to combat these misfortunes to the best of their ability. Opinions may differ and complaints arise as to the efficiency of a particular policy or methods to cope with them; grant even that mistakes may have been made in the attempt; but to fasten the causes of such natural visitations on the Government of India and to charge them with deliberate neglect and failure to remedy or mitigate the sufferings of the victims, as the German accusers attempt to do, bespeaks a depraved intellect lost to all sense of honesty and truth.

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GERMANY'S MOTIVES FOR THE ATTACK.

But even German ingenuity has not succeeded in concealing the motives of these attacks. Here and there from under the thick surface of sympathy and compassion for a people alleged to be down-trodden by the British is revealed the intention at the back of the German mind. In "Das Britische Weltreich," the writer thinks that though the increasing cry of "India for the Indians," and the growing revolutionary movements conjured up by his imagination have *in themselves* little prospect of immediate success, "they might very well be successful, if they were supported by a serious attack on British power from without" (pp. 30-31). He goes on to admit that there are insuperable obstacles to the invasion of India whether by sea or land (pp. 31-32), and that the "only hope lies in possible invasion by the Ameer of Afghanistan" (p. 34). We have heard of German missions, of course friendly and commercial, to the Ameer, whom perhaps the Kaiser in his contemptuous estimate of Oriental character and intelligence, thought to be green and gullible. He

has had the Ameer's reply long since, and let us hope he now knows better.

This same pamphlet, to which reference has just been made, takes the reader through all the other over-sea portions of the Empire, making out that every one of them, at present tied to the apron-strings of the mother country, would rise to a life of independence with wider political freedom and privileges, and a higher development in commerce and civilisation, if they were "torn away from their political union with the British Empire" (p. 60). The bonds of connection of the British Empire depend, the writer thinks, on the system of her naval stations, by which she controls all the chief sea-routes round the main countries of the globe. The development of the English Navy in recent years and also the growing movement towards the formation of colonial auxiliary navies were directed in the first instance and chiefly against Germany, says the writer at pp. 132-33, because the rapid growth of German trade relations with the British Colonies caused uneasiness and opposition in England to German attempts at



Colonial expansion. And Germany's prospects of destroying England's grip of the sea are considered by him to be far from desperate (p. 148). Hence the War!

What an admission! The writer compares the strength of the British Navy to the robber power of the mediæval knights, and asserts that it has enabled her to become possessed of her vast Colonies and dependencies throughout the globe in a bye-gone age. Therefore, forsooth, Germany is justified in becoming in this century of Christian charity another and a mightier naval power to do likewise, that is, according to its own admission, to dispossess by force of arms weaker peoples of their own heritage, and even to snatch from Britain some of her present territories, to which at all events she has a prescriptive right, and with which Germany has no concern. Why should England possess a world-wide empire and prosper, and not Germany! A mental attitude which can argue thus, and not be ashamed to disclose to the nations of the earth a purpose of this nefarious character, cannot be ex-

pected to realise the barbarity of so monstrous a claim.

It must be treated as one might regard the whine of a churlish girl at the better fortune of a former friend and present rival, and for the proper prescription of its punishment one cannot do better than quote the words of the writer of the ridiculous farrago from which the above extracts are taken, which he uses in reference to New Zealand. He says of it:—"Still too weak to stand on its own feet in international politics and economics: and if nevertheless it has come forward in the great war as an independent ally of the mother country, one would be justified in speaking of puerile impudence that calls for a whipping" (p. 61).

It was necessary so far to take notice at some length of the contents of "Das Britische Weltreich" in order to make clear to the reader the main purpose with which publications of that kind are compiled and distributed broadcast over the world by the German Government. A correct notion of that feature of their literary enterprise will now enable us to

estimate at its true worth their attempt to discredit the British rule of India. The sum total of the numerous counts of their indictment is given above briefly.

GERMANY'S PERVERSION OF FREE CRITICISM PERMITTED BY THE BRITISH GOVERNMENT.

Let it at once be admitted that as in all human institutions, so in the administration of India in the past two centuries there have been many defects, avoidable and unavoidable. There are at the present moment, too, different angles of vision from which the rulers and the people view important matters affecting the progress and prosperity of the country. There are legitimate aspirations which remain to be fulfilled on the one hand; there are on the other, difficulties in the way of the official solution of problems the force of which the people deny or cannot realise. Occasionally the indiscretions of individuals of the English and of the different races of the people themselves cause irritation to other sections of the population. Further let it be granted that among the three hundred millions of them there are a few hundreds

in some corners of the vast country who may be termed irreconcilables, who, aiming at the subversion of the existing order of things, try their hands at times at a display of discontent and physical force. It will ever be thus. There is no country in the world, even under its own government, not Germany itself, where such conditions do not prevail. The very facts that a people can complain of and criticise the actions and measures of their government; that they are taught to entertain aspirations for the broadening of their liberties and privileges; that they can appeal with confidence to established tribunals for justice; that where there is failure of justice they are able freely to complain on public platforms or in the press; that they are allowed to place before responsible authorities day by day their views and schemes for their betterment or for redress of grievances; that by far the most preponderating sections of the educated and thinking portion of the populace should themselves be willing and able to hold in check or discredit the devices of the few who favour impracticable and violent methods in preference to constitutional measures, are

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in themselves the true gauge of the benefits which a well-meaning Government endeavours to bestow upon its people. These developments of national energy, more particularly when they are allowed to grow in the form of adverse criticism against the ruling power, are an evidence of the spread of education and enlightenment, of the liberty of speech, of the strengthening of the moral and physical fibre of the people, which a sympathetic government has made possible of attainment. Their very clamours for more rights and privileges and a larger participation in the control of their own affairs are fostered by methods of public policy deliberately allowed and encouraged by the government itself, such as the establishment of a common vehicle for the exchange of thought and opinions between peoples of different tongues by means of the English language. Any one acquainted with the previous history of India, and with the condition of her people, can easily detect in them the signs of a healthier national life germinating from that broad and judicious conception of the trust England accepted when the destinies of the country gradually passed

into her hands. That long catalogue of criticism, disparagement and detraction which in "Indien unter der britischen Faust" the Germans present in formidable array out of the mouths of British speakers and writers to bolster up their accusations is only another proof that from among Englishmen themselves would always rise advocates of India's peoples and interests when any acts of commission or omission on the part of their own Government require ventilation and comment. The very fact that the free atmosphere of Parliament and the Press of Great Britain, alien to the German mind, permitted these writers and speakers to submit to the judgment of the home public the policy and acts of the representatives of British rule in India, shows that the nation whom the Germans to-day seek to vilify as the oppressors and robbers of that country had ever been anxious to condemn any misdeeds of its own agents and to correct their errors, as the merits of the case put before it required. Is there, can there be, an administration of which the men and measures can be so perfect that no fault could be found with any of them? In

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the government of a country of the extent of India with a population of considerably over three hundred millions of human beings divided by every known variety of religion, language, customs and sentiment, by men of an alien race, there must be blunders and failures and misunderstandings. In to-day exhuming them from a buried and forgotten past, in detailing existing shortcomings in their most abhorrent and exaggerated aspect, in marshalling the attacks of dead and living English critics, the German propagandist might honestly believe that he is presenting to a horrified world a grave indictment against his hated enemy, forgetting that it is after all the noble purpose and high ideals of British rule that relatively standardised the measure of these deficiencies, the liberty of thought and speech allowed by it that made their exposure possible. No wonder he revels in this belief, for those ideals and notions of liberty are foreign to the German mind; its conception of rule over a distant and helpless alien people is what has made German colonial enterprises a dismal failure. Servile conditions of life, repression of liberty, denial of

rights and of just treatment are the weapons used for their subjection : and it is notorious how the German frets and fumes at any reprobation, even by his own countrymen, of official views and measures, how the military and civil hierarchy of Prussia is screened against any popular criticism, and how any attempt at it is regarded and punished as *lèse-majesté* !

THE FALSEHOOD OF GERMAN  
ACCUSATIONS.

But since Germany has been at pains to categorically accuse the British nation of failure in its administration of Indian affairs, of sordid acts of misgovernment and highly culpable treatment of the people, in order to procure its condemnation at the bar of universal opinion, the right and only correct procedure for enquiry into such an indictment is to weigh in the scales what has been as against what has not been done towards the fulfilment of the obligations resting on the shoulders of that nation. No impartial and attentive reader of the foregoing pages can fail to observe that no attempt has been made



therein to pass lightly over the defects of the Indian government, or to excuse or offer any apology for them. There has been no desire and no pretext to claim for it anything approaching perfection ; and no want of admission that many rights and privileges which the people are legitimately entitled to claim, many just aspirations, much improvement in their educational and economic condition, in their industrial development, in paths leading to their enrichment and prosperity, remain to be fulfilled. In all these respects the people of India expect the British Government to rise to the height of its full responsibility. But this expectation itself postulates strong and well-grounded evidence of its recognition in the past conduct and chronicle of the administration and good reasons for the hope of its ultimate fulfilment. It is on these proofs that the rebuttal of the German denunciation must rest, and those must be briefly examined here.

The British sovereignty over India, first established through the agency of the East India Company, until its assumption by the Crown after the upheaval of 1857,

is an historical event of gradual growth. It was not the result of a conquest, hence from the first it was recognised that its exercise did not and could not imply or require that necessity of first subjugation and later control of its people which a conquering enemy has to impose on a country won at the point of the sword. In this spirit began and has been to this day continued the administration of Indian affairs at the hands of the English. They found a huge country where, in the absence of any paramount authority, sections of widely divergent races, ruling Chiefs and communities alike, were pursuing their own separate course of existence according to their own light and as suited their peculiar conditions and claims. As the idea of a conquest by the sword in relation to British sovereignty in India is mistaken, so is it equally erroneous to suppose that people in India had been, before the British advent, always at enmity among themselves and taking each other by the throat. There have been many peaceful epochs in India. It is not to be wondered at if differences of language, religion, customs, sentiments and interests in a

great continent have from time to time interrupted harmonious relations and even given rise to strife. The decay of the Mogul Empire in the seventeenth century and the rise of Hindu nationalities gave peculiar force to these elements of discord, and, as often happens in cases of domestic disagreement, the contending chiefs appealed to outsiders to arbitrate in their quarrels. The way to intervention being thus opened, the work of the English began and gradually developed until the responsibility of paramount authority devolved on them. They had to evolve a uniform system of administration, confirming the rights and possessions of the ruling chiefs as they found them, assuring to the people equality of treatment and security of life and property, protecting the poor and weak against the incursions of the rich and the strong, and establishing generally a sense of peace throughout the land. Then by a natural process followed their systematic work of internal administration, and since the German attacks, which it is the purpose of these pages to appraise at their true worth, are mainly levelled at this part of Britain's connection with India, let us briefly

examine here how it has been performed, and what features and essentials of a sound government, unknown in any former polity of the country, were first introduced.

WHAT BRITISH RULE HAS DONE FOR  
INDIA.

The present organisation has been a work of steady and systematic endeavour, altered and improved by increasing experience and in accordance with the changing conditions and circumstances of the country, and the following summary takes cognisance of only those prominent achievements of administration, by no means exhaustive, which distinguish the English from any previous rule.

A system of public services, for the most part based on recognised tests of qualifications has been established, which furnishes capable men for the duties of the numerous departments of the State. It is free from nepotism, influence, or partiality in selection.

For the defence of the Indian Empire and preservation of internal peace, a thoroughly equipped army consisting

roundly of 75,000 British and 160,000 Indian troops is maintained, its maritime defence being undertaken by the British Navy. This provision has made the whole country on all its vast frontier free from aggression by land and sea, and absolutely immune from any danger of internal disturbances and internecine conflicts. A sense of complete security, unknown in previous times, prevails now in every corner of the Indian Empire.

The finances of the country are the care not only of an organised Department, but the Supreme and subordinate governments are bound by well-defined rules to regulate the income and expenditure of every province and district. Budgets are prepared and publicly discussed in Councils, allocations are made for works of public utility such as railways and canals, besides disbursements for the current expenditure of the official services, and educational and medical institutions. During the last 35 years there has been a steady expansion of the finances, without increase in the rates of internal taxation and without large borrowings. Apart from the debt

incurred for reproductive works, such as railways and irrigation, the interest on which does not fall on the tax-payer, as it is paid out of their large net profits, the public debt of India to-day (1914) is only about £12,750,000. In the period under calculation, large expenditure on famine relief and protective railways, and irrigation and public works, was met from the current revenues.

In the last fifty years both the income and expenditure have increased more than three-fold. This is not the place to enter into considerations of the incidence of taxation, or of the allocation of revenue raised for the provision of administrative and national expenditure. As in all prosperous countries, and notably in Great Britain itself, both have a natural tendency to increase in India. In regard to the general financial policy governing the income and expenditure of any country, there will always be differences of opinion among individuals. But it cannot be controverted that the growth, *pari passu*, on both sides of national finance is the sure indication of the development of the productive

power of the people on the one hand, and on the other of the expanding improvement in the conditions of life which they need and demand. It has the same significance as the rise of wages has in relation to the increase of prices, and both these economic factors are present to-day in the life of India as in those of all other progressive and prosperous countries.

The judicial system of India is another and perhaps the most excellent feature of British rule. Its very credit with the people, that which has reconciled them most to it, is the confidence they have in the English sense and methods of justice. The Penal Codes and Codes of Civil and Criminal Procedure, comprehensive, intelligible, and adapted to the conditions of the people, by which the administration of justice is generally regulated, are superior to those of many other countries, and surpassed by none. Other enactments and regulations suited to the social requirements of certain classes of people, and peculiar tribes, as well as laws relating to municipalities and other public bodies have long since been

formulated and are constantly promoted or modified. The competence and character of the judges and officials entrusted with judicial functions are as a rule unimpeachable. As in the judiciary, so in the Legislative bodies, the people have been by Acts of Parliament allowed for years past a fair share of the seats, a share which is being enlarged periodically in response to their aspirations.

The net-work of railways and canals, stupendous engineering works such as bridges, roads, and reservoirs, public buildings for hospitals, universities, schools and museums of varying dimensions, with which cities and towns are provided, are not only monuments of British genius, but proofs of that tranquility, that progress of trade and commerce, and that multiplication of the resources of the country which have followed in the wake of British rule. The trigonometrical, topographical, geological, archaeological, and cadastral surveys ; scientific experiments in agriculture, the preservation of forests, increase in cultivation, the introduction of staples unknown in previous years such as tea,



coffee, and cinchona ; drainage systems in towns, sanitation throughout villages and expert medical help for the women confined in zenanas and behind the purdah,—all these and numerous other ever multiplying and expanding accessories to the physical and material improvement of a nation would not have been possible unless initiated or fostered by a government imbued with a real sense of its obligations to a people whose fortunes and destiny it is in its power to make or to mar.

PROJECTS FOR COMBATING FAMINE  
AND PLAGUE.

It would be impossible to dilate, within the limit of these pages, on the benefits that have accrued to India by these operations. But as an illustration, taken at random, it is worth while noting a few particulars relating to irrigation works. Agriculture is the pursuit of eighty per cent. of India's population, while the vagaries of the monsoon and other climatic conditions expose large districts to the risk of failure of crops. Again, there are immense tracts which for want of water had always remained uncultivated. To

remedy these drawbacks, than which scarcely anything can be conceived more disastrous to a people whose livelihood depends on the soil, a highly efficient and expanding scheme of irrigation has been wisely pursued by Government for years past. It had the sanction of past times, for Hindu and Mahomedan rulers had inaugurated similar projects in their time. But the construction was not on so extensive a scale, nor had it the same element of expansion and efficiency, and certainly not the same aid of engineering skill, as are contained in the British system of irrigation. Under the East India Company up to 1858 about half a dozen projects had been begun, a couple of them being partly open, which supplied water to a million-and-a-half acres. Since then and up to 1914, at a cost of £45,500,000 no less than 24,914,000 acres of land have been brought under irrigation, ensuring to cultivators an income of fifty-four million pounds from the crops raised by it. The inception, the method of construction, and the results of such an undertaking, at all events on so stupendous a scale, were made possible under British administration. For a

wonder our German friends have not included this among the hardships conferred by it on India !

In connection with the allusion made above to the medical and sanitary policy fostered by the Indian administration, it might be pertinent to deal here with the bogey of famine and plague which the German propagandist has conjured up to help him in attacking the British nation. From the way in which he presents it to the reader, it might appear as if there had been no such visitations in India in the pre-British period, as if a Providence angered at the assumption of sovereignty there by the British had created these new afflictions in order to make their work difficult and their name unpopular there. In the absence of statistics or proper official records in old times there is wanting any reliable information of the failures of rains and crops, or of the prevalence of diseases like plague and cholera in large districts. Still, that these adversities periodically befell the country, and that infectious and other epidemics were not only of frequent occurrence, but became chronic for long periods, from

times immemorial, is an acknowledged fact, and that they devastated towns and villages wholesale may be ascertained from inscriptions and folklore of old times which are still extant. In those days, there was no systematised means of arresting their ruthless progress; no organisation for relief on a large scale; no facilities even for the transport of grain to the sufferers from any distance; and from Hindu and Mohammedan writings and legends, it has been proved that severe famines had prevailed in India from ancient times, from a period anterior to the age of the Ramayana; and many of them within recent centuries had lasted over twelve years, from the effects of which large districts had been depopulated and utterly ruined. Not that the rulers of those days and their officers in the affected provinces were heartless or did not try to give relief: but the means were wanting to cope with the huge calamities. Under the British administration, it became possible for the first time to presage in time by meteorological observations the imminence of scarcity and famine owing to failure of rains. So soon as the danger is apprehended, prepara-

tions for the carriage of grain from long distances, relief works, a regular system for the equal distribution of available food, medical aid, and every means within the compass of human ingenuity to combat the disaster are set on foot. Financial provision and well-planned regulations with that object are now part of the curriculum of Indian administration. Likewise for meeting the outbreaks of plague, cholera, malaria, and other pestilent maladies to which the country is liable, the most expert medical aid and municipal and sanitary measures are constantly provided. The State servants, both British and Indian, are scientifically trained and their duties prescribed for the task of immediately arresting these ravages and succouring the afflicted. Nothing could exceed the zeal, energy, and sympathy with which they discharge their duties in this respect, not unoften at the sacrifice of their health and lives. Cavilling at the British in connection with these matters, the German writers have simply scandalised the people of India, and heartlessly trifled with their feelings by exploiting their sufferings for

the nefarious purpose of venting their own malignity against the English.

WHAT BRITAIN'S HELP MEANS  
TO INDIA.

But it may possibly be argued that in the period during which the British have held sway over India, that country, left to herself, would have perhaps achieved all that is claimed to be accomplished by British agency ; and that she might, concurrently with the march of science and invention, the growth of liberty and other democratic forces, the increasing facilities of communication and intercourse with the nations of the earth which have themselves attained to their present development, have carved out a position of complete independence and forged for herself a more affluent and dignified and powerful status. A conjecture of this kind is possible in the case of a country which, while it had its ancient civilisation like that of India, was also a single country with a homogeneous population, with no such fundamental diversities of tongue, religions, creeds, interests, even sentiments as have existed in India from

time immemorial, and if, above all, there had been over her an established unchallenged Sovereignty or at least overlordship claiming allegiance from subordinate chiefs of minor territories. It was the absence of these conditions, in fact, enduring over a great period of her former history, that permitted the penetration and subsequent settlement of the British there, with the responsibility of welding the country's component elements into a unit capable of ultimately taking its proper station among self-governing dominions within the ambit of a world-wide Empire. So far as human eye can see that is the goal towards which India moves, which her people have fixed for her, and which the British Government is helping her to reach. She is persuaded that if she had fallen under any other domination, her destiny would have been moulded in quite another fashion. She has watched and studied the treatment by powerful countries of their foreign subjects; the arrogance, the cupidity, the inhumanity displayed by the German in his dealings with weaker peoples have not escaped her attention, and it is the firm conviction of her myriad children

that if by any mischance their lot had fallen with him instead of with the English, they would have been kept, by every human device and of set and declared purpose, in a state of helotry, unfit to rise to any position of power and authority in their own country, to have any voice in her governance, or to entertain any hope of amelioration.

#### GERMANY'S DELUSION.

Perhaps the German does not know that this is an axiom of faith with the people of India, and in the fond hope that in the hour of Britain's difficulty they would rely on his help and succour to get free of England's domination, he has undertaken the foolhardy attempt to wean them from their allegiance. He has spread his net wide ; he has subsidised some malcontents, sent emissaries to border tribes and to Afghanistan, spread poisonous literature, told tales of England's weakness and his own prowess. He has appealed to the people of India in all these ways, and in their name and on their behalf to neutral nations, against the alleged misrule of their country by



England. He has tried to incite the Moslems of India and of the world, alleging that the war he has brought upon England is a struggle for the protection of Islam, of which Hadji Kaiser William has taken upon himself the rôle of guardian and defender. These are manœuvres and pretensions the futility and hollowness of which it would not require much effort to expose, if there was any fear of their receiving credence. But, as remarked above, the attitude and assurances of the Ameer of Afghanistan have already proved that the blandishments of the Hun have fallen upon deaf ears: all India has more than repelled them. She remembers the contemptuous behaviour of the Crown Prince and his suite during their visit there towards her Chiefs and people. She has a lively appreciation of the Teutonic estimate of her men as laid bare by the German contention of the illegality of employing her troops in war, on the ground that international lawyers have prohibited the use of "savages" in civilised warfare; *ergo* they are "savages."

GERMANY REGARDS INDIANS AND  
MOSLEMS AS "SAVAGES."

"Die Farbigen Hilfsvölker der Engländer und Französer" (the coloured auxiliaries of the English and French) is a laboured essay by Dr. Hans Delius to prove on the alleged authority of English, French, Russian, and neutral jurists the international illegality of the employment of Indian troops by the English, and of the Turcos by the French in the present war. But the whole attempt is misleading and wide of the mark. International lawyers have, no doubt, advocated the prohibition of the use of "savages" in civilised war, but been in favour of their employment if they are disciplined and under the responsible control of civilised officers. The case considered by them is purely that of savages and barbarians out of the pale of human civilisation. And yet the German writer dishonestly twists the numerous authorities he quotes in his fifteen closely printed pages as if they had any reference to the British Indian troops, the sons of an ancient and highly developed civilisation, thoroughly disciplined in the art and methods of

European warfare. The people of India, from whose proudest races these troops are furnished, were civilized and cultured long anterior to the period when, according to Julius Cæsar, Tacitus, and other Roman writers, the Teutonic savages roamed the German forests. Cæsar describes them as *feri ac barbari*. Tacitus says they had not even an alphabet. Gibbon calls them a herd of savages. Again at page four of his book Dr. Delius uses the expression "the African and *Mahomedan* Turcos," including them in the category of "savages." And Dr. Delius is the authorised spokesman of the Teutonic power which has the impudence to advance its kind concern for the people of India and its Islamophil susceptibility as its titles to win them and the Moslem world on its side ! The fact is that even when, in his hour of desperate need and despised position among other nationalities he is driven to tout for the support of Islamic communities and to instigate the people of India to become a thorn in the side of Great Britain, the German cannot divest himself of his arrogance and racial and colour prejudice. In his blind estimate of his own superiority he

persuades himself that Oriental intelligence is incapable of detecting his adroit chicanery and friendly dissimulation. They are not so simple as perhaps he has already found out by now to his cost. The Moslem world, and particularly the sixty millions of Indian Mohammedans, have in spite of the fatuous Turkish submission to Prussian control, spurned the German's advances, and four times that number of the remaining Indian population have combined with them, not merely by word of mouth, but by the consecration of blood and lives, by surrendering all their resources, by suppressing for the time being all their interests and differences, in a whole-hearted co-operation to win victory for British arms.

#### THE FAITH OF INDIA.

It is the consummation of a belief, a trust and a hope engendered by long years of contact with the British nation. It is the result of a deep study of the history of other nations. It is, in fact, the acceptance of a destiny to which of their own free will and reasoned argument the people of India deliberately

resign themselves. They believe that their own fate is intertwined with that of the British race, and have faith in the promises and pledges given by it to protect their national interests and promote their amelioration in that spirit of sympathy which under similar circumstances would never have been extended to them by any other ruling race. The earlier Charters securing to them "equality of status, of rights and of duties" with the rest of the British subjects, confirmed and amplified by the Proclamation of 1858, when the good Queen Victoria, of happy memory, assumed direct sway over them, and emphatically ratified by her successors, have proved veritable milestones in the path they are content to tread. Even when they have felt that their pace has been restrained, that British statesmanship has occasionally failed to discharge towards them those obligations which the charters guaranteed to them, and acute discord on matters of policy or treatment has arisen between them and members of the administration, they have regarded them merely in the light of family differences to be settled among themselves

with which nobody else has any concern, and with regard to which any help or criticism offered by outsiders is utterly repugnant to them. They have told this to Germany by laughing to scorn its manifold stratagems to create difficulty for the English by means of inflammatory literature, by supplying money to some discontented persons and otherwise engineering revolts, by suborning men in Indian regiments and other such infamous tricks. All such machinations, if they had any effect at all, only served to stimulate that energy for the "defence of the Empire" and all that that phrase portends, which has been displayed throughout all parts of the Indian Continent, under the flag of Britain and under the sway of the Rajahs alike, from the first moment war was declared. There was no waiting for a call, no faltering, no thought of conditions of service or reward, of compensation for loss of life or property, nor any rankling sense of past wrongs or hope of future betterment, when her princes and people instantaneously seized the opportunity of manifesting their love and devotion to the British Throne. They seized that fate-

ful moment to claim their proper place in the Empire in the unflinching faith that under its protecting ægis and the ever broadening scope of its constitution alone can they freely foster those rights, privileges and liberties, which are the inalienable heritage of its citizens. During the two years through which this titanic struggle has raged, India like all other dominions under the Union Jack has suffered ; her blood has been spilt on the battlefields of Europe, of Asia, of Africa. She has noted the varying fortunes of the war day by day. Germany has spared no pains to shake India's allegiance, and has even dangled before her people the phantom of a happy future if they would only help it to destroy the enemy whose alleged deeds of misrule it has unstintingly poured in their ears, and thereby invoked their verdict. In spite of all these trials and temptations there is not a responsible and thoughtful person in India who is disposed to repent of the part her inhabitants collectively and individually took upon themselves to play by the side of Britain and against her foes, not one who has the least faith in Germany's pretensions and professions

of sympathy for them, or who is not prepared to assert that, with all its limitations and deficiencies, the rule of Britain has been, and will in future be in an increasing degree, a blessing to the three hundred million human beings owning its sway.

*THE VERDICT OF INDIA.*

How spontaneous these universal sentiments are can be gathered by the utterances delivered by the acknowledged leaders of the communities of India the moment war broke out. These men, whose lives had been spent in the advocacy of the rights of their countrymen, which incessantly demanded criticism of the Government, proclaimed from one end of India to the other their gratitude to the British race and their inviolate faith in the beneficence of its rule. That veteran patriot, Dadabhai Naoroji, in a memorable manifesto issued to the people said :—  
“ If ever India expects to attain again her former glory on the advanced character and scale of modern British civilisation, of liberty, humanity, justice and all that is good, great, and divine, it shall be at the hands of the British people and with



the British people as self-governing members of the British Empire." Mr. Bhupendra Nath Basu, a representative of Bengal leaders, proved in a telling brochure why India was heart and soul with Great Britain in this present fight in a righteous cause. Sir P. M. Mehta, occupying a similar position in Bombay, declared at a public meeting there, attended by thousands of its cosmopolitan inhabitants, that "in the presence of the solemn situation they were all merged in the one proud denomination of loyal and devoted subjects of the British Crown to lay at the feet of their august Sovereign their unswerving fealty, unshaken allegiance and enthusiastic homage, remembering that they owed sacred duties and holy obligations to that British rule under whose auspices their lofty destinies were being moulded for over a century and under whose wise and provident and righteous statesmanship the welfare, happiness and prosperity of the country are being incessantly enhanced."

In the face of such pronouncements by thousands of leading men, endorsed and acclaimed by the millions of India's

people, how ridiculous seem the efforts of the German official propagandists to accuse the British of having misgoverned them, in the hope of alienating their allegiance. It ill becomes a nation whose agents have massacred in cold blood and extirpated the tribe of Herreros; which has even nearer home blotted out in Alsace Lorraine the very language of the natives and killed or imprisoned thousands of them; whose rapacity in its African colonies has already had its reward in its being practically driven out in two short years from a great part of that territory; and whose harrowing acts of cruelty in the different spheres of the present war will for ages to come make its name a by-word at the mention of which humanity will quail,—it ill becomes a nation with such antecedents to talk of the oppression and failure of British rule in India. In its desperation, and in the mad indulgence of its avowed hatred of the English, it has tried to establish this count of its indictment before the tribunal of nations, hoping that the only competent testimony admissible in the case—that of the people who are sup-

posed to have been the victims of the alleged misrule—could be suborned by its simulated sympathy, and that they would hail it as their deliverer from the thrall of a foreign yoke. That hope has been utterly falsified. The people of India have seen through and through the motives of the diabolical propaganda, and they scout the foul charges the proof or disproof of which must depend on their own verdict.

That Verdict is that the destinies of their country have been directed in the paths of progress and prosperity by the government which British genius and British statesmanship have established in India, that they are proud of being British citizens, and that it is only by the right and title of that citizenship that they hope to revive the ancient glory of their mother-land, taking their proper place in the Comity of Nations side by side with the other children of the British Empire.

## THE BASIS OF LEGISLATIVE POLICY

IN

### MODERN STATES.

The object of the Indian Liberal Club is set out in our rules to be "to promote the scientific study of politics in general and Indian politics in particular in all their aspects." These aspects may be, generally speaking, classed under three heads.

First, we have the metaphysical method of political study, of which Aristotle and Plato among the ancient Greeks, Cicero among the ancient Romans, Jean Jacques Rousseau in France, and Kautilya and other Hindu writers on politics, and Jeremy Bentham, the father of English utilitarianism, may serve as some striking examples. They belong to the class of political reformers who dealt with political questions, especially the question of legislation as affecting the political constitution of a country, by an analysis of human nature in general, without any reference to differences of climate, custom, race, and tradition. This is the *a priori* method of reasoning in politics, the advantage of which

is that, emphasising the eternal and immutable spirit in man over and above what is conventional and customary, it points to the ideal in humanity. Such expressions as these, "human nature is the same everywhere," "one touch of Nature makes the whole world kin," एको देवः सर्वसुतातरात्मा ("One God resides in, as the soul of, all beings"), which have been among the current coins of proverbial philosophy, are the outcome of this method. Its pursuit has led to the brotherhood of international relations and served to emphasise the law of right as against might. Its advantage is that it brings out more or less prominently the points of human nature which make for the unity of mankind. But its defect is that it is apt to make a student of politics who becomes its servant, not its master, a mere visionary who has no hold on the practical side of politics. Exclusively pursued, this metaphysical method of political study fails to take into account the whole of human nature and the conditions which either make for or retard political development among a people.

Man is not pure reason or mind. He is what the history of his race behind him has made him. He is a creature of the past with all his inherited beliefs, customs, prejudices, and traditions which have all gone to make the State or the society, of which he is a unit; and these have to be taken into account by the light of their history. This is the historical method of political study, which represents that both man and his society,

as they are, have been evolved from the past, that they are natural organisms, made and developed by a process of law that has regulated their development. This method of study emphasises the practice of man, as distinguished from the theory of human nature, to which the metaphysical method mainly looks. Its best exponents are Montesquieu and Maine. It is invaluable to a student of politics in that it checks fancy, corrects the dreams of mere theory, and lights the path of a political reformer along lines which are feasible and safe to adopt. It gives a warning against hasty reforms, which are as much the foes of progress as stagnation. But this historic method of political study has also its disadvantage. When exclusively pursued and turned into a *fetish*, it is apt to make the student live too much in the past and become its slave. Man under it becomes, to borrow an expression from Bagehot, an antiquity; it becomes a plea for the stand-still system of Government. It inclines men, especially those charged with the duties of administration, to deal with society as a mere machine, and to think of and value more *the methods* of Government than its *aims*. It exalts routine and red-tape as making for administrative efficiency, by caring more for the security and stability of Government than of the public welfare and the changing phases of society and their needs. History must be heightened by philosophy or else it narrows our vision and outlook. In this connection I would invite you to read Maine's *Popular Government* and the criticism on it by Lord Morley.

The third method of political study is what for want of a better and strictly **Humanistic method.** precise term I might call the humanistic or people's method, which deals with political questions as they strike the average man or rather the man in the street of the times in which we live. This indeed seems a very low kind of study; it is not really speaking worth the name of study, much less is it anything approaching a scientific study of politics; but for a practical politician, who wishes to influence materially the political conditions of his time, it has its advantage. It consists in acquainting oneself with the thoughts and feelings of the masses, the view they take, and why, of the political and economic situation around them, what they speak about it and so forth. The advantage of this method is that, while, on the one hand, the metaphysical method teaches you to theorise—and sound theory is always the pabulum of sound practice—and broadens your outlook by presenting to you the ideal in man, while, on the other, the historical method prevents your becoming a mere dreamer, this third method by sending you among the people, gives a real, living, human interest to your study, and develops the spirit of practical sympathy. The man in the street may not be able to know wisely the nature of the political conditions around him. If he has a grievance, it may be fancied, not real. But all the same it is worth knowing what he feels and how he feels and whether and in what respect according to his lights the administrative shoe pinches him. The late John Bright attached great, though not exclusive,

weight to this method. Before making up his mind on any political problem of his time and delivering his speech on it in either the House of Commons or on the platform, he would not only study the blue-books and other materials bearing on it, but he would also talk it over with farmers and labourers and get to the popular view of the question. The wisdom of law-givers, says Cardinal Newman, lies in finding a safe outlet for natural impulses and sentiments which are sure to be found in their subjects and which are hurtful only in excess; to direct, to moderate, and variously influence what they cannot extinguish. Towards that purpose the law-giving statesman and administrator must develop in himself the *human* side of political study by intercourse with the people, as did Mountstuart Elphinstone and Sir John Malcolm in India with their virtue of accessibility and movement among the peasants and *coolies* in their daily routine of administrative life. Equally the publicist who desires to be an effective force in the politics of his country should *humanise* his study of political questions by acquainting himself with the views, thoughts, and feelings of the masses, and turning on them the light afforded to him by the metaphysical and historical methods. It may seem perhaps a strange thing to say, what was said by the *Spectator* of London in its number of Sept. 22, 1916, that "it is from the unlettered mass that we must look for the beginnings of wisdom; the masses have a cynicism which is their own;" but it is the masses who made ballads and the ballads became histories.



And this has been true of India. What is the *Mahabharata* but the ballads of the people turned into an epic? The Maratha saint, who is justly regarded as the father of modern Marathi literature and of the spirit of Maratha nationality which gave birth to Shivaji and the unification such as it was of the Maratha race, speaks in his commentary on the *Gita*, called the *Jnaneshwari*, of the civilised man as one who lives on the ends of a city (नगरांतरी नगरीक). What does that mean? It means that civilization comes from not merely urban life or high life--the life of the upper classes, upper whether in point of wealth or intellect,—but from contact with and movement among both the high and the low. Shri Jnaneshwar's own life was of that kind. He was born of Brahmin parents, who having been excommunicated, were not allowed to live in his city; so they lived on the borders of the city and Shri Jnaneshwar had the lifelong advantage of knowing both high and low life intimately. That movement among the less favoured classes of his people enabled him to lay the foundation of his work which by its spiritual and literary influence laid the seeds of political thought and nationality among the Marathas and formed the initial stage in the welding process. It is, therefore, necessary for a student of politics to humanise his metaphysical and historical methods of study by this people's method. The former two methods enlighten his mind; the latter touches his heart and enables the student to realise what John Bright has

rendered to us familiar as a political truth that "the nation dwells in the cottage."

This threefold study of political questions is all the more necessary because in these days of the 20th century all political problems have become more complex than in the past and are not, as was the case in the Middle Ages, influenced mainly by religious problems, or chiefly by economical considerations as was the case in the 19th century. They are now intermixed with all the varied and growing interests of human nature; and every word that we use to represent a political problem of these days has a biography which must be studied before we can handle that problem effectively. In this connection we may well bear in mind a profound observation made by Sir Henry Sumner Maine. Of political theories he wrote that "they are endowed with the faculty possessed by the hero of the Border-ballad. When their legs are smitten off, they fight upon their stumps. They produce a host of words and of ideas associated with those words which remain active and combatant after the parent speculation is mutilated or dead." The meaning of that is that a political theory originated by its author loses in process of time, stage by stage, the meaning and force which the author intended and in course of time comes to have a meaning and application which would startle the author himself as being opposed to the ideas which he had identi-

fied with his theory. Were Sir Henry Sumner Maine living in our own days, he would perhaps look aghast at the transformation which the political formula which he cast into the well-known aphorism "that the movement of all progressive societies is from *status* to *contract*" has undergone since his time and come to have a meaning which he probably had not in mind when he wrote. I will later on deal with that political formula to show the transformation such as it is in our days, but in the meantime if we turn to the political theories, associated with certain words which are in our own time familiarly heard from day to day in all political discussions—words such as "Liberty," "Equality" "Democracy," "Nationality," and "Self-government"—and trace the history of each of these words, we shall find that, undergoing a series of changes of meaning, while retaining the name or word, it has come in our days to receive an interpretation which is the result of the combined methods of political thought and study I have mentioned above. Take, for instance, the word *Liberty*. We learn that we owe the idea originally to the ancient Greeks who discovered it in the times of the Sophists and Socrates about the 6th century before Christ. Without tracing the history of its successive fortunes in ancient Greece, Rome, the Middle Ages, the Renaissance, the Reformation and the Puritan period and coming to the more modern times, we find that Jefferson's idea of liberty was a Government which governed its people least. Under Lincoln it meant "a Government of the people, by the people, for the people"

which has been found in practice to be a Government that, instead of governing least, governs most. When Froude thought about 40 years ago that *liberty* meant one thing for Europe and America, another for Asia and Africa, one thing for the white and another for the dark races, he reflected an opinion which in those days was presumably shared largely in Europe by even the best minds. That opinion was that liberty for the white man meant the right which he claimed to govern himself and for which he was ready to sacrifice all his life and property, while liberty with the dark man meant the right which he claimed to be governed by another and for the denial of which he was prepared to put that other to death. We hardly hear that meaning of liberty in our days. Rather the thought of the day has been centring more and more round the view that each nation should be left free to work out its own destiny and self-government is its birth-right. Take that with another thought of the present day, to which the American Ambassador in London, Mr. Page, gave pointed expression but the other day, that liberty for the individual meant equality of opportunity for all and you come to an idea which reflects the ages from the time of ancient Greece down to now and means that men are free and nations are free only when they serve one another. It is only in the spirit of the Lord that there is liberty. Was it a mere rhetorical phrase of the Radical, which the late Sir Henry Campbell-Bannerman uttered, when he said that "good Government is no substitute for self-government?" Trace the history of the idea by

the three-fold method of political study and you find that what Sir Henry Campbell-Bannermann meant was not that self-government, however bad, oppressive, cruel, and barbarous, is preferable under any circumstances to a foreign government, however good and just, for European history shows how in the earlier years but for foreign influences the people of England, of France, of Germany, of Italy &c., would have degenerated into discordant elements and failed to secure the basis of self-government. For instance, to take one notable example, it was foreign power, the power of the foreign Church which materially helped the English barons to secure from King John the *Magna Charta*. What Sir Henry Campbell-Bannermann meant was that no government, however good and sympathetic, is worth the name of Government unless it rules by law and unless that law leads and prepares the people subject to it to self-government *i. e.* prepares it by its principles and policy to govern itself instead of keeping it under the leading strings of a paternal government whether foreign or otherwise. That is the meaning of a Government by law and constitution.

All good and progressive Government, then, means a Government which rules by legislation and law reflecting the opinions of its subjects and so leads that opinion as to make the administration representative. Its character and its aims are best reflected in the proceedings of its Legislatures and the tendencies of the laws it enacts on the one

hand and of the members who compose it, both those members who hold their places in the Legislature as representing the executive authority of the Government and those who participate in its deliberations and the enactment of its laws as popular representatives. Those of you who followed with attention the proceedings of the meetings of the last session of the Imperial Legislative Council of India will remember a resolution proposed by the Hon. Pandit Madan Mohan Malaviya to the effect that the meetings of the said Council should be much more frequent than they have been. The resolution was either supported by or had the sympathy of most of the non-official members of the Council, but those who opposed it took the main ground that such frequent meetings as the Hon. Pandit called for would throw an unbearable burden of work on the officials and diminish the time for executive government. One of the members of the Council, in resisting the proposal, remarked that, if effect were given to it, it would serve no useful purpose but would only result in increasing the loquacity of the non-official lawyer-members of the Council. Similar criticism is directed against the increasing tendency of interpellation among the elected members of our Legislative Councils. Now, without going into the merits of the criticism in either case, but taking the two facts—the fact of the resolution for more frequent meetings of the Council proposed by the Hon. Pandit Madan Mohan Malaviya and the fact of the increasing tendency of the elected members of our Legislative Councils to multiply the number of their

interpellations on questions of administration--taking these two facts by themselves as typical of the attitude of the popular representatives of the Council towards the legislative function of Government on the one hand and its executive function on the other, I ask myself: Does that attitude present a phenomenon peculiar to the mental constitution and political leanings of these popular representatives in this country, or is it symptomatic of a tendency which is observable under every civilised Government that regulates its administration by means of legislation and is therefore called a Government which is orderly because it reigns by law? A careful study of the history of all such Governments from the ancient times to modern will satisfy every student of politics that the people living under it and developing in the civic virtues have always showed at every advancing stage of their progress, a growing desire to influence and get hold of the executive authority of Government through and by influencing its Legislature first. That is the political phenomenon everywhere. "It is the history of all countries that people are not jealous of the judicial power while they are extremely anxious to seize the legislative and executive power." It has been the same with the *Witeganemot* of the earlier history of England which developed subsequently into the present Parliament, with the ancient *Punchayet* system in India, when it was in its state of vitality, with the Chamber of Deputies in France, the *Reichstag* of Germany, or the Duma of Russia, or Congress of the United States of America.

If the Legislature of a Government, then, forms in the history of all progressive countries, the pivot of its executive and judiciary, and is calculated to affect the tendencies and aims of that Government, it is the duty of an earnest student of politics and of all publicists to study the principles which form the motive power of contemporary legislation by the light of the three methods of political study mentioned above. What are those principles underlying modern legislation? Whence and how have those principles been derived? What is their history? Whither are they tending? What for are they tending? And lastly, what is of immediate concern to us in this country, how far and in what way have those principles influenced and affected the course of legislation in British India?

Modern legislation, looked at broadly, presents two features or tendencies, which at first sight seem a paradox of the principle of liberty and democracy regarded as the dominant keynote of all progressive Governments in these days. The first feature or tendency is the emancipation and elevation of the individual, resting on the political theory that every man is free and that all men are equal. It is as resting on and flowing from that theory that modern States deemed to be democratic have been either passing or aiming at laws which have for their object the securing to every individual within their realm the benefit of education, of sanitation, of places of recreation, of the chances of employment, of the living wage, of



safeguards against accidents, and old age pensions. All this goes under the name of what is called socialistic legislation but *socialistic* is not the right word, because *socialism* as ordinarily understood is something which is hostile to the idea of individual liberty and means a kind of social slavery. The word *social* is perhaps more appropriate to use to describe the nature of the legislation, which has in it the element of individualism also, inasmuch as its object is to emancipate by elevating the individual, whatever his status or class, with a view to make him a free citizen of the State for *social ends*. No man can be said to be a free citizen as long as he is handicapped in the race of life by poverty or ignorance or disease. That is the idea associated with liberty nowadays. While a modern democratic State seeks by its legislation to secure liberty to him, we have alongside of that the curious phenomenon that it passes laws which fetter his liberty to an extent unknown in less democratic times or less democratic countries, by strengthening the executive and lessening the powers of the ordinary judiciary who have been regarded as the palladium of the liberties of the people and to whom the subjects of the State have been accustomed to look as the redresser of wrongs and the supporter of the right of individual freedom. To this tendency of modern democratic legislation attention has been frequently called. About a year ago *Blackwood's Magazine* pointed to it in these words:—

“The danger is all the greater because of an evil habit which has impressed itself upon recent legisla-

tion, which, if unnoticed and given free course, may insidiously undermine the very essentials of constitutional government. We refer to the pernicious and constantly increasing practice of entrusting what are really legislative and judicial power to the executive departments. An Act of Parliament nowadays leaves it to the departments to legislate by orders and withdraws from Law Courts matters which properly belong to them, in order to hand them over to a State Department whose decision is to be final. There is no more vicious part of the hurtful work that ten years of Radical Administration has wrought for us. And these far-reaching irresponsible powers are entrusted to a new and irresponsible bureaucracy chosen at haphazard." (*Blackwood's Magazine* for March 1916, pp. 356-57, on The Civil Service, Old and New.)

The complaint that English legislation striking at the liberty of the individual as the result of Radical or democratic Government has been prevalent only these ten years ignores the fact that the tendency dates from a period much anterior. Instances of this class of legislation characterised as *socialistic* are given by Mr. Dicey in the 8th Lecture in his "Law and Opinion in England," which is instructive reading. As pointed out there, the tendency was referred to by Lord Morley in his *Life of Cobden* in 1881 and since then it has grown with the growth of the British democracy with its watchwords of liberty and equality. It is the same with the democracy of the

United States of America, of which an American writer says: "At present the American people have a craze for efficiency, even at the expense of constitutional government. Distrust in legislatures, greater trust and power reposed in individual heads and a much greater power entrusted to more or less permanent boards and commissions usually not elective and often clothed with vast powers not expressly submitted to the scrutiny of Courts of law."

The comment generally made on this increasing tendency of legislation at the present day, whether in Great Britain or the United States of America or other democratic countries, is that it has falsified Backstone's prediction made in his Commentaries on Common Law that a democratic form of Government is more competent to make good and sound laws for the welfare and liberties of the people than any other. As a matter of fact, it is pointed out, legislation by the people has resulted in the enactment of laws more subversive of the liberty of the individual and of society than laws made by a despotic monarch.

The justice or injustice of this criticism can be properly tested only by a careful study of the problem in the three-fold manner I have recommended at the outset of this address. I will now indicate with some particularity the lines on which that study may, in my humble opinion, be followed.

At the outset I would ask you to bear in mind each of the following principles, which either by itself embodied or led to a political theory and has

profoundly influenced legislation and through it the principles of administration.

*First:* there are the two principles of Bentham viz. (1) *Each head counts for one and no more than one*, meaning that every single individual ought to have a vote and voice in the legislation of his State. This forms the political theory of individualism. (2) *The greatest happiness of the greatest number*, which has formed the principle of the social theory of Government and legislation.

*Second:* Darwin's biological principle of Natural Selection, which Herbert Spencer put into the well-known formula of "*the survival of the fittest*" as the law of evolution and which Darwin adopted as expressing aptly his biological theory.

*Third:* Sir Henry Sumner Maine's political theory suggested by Darwin's principle of Evolution and propounded in his *Ancient Law* that "the movement of the progressive societies has hitherto been a movement *from status to contract*."

*Fourth:* Prof. Huxley's theory of Rational Selection which he propounded in his Romanes Lecture on "Evolution and Ethics" at Oxford in 1893, affirming that social progress is the result of "*the ethical process*."

Bentham's political theory that "each head counts for one", Darwin's biological theory of "the survival of the fittest," and Maine's of the progress of societies from *status to contract*, were all *individualistic*

and led to the *laissez faire* or "let alone" doctrine of legislation and executive government, with *competition* as the motive power of human progress. On the other hand, Huxley's theory of *Rational, not Natural, Selection*, embodied in his formula that social progress is the result of the *ethical process* is more social than individualistic and has profoundly influenced the tendencies of modern legal and political development and given a fresh aspect of life and vigour to, by bringing out the real meaning of, the other theories above-mentioned. It is only by tracing the biography of each of these theories that we shall be able to appreciate the ideals, aims, and conditions of present-day legislation and politics.

That biography will, I venture to think, be best understood, if we trace as follows the development of the idea of law and of the political theories which have successively flowed hitherto from it, in British legislation and politics in particular:—

1. The different stages of the theory of law as the basis of Government and of the political development of its subjects.
2. How the feudal principle of law has silently marked all those different stages.
3. How the different stages of law and the consequent political development, and the silent operation of the feudal principle, have led to the organisation of nations on the basis of both the individualistic and social principles combined at the present time.

First, then, as to how the idea of law as the basis of Government and the political and social development of its subjects has been evolved from the earliest conditions of society down to modern. The patriarchal condition of society which was preceded, as history shows, by the matriarchate, is the earliest form to notice and in it there was no law in the sense in which we now understand it as a rule imposed by a sovereign authority upon its subjects with a penalty for breach of it, because such society was composed merely of families or kindred clans. The law that governed such societies was family usage and social customs regulating the intercourse of one family with another belonging to the clan. The patriarch of a family held almost unlimited power over its members. He regulated the intercourse of his family with other families and entered into transactions with families outside his own. The king did not interfere for breach of those family and social customs as between family and family except when there was a breach of the public peace. He made no laws. Those customs were unwritten religious, social, moral and economic rules, a breach of which was punished by social sanctions and penalties such as excommunication, penance, &c. The patriarchal society was thus more of a social than a political organisation. The customs became unwritten, unrecorded laws, which every member of the society was supposed to know. Hence the origin of the legal maxim which forms the fundamental and primary rule of govern-

ment that "every man is expected to know the law." It is instructive to note in this connection how the Witenagemote of earlier England, and the village and town Panchayets of India exhibited the same feature of Government by law. Neither was in its earlier stage a legislative body; both were partly executive and partly judicial as to their functions in the beginning. The reason is that in the beginnings of society law was social, not political, morality.

As the society grew and became more complex, as the power of the head of the family diminished, and each individual gained in independence, social life emerged from *status* to contract *i. e.* from family pupilage to individual emancipation. The individual, till then in the leading strings of the head of his family, was absolved from the restrictions of the *patria potestas* and became free to deal in transactions with others as and for himself. The State took the place of the head of the family. The idea of civil or secular law as distinguished from social morality came into being. Such was the law known as the *Nomos* of the ancient Greeks, the *Jus Strictum* of the ancient Romans, the Common Law of the English, and the *Vyvahara Shastra* or secular law of the Hindus. The law in this second stage of social progress was merely a body of rules borrowed from the customs which had grown into tradition from the primitive stage of the society concerned. When the State gave them the sanction of its law, it did not purport to make the law but

expressly declared the customary law that had existed and had been handed down by the force of usage and tradition. Another feature of this second stage of social progress is that the idea of civil or secular law with the State as its upholder was confined to but matters strictly relating to person and property and the most urgent economic needs of the society.

As the society advanced in intelligence and inter-  
 course with the outward world  
 and in its economic, social, and  
 moral conditions,<sup>9</sup> the idea of law  
 and the theory of political development again became  
 a union of legal and moral interests. Law was no  
 longer *secular custom*, confined to a few matters of  
 person and property, but became morality and legality  
 combined and fostered the spirit of individualism.  
 Such was the period of the Stoics and Socrates in  
 ancient Greece and the classical period in ancient  
 Rome from Augustus to the 3rd century before Christ.

It is more to our purpose, to dwell at some length  
 on this third stage of legislative  
 and political development in  
 England. This third stage of English law and political  
 progress is described by some juristic historians as  
 having been entered upon in England when the law of  
 equity began to be laid down by the King's Lord  
 Chancellor to correct and soften the rigours, inequali-  
 ties, and uncertainties of the English Common Law.  
 Its roots, however, lay deeper than that. The law of  
 Equity, as we all know, was the law of God, which as



the law of nature or reason is eternal, and therefore, above the common law made by man out of customary usages and traditions. It was the Stoics and Socrates in ancient Greece who originated the idea of the existence of such a law of nature according to which all men are equal in the eyes of God. The Romans borrowed the idea from the ancient Greeks. For instance, Aristophanes in his "Spirit of The Unjust Argument" is cited as voicing the Greek idea of the law of nature as the law of righteousness:—

Hear'st thou Heaven? Sleepest Thy thunder?

Right divine declared for rapine, laws invoked to sanction plunder?

Take a warning in thy triumph—godless power is frail to last.

(See the London *Spectator*, July 29, 1916, from which these lines, applied to Germany now, are taken).

And so also Cicero later on :

"There is indeed a veritable law, a true rule of reason in harmony with Nature, unchanging and eternal, which by its command should summon us to our duty and by its prohibition warn us from doing wrong; but though it does not command or dissuade good men in vain, it fails to move the wicked by command or prohibition. This law may not be counteracted, nor repealed as to any part nor wholly annulled, Nor again can we by senate or people be exempted from this law. And we seek none other to explain to us or to interpret this law; nor will it be one law at

Rome, another at Athens; one law in our time and another law in time to come; but one law, eternal and imperishable, it will bind all peoples in every age." (See this quoted in an article on *Nature in Morals and Politics* in the number of the *International Journal of Ethics*, April 1910, Vol. XX. No. 3, as a fragment from a lost work of Cicero preserved by one of the Christian fathers).

The Jews of the Old Testament spoke of this law as "the still small voice within," the law written on the tablet of each man's heart. That law of Nature as the law of God, eternal and imperishable making for the moral order of the Universe and therefore binding on Governments, was familiar to ancient India, of which Max Muller says that when after Alexander's discovery of India the Greeks first became acquainted with this country, they found that the Aryans recognised *law* in the natural world, watching over the order of the moral world, and embodied in the word *rita*, which means righteousness, the conquest of right over might.

This law which made for individualism and the equality of all men was emphasised by Christ and his apostles as "the Kingdom of God within us" and a new and more living interpretation was given to it which not only survives to our own day but has been steadily working itself into the fabric of modern polity. When the Roman Empire decayed and gave way to the Middle Ages, the social conditions were

such that all idea of individualism was obscured. When the Middle Ages gave way to the Renaissance in the 13th century, and brought in the idea of nationality, that idea centred round Sovereignty. But the Renaissance by reviving the study of the classics of Greece and Rome prepared the way for the gradual egress of the idea of the law of Nature. It is just about that time that the idea of Equity as the law of God, supreme above, and, therefore, entitled to supersede, when necessary, the Common Law, began to rise in the sphere of English law and politics. Sir Isaac Newton's discovery of the law as to the centre of gravity confirmed people's belief in the law of Nature as the law of Reason, because, Newton taught by his discovery that Nature was more Reason than Reason itself. The Puritan period followed and sharpened the individualistic spirit of law and morality combined. The Puritans taught that "Government and institutions pass but the soul remains and that, therefore the sphere of enforced command" by the law and legislation of the State "should be restricted within fixed limits". In other words, Government by law came to mean, according to the Puritans, a Government which governs least.

This was the *laissez faire* theory of legislation which, taken up by Locke, travelled to France, was there taken up by Rousseau and became the battlecry of the French Revolution. The individual was considered to be free by Nature, the State or society a mere artificial creation. Legislation again in this state of society

became individualistic. That was the condition of law in the nineteenth century, when the State ruled on the principle of individual liberty, restricting it within narrow limits only for the purposes of police. Darwin's theory of Evolution with its biological law of the survival of the fittest only gave added force to that individualistic spirit of law and Government. The legislative principle and the principle of Government following from it as a logical conclusion, which dominated State policy in England may be shortly stated as follows:—(1). Every man has the right to freedom (2). Leave every man to himself and he knows where his interest lies. (3). Leave men to the field of competition, because competition is the law of nature and leads to industrial and other social progress.

This was the *laissez faire* theory of Government in England largely influenced in the 19th century by the biological law of Darwin. It prevailed in full force as the dominating keynote of English legislation and political development until about 1872.

From 1872 the *laissez faire* theory of politics in general and legislation in particular began to disappear and since then the social theory has gone on gaining ground. As a matter of fact that social theory owes its birth to the very champions in England of the *laissez faire* theory who hated socialism. That is one of the paradoxes of English history and politics and one of the results of the fact that the British constitution, being partly *unwritten*, is elastic and makes for growth adapted to

each succeeding stage of the people's life. The keynote of the individualistic theory was that every man should be free. Its champions in England in the 18th and the 19th century found that the Negroes in West Indies were not free but were held as slaves. English public opinion was moved to indignation at that sight. And when the English public sought to abolish West Indian slavery, their attention was called to the fact that there was slavery in England itself because of the condition of English children in English factories. That led to the factory laws as the result of the humanitarian movement due to Robert Southey and Lord Shaftesbury. And, as Mr. Dicey points out in his *Law and Opinion in England*, it is the factory movement that laid first the growing seeds of social legislation in England and became the first "battle-field of collectivism against individualism." It went on receiving impetus from the rise in the growth of industry and commerce necessitating combinations of individuals into large organisations with their own rules and regulations, the substitution of mechanical for manual labour, the discoveries of science, especially medical, proving that the evils of poverty and disease can be eradicated by preventive and curative measures adopted by society on a large scale instead of being left to individual care and effort. But while all this process was going on in favour of social legislation, the *laissez faire* theory of individualism supported by the scientific discovery of Darwin and the evolution theory of society of Herbert Spencer were still holding.

Prof. Huxley's Romanes lecture on Oxford in 1893 marks an epoch not only in the progress of scientific but also of political thought. That lecture was all the more remarkable and created a profound impression on the public mind, because Huxley had till then supported strongly Darwin's theory of Natural Selection and the law of the survival of the fittest flowing from it. Darwin's theory had affected the political and social thought of the time by countenancing *competition* as the law of the *cosmic process* governing and limiting social progress. Huxley in his Romanes lecture declared that it was not true that "because on the whole animals and plants have advanced in perfection of organisation by means of the struggle for existence and the consequent survival of the fittest, that, therefore, men in society, men as ethical beings, must look to the same process to help them towards perfection". He declared that "social progress means a checking of the cosmic process at every step and a substitution for it of another which may be called the ethical process". That ethical process marks human evolution as distinguished from the evolution of organic life, because man is an *ethical being*, has the power of self consciousness and can master his being and his environment. He is rational, whereas the organic world is a mere machine of Nature. That constitutes the value of man as the unit of his society; he can make his society because he can combine with his fellows, and instead

of competing, can co-operate with them and thereby advance the cause of social progress. The cosmic process meant competition, the destruction of the weak by the strong, and a perpetual war for life; but the ethical process meant that man finds his life by losing it in union with his society—"in place of, ruthless self-assertion, it demands self-restraint; in place of thrusting aside or treading all competitors, it requires that the individual shall not merely respect but help his fellows; his influence is directed not so much to the survival of the fittest as to the fitting of as many as possible to survive. It repudiates the gladiatorial theory of existence" This lecture of Huxley's deserves attention as marking an important stage in modern political thought, because it furnishes the key to the principles which govern the legislation and political atmosphere of our time in all civilised countries. The lecture may be said to have established the following points with reference to social progress :—

(1) Man as an individual being is a rational creature, and is governed by the law of *Rational*, not Natural, Selection; (2) while his social environment creates him, he can re-create that environment by regenerating it; (3) he and his society are needed for one another, for social and individual progress—individualism alone leads to egoism, socialism alone to bureaucratic officialism—both must be complements of each other; (4) co-operation with society, not competition, with his fellows, can

alone enable him to fulfil the end of his being and advance social ends; (5) *competition* is the law of his natural life only so far as it is necessary to save him from the temptation to be idle and useless; and (6) it is the duty, therefore, of the State as the social organism to see that every individual composing it is fitted by education, sanitation &c. to be a *productive* member of his society constituting that State.

These were the political principles directly deducible from *the ethical process* theory propounded by Huxley.

**How Political Ideals Arise.**

But that was not its only influence on the political thought of the day. It had an indirect influence which has been making itself felt in our days even more perceptibly than in any previous period of history. When a people become discontented with the existing order of Government, the dissatisfaction may arise because of the sufferings and injustice which that order inflicts upon them. But where the existing order is such as to lead to no sufferings or injustice but contributes to peace and their material, mental and moral strength and yet there is discontent, so that a cry for change in the constitution of Government and in the laws is heard, it is usual to say that the cry is the result of mere sentiment. But observe how in our own days British statesmen speak of Ireland's cry for *Home Rule*. It was not long ago that Mr. Lloyd George, speaking in the House of Commons on the question of Ireland's demand for Home Rule, said that, materially speaking, Ireland was even better off than the British Isles, that the demand for



Home Rule was a mere sentiment and that the sentiment of a people must be respected and duly given weight to. Why? There is a historic ground for it. History shows that *ideals* are created in the minds of men not merely by the material pressure of actual grievances and wrongs but also and even more by a comparison of their country with other countries. In the Middle Ages ecclesiastical unity under the Pope led people to think of political unity under an Empire and of the unity of learning under Universities. A people's sentiment is, therefore, a fact of human nature which wise statesmen have taken into account in all periods of history but never more than in our own days, because the lesson of history on that head is brought out with added emphasis and turned into a political creed and principle, of legislation by the verdict of science as it has been delivered by such scientists as Huxley through their theory of the ethical and rational process of social progress as distinguished from the cosmic or natural process. Man and the society of which he forms a unit are *idealists*, live in imagination as much as in sense and can create in their own minds new situations for realisation in their society by a comparison of their existing condition with others.

From what I have so far said as to the successive steps of the development of the legislative policy of a people who are progressive, it follows that that development runs along three main stages of social

life, (1) the stage of socialism dominated by the patriarchal system of social life which is called "the period of blood unity and custom" (2) the individualistic stage and (3) a return to socialism but with individualism combined, each attempting to soften the rigours of the other and both co-operating as mutual complements. These three stages are represented in our Hindu social economy by, first, the age of the Vedas, when the individual was nothing, tribal life and custom was everything and the patriarch of each family ruled with immense, almost despotic powers. Next came the second stage, the stage of individualism represented by the age of the Upanishads with their emphasis on the *Individual Soul*, its power of contemplation, self-consciousness and idealising. That was followed in its turn by the age of the Mahabharata and the *Gita* where society and the individual are made to co-operate for mutual good. Some critics of the *Gita* have made it a charge against its doctrines that they are self-contradictory because in some parts the *Gita* preaches *individualism* by upholding the life of solitariness and contemplation (विविक्तदेशसेवित्स्वमरतिर्जनसंसदि) and in others it preaches the necessity of social activity. But the Mahabharata, of which the *Gita* forms a part, is for a union of the individual with his society. When in the *Mahabharata* Parasara says to Janaka: "Let no man, however unhappy his lot, despise himself; man as such, though a *Chandala*, is a noble creature in every way", he puts in a nutshell the creed of individualism represented by Bentham's formula that "each head counts for one and no

more." The *Gita* takes up that creed, and, for the purpose of enabling Arjuna to find the worth of his own individual being, advises him to turn the light of his own soul on himself by self-introspection, by becoming a man of knowledge and reason with the aid of silent and solitary contemplation; and for what? Not for leading the life of a recluse and dreamer but to be a man of action, with duty as his watchword, for the welfare and conservation of society. लोकसंग्रहमेवापि सर्वदयस्कुरुतेति "Action, the performance of duty must be your rule of life for the conservation of social well-being". That is the doctrine of politics and legislation of modern States—individualism and socialism united and helping each other.

In what I have said about the social and individualistic character combined of the doctrines of the *Gita* as marking the third stage of Hindu polity, I must guard myself against being understood to say that the ideal preached by the doctrines represented the real state of that polity as it existed in the times of the *Gita*. It is always a moot question whether, when you find an ideal form of government described in an ancient book, the description represents the actual conditions as they existed when the book was written or is merely an idealistic picture. To that question the historical method of political study rightly carried gives a safe answer. Just as laws in the shape of customs existed before the State as a lawgiver came into existence; just as men were united

in society before philosophers preached social cohesion; just as men were moral before saints said they should be moral; so the ideal of a good government must have existed to some extent as a fact side by side with the evils and corruptions of bad government to have led the philosopher to bring out the ideal, emphasise it, and point out to his people the blessings of it so as to create in them a greater longing for it. The description could not be altogether a fanciful picture. Shakespeare in his dramas gives a number of high ideals of life and morality but we know that his age was far from them in point of reality and practice. The Tudors were masterful, the country was imperfectly united, Shakespeare does not mention the *Magna Charta* at all and delineated the masses with the irony of veiled satire. But the Tudor sovereigns, hard as they were, united the people as against the threats and fears of foreign conquest and altogether a spirit of adventure and fearlessness prevailed as the atmosphere of the times. That was the real which had in it the ideal of a strong liberty-loving people. And Shakespeare dramatised the fact of the ideal as it existed. Under the Renaissance, when the idea of nationality came to be preached by Dante and others, they idealised what men had already begun to feel and live as a fact—small states with their sovereigns as against the imperial unity of the Middle Ages. So also, when the *Gita* preached the doctrine of individualism as necessary for social ends, the ideal must have existed to some extent as a fact in the period of the *Gita*, struggling with hostile forces, and

the *Gita* idealised the fact all the more to impress it upon the people of the time.

It is held by some writers that the form and spirit of social legislation, which has of late marked laws in England, came in 1897 from Germany, where, it is said, it began in the eighties of last century with the workmen's insurance measures announced to the Reichstag by the Emperor on November 17, 1881, and resulted in 1883 in the law providing relief by way of pensions for sickness, in 1884 for accident, and in 1889 pensions for invalids and old persons. In England, the law providing compensation for accidents to employees in industrial concerns was passed in 1897; old age pensions became law in 1908; and in 1912 was passed the law providing insurance against sickness and unemployment. Before we accept this view that the present social system of English legislation has been borrowed by England from Germany, we must test it by applying to it the historical method of political study. At the outset it should be remembered that the modern German State is framed on the State theory of Hegel, the German philosopher, according to whom the State only, not the individual forming its unit, is free as the sole spiritual entity. German politics and legislation have ever since proceeded on that theory and we now witness its effects.

In England, however, the legislative spirit from the beginning of the Common Law a thousand years ago has been marked by the social tendencies of individualism. Before William the Conqueror and under

the Anglo-Saxon rulers, the Common Law was purely individualistic. The phrase, "an Englishman's home is his castle" formed its central principle, meaning that every man must be left to play his own game of life as he likes, so long as he does not interfere with other men's liberties. William the Conqueror brought the *feudal* law into England which introduced into English Common Law the germ of social legislation. *Feudalism* meant that the lord and his vassal were bound to each other by certain duties and liabilities arising out of their mutual relation independently of the will or contract of either. The vassal was bound to render services to the lord; the lord on his part was bound to feed, keep in comfort, protect and maintain in health and strength his vassal. This feudal principle had far-reaching influence on the political, and consequently on the legal, development of England. When the Barons won the *Magna Charta* from King John, they based the right of the Englishman to his ancient liberties on the ground that, just as they owed under the feudal law certain duties to their vassals, so equally under the same law the king owed certain duties and liabilities to his subjects. The great Charter thus emphasised the social view of the feudal law, which was moulding the individualistic spirit of the old Common Law. When Hampden refused to pay the tax called shipmoney, he took his stand not upon the illegality of the tax as an abstract question of law or right, not even upon the ground of his individual liberty, but upon the plea that, if he paid the tax, he would be violating the feudal principle sanctioned by the

*Magna Charta* as defining the rights of, and in consequence imposing certain duties upon, the King as the feudal lord of his subjects. That laid down the principle that, while every man is free to do as he likes so long as he does not interfere with another man's freedom, the moment he is brought into relation with another man, the same law that gives him individual liberty imposes upon him, as upon the other man, in virtue of their mutual relation, certain duties and liabilities, independently of the will and intentions of either, for the purpose of preventing both from violating each other's individual liberty. For instance, mark the difference between English law and the civil law of the Romans which has become the continental law of Europe, in the matter of such contractual relations as master and servant, husband and wife, employer and employee, principal and agent, insurer and insured, landlord and tenant. Under the civil law, the rights and liabilities are determined with reference to the terms of the contract; but the English law has all along attached certain rights and liabilities to the relation, without any reference to the intention of the parties or the terms of their contract. That is the feudal principle.

It is not only instructive, but I should say fascinating, to follow the phases and facts of English history showing how the very spirit of individual liberty, which forms the mainstay of the political development of England, has bred the spirit of social legislation. For instance—to take but one or two of the simplest facts of that phase as enabling us to vividly realise the point I am attempting to

make out—the great judge and lawyer Coke was a most stubborn advocate of the individualistic spirit of Common Law. It was that rugged spirit of his, which led him to warn King James that the divinity of law was above the divinity of kings—thereby suggesting that the king representing the State owed certain duties to his subjects, non-fulfilment of which rendered him liable to punishment for breach of law. Lord Eldon was a most bigoted Conservative, who opposed tooth and nail every attempt to change the Common Law; and yet as Lord Chancellor he introduced by his decisions as an Equity Judge changes which were of a radical character and sowed the seeds of social legislation in England. Lord Shaftesbury hated the very name of socialism. Yet he was the father of factory laws in England, and those laws mark the beginning of the social spirit of English legislation. Mr. Lloyd George, the present Prime Minister, began his political career as an individualist, and to this day he remains so, he will say, if asked. But we all know how much of the present-day social legislation in England owes to him. It is the innate sense of the feudal principle in Common Law which has slowly and steadily grown in the British mind on the basis of its individualistic doctrines since the time of the *Magna Charta*. And it now forms the basis of the legislative policy of the British Empire. Other states are tending in the same direction.

We are in a position now to see in clear perspective what and how much of truth there is in Maine's political formula that "the movement of all progres-

Maïne's formula sta-  
tus to Contract.



sive societies has hitherto been a movement from *status* to contract." Put in that form, the statement may be taken to mean—and that is what Maine probably intended it to mean—that, in the primitive stage, each individual of the society is not his own master, as far as his power to deal with others and enter into contracts is concerned, but that, as society advances, the individual becomes emancipated, and his power to act as he likes and enter into contracts gets more and more enlarged. Does this enlarging freedom of the individual mean that, not only does the number of individual units who become free go on increasing, but that the sphere of contract also, in the case of the individual, increases *pari passu*? Maine's formula is true, if the former is its meaning. It is not true, if the latter is intended to be conveyed by it. In the stage of *status*, the number of persons having the *liberty* of entering into contracts is enjoyed only by the heads of families. When that stage is gone, each adult, whether he is the head of a family or not, gets the right of *contract* on his own individual account. So the sphere of contract is enlarged only so far as the number of persons having the right to contract goes. In other words, that number increases and goes on enlarging as society advances. But the formula is not true, if it is intended to mean that, not only does the number of such persons increase as society progresses, but the right of contract also increases in point of its subject-matter and its extensions. It will take me long to develop fully this thought but one instance will make my meaning clear.

Take our own Hindu polity. In its primitive conditions of life, when the father of a family ruled and all other members were under his subjection, eleven kinds of sons were recognised by the law. That is to say, the head of the family, if he had no son born, could make one artificially by his wide power of contract extending over *eleven* modes of sonship. But as society advanced and the power of the head declined and every male member of the family became free to contract as and for himself, those twelve kinds of contract with reference to sonship became reduced to but one, and that was sonship by what we call adoption. That is to say, while every man became free to contract, the contract itself became more limited in extent than it was in the primitive stage of society.

That is the phenomenon which marks every advancing step of a progressive society. Individual freedom means an increasing number of free persons but the freedom itself is bound down by limitations. As civilisation advances, social cohesion grows, the state imposes restrictions on individual liberty by means of liquor laws, health laws, moral laws, and in a variety of ways. So when it is said that society moves from status to contract, the true meaning is this: as the sphere of free persons capable of entering into contracts becomes enlarged, the sphere of contract itself within the enlarged sphere of persons capable of entering into it becomes narrowed. That is the principle of social legislation underlying the laws

as to compulsory education, compulsory vaccination, compulsory sanitation and so on. Hence it is that the laws of a democracy seem to hamper individual liberty while professing to foster it.

The basis of modern legislative policy, then, is the socialisation of law and government by reconstructing them on the lines of individualism and collectivism combined. It recognises that every individual, besides his individuality, has his social consciousness and that he must find his life in his society and State.

So far, it may be admitted, individual liberty gains by its curtailment. But the question arises: Does it not distinctly lose by the fact that the Legislature delegates the function of legislation to boards, commissions, and other *executive* bodies or officers; and, ousts the jurisdiction of Courts of law in certain matters by conferring the *judicial* function upon executive officers.

Let me take each of these two tendencies of modern democratic legislation and deal with it so as to point out the principle underlying it and the spirit moving it.

*First*, as to the increasing tendency among modern democratic Legislatures to delegate their legislative powers to boards, commissions, and executive departments of Government.

The real reason of this marked tendency is that as industry and commerce increase, and the economic

conditions of the social life become more and more complex, the business relations of the society become more and more industrial and urban, with the result that the rules regulating those relations increase in their character of *technique*. Hence every social problem becomes a problem for the expert. The Legislature is a body which cannot be expected to consist of experts in any and every department of knowledge and social economy. Therefore, it is necessary that the Legislature should merely pass a general law on any social problem and delegate to those, who are experts in that problem, the power to make further laws and regulations providing for, and making distinct, the *technical* requirements of the problem, to secure definiteness of law for the guidance of the public. There is no abandonment of its legislative function by the Legislature in that, but rather an extension of that function in favour of those best fitted to legislate for the complex conditions of a society which is day by day being industrialised and socialised by the growing intricacies of trade and commerce and the discoveries of science. This is the principle on which jurists support the growing tendency of modern democratic Legislatures to invest executive departments and officers with legislative powers. And you have a trace of it among us in India in the fact that, while, till about 15 or 20 years ago, all the legislative measures of the Government of India used to be drafted by the Law Member of that Government, latterly each department of the Government drafts its own Bills, the Law Member

drafting only those which relate to the general civil and criminal law.

This is the underlying principle ; and so far as it goes, it is not only wholesome but necessary for the modern economic conditions of social life. But it has its dangers. It sets up the *experts* as *legislators*, and experience shows that *experts*, while excelling in the sphere of their own business, are apt to be and in fact have almost invariably proved to be narrow-minded. To them their special knowledge and business form the whole world. And their legislation becomes narrow too and deals with human beings as mere machines. What is the remedy for that drawback of this legislative policy?

The remedy is in the hands of the democracy itself.

Liberty and Democracy. It chooses its legislators and its rulers and those rulers choose their experts. If the experts go wrong in legislation, the democracy, as the sovereign power, is at hand to correct and to change the experts. Therefore, the democracy has no reason to complain. That is the theory of the modern legislative policy ; how far in practice it can be or is realised is a different question. Like all ideal theories, it is hard of realisation. Hence the necessity of philosophic jurists and statesmen, who can warn the democracy against the perpetual danger it lies in, of preaching liberty on the one hand and undermining it on the other. "Eternal vigilance is the price of liberty;" but such vigilance can come, not so much from the people, or even their representatives who are

apt to lose themselves in conformity to the popular cries of the day and be subject to the cult of incompetence, which is the bane of a democracy ; nor so much from the officials who are unable to see beyond the daily round of official duties ; as from thinkers who, by the threefold method of political study recommended above, can read wisely and dispassionately the signs of the times and discern the dangers ahead.

*Next*, as to the tendency of legislation in modern democratic States to substitute the social idea of justice for the individualistic idea, by ousting the jurisdiction of the ordinary Courts of law and conferring that jurisdiction on the *executive* departments of Government, the principle underlying is this.

*First*, Courts of law deal with disputes on the general principles of *law* known to the legal as a close profession with its own legal traditions. This was all right and for the good, so long as social life was simple, human intercourse and transactions were comparatively limited in point of quantity and quality; and law arose out of and was dictated by almost purely political considerations. But under the growing industrial conditions, social life has become more complex, the range of transactions has increased, every business has come to have its own laws with its *technique*. Formerly, law touched but a few points of a people's life; now it meets him at every step—formerly it met him as one individual dealing with another or as a member of his church or subject of his State. Now it

meets him in a variety of other ways, as a member of his trade, his club and so forth. Judges presiding in Courts of law are not acquainted with the *technique* of these; therefore, it is necessary that disputes in such matters should be determined by experts.

*Secondly:* The law of Courts of Justice and judicial discretion have become proverbial for their uncertainty but modern conditions of life call for definiteness of law. And experts alone can make it definite.

*Thirdly:* The law of Judges is individualistic. A Court of law deals with a dispute as between A and B, whereas, under modern conditions of life, economic disputes involve wide social interests.

*Fourthly:* Litigation in a Court of law has proved to be costly and delaying, whereas modern conditions call for despatch. Besides, Courts of law, accustomed to treat law as made of precedents, have proved conservative and not amenable to social sentiment and public opinion.

Therefore, the political theory and practice of modern legislation are tending more and more in the direction of special courts for particular classes and kinds of adjudications; such as the children's court, industrial arbitration courts &c.

This is the principle; but in its operation no doubt it involves a danger to individual liberty and arms executive officers with wide and irresponsible discretion. But, there again, the officers are the officers

of a democratic Government. It is the people who have chosen them through their rulers, who are of their choice. If the officers go wrong and abuse their judicial power exercised in virtue of their executive capacity, the democracy is at hand to insist upon their dismissal.

Such legislation is, therefore, a necessity of a democratic State with its life developing in all directions, religious, social and industrial, from year to year.

I have so far dealt in this address with the stages through which political theories in their legislative aspect have passed, in England in particular, during these thousand years, until in our times the theory that dominates the politics of the country through its legislation consists in the individualistic and the social spirit of liberty combined. What I have endeavoured to point out will be of little practical value to us in this country in these days, if I do not equally endeavour to show the bearing of it all on the political theory of the legislative policy of British India. Has that theory with its practice proceeded on lines similar to those in English history? And is it true to say of legislative policy, as it obtains at the present day in British India, that its spirit is both individualistic and social, as it is in England? And if it is, what does it or must it lead to?

Before dealing with that aspect of the question, it may not be irrelevant to ask, whether before the advent of the British Government in India, this country



had passed through the stages of political theory and legislation through which all progressive societies pass.

Those stages, as I have endeavoured to show, are successively (1) the stage of custom; (2) the stage of competition; and (3) the stage of co-operation.

These three successive stages of the progress of a people are compendiously described by Cardinal Newman in phrases, which bring out respectively their marked features, in other words, the good and the evil that besets each stage. A people, he says, are either an *exterior people*, or an *interior people*, or a people who are both *exterior* and *interior*. By an *exterior* people, he means those who, being in the primitive conditions of society, have not developed the spirit of self-consciousness and self-introspection; who are led by the passing phases of surrounding life, and things external. Custom is their law; and the custom is what their senses, which are influenced by things *exterior*, make it. Their consciousness is *institutional*. Such people, when they cling to their *exterior* life, die of stagnation and inanition. They are the destroyers of their own civilisation, such as it is. They do not die but continue, if they develop the spirit of individualism; that is to say, if they become self-introspective and contemplative, and realise that man is a living soul—a small world in himself. That is why Cardinal Newman calls them an *interior* people, people who, instead of turning to and relying upon external Nature and its forces, turn to the Nature within their hearts and

minds. This self-contemplative, self-introspective spirit breeds the soul of individualism in each man, who thereby becomes, so to say, emancipated from the thralldom of custom. Then begins the age of liberty. This was what happened to the Greeks in the 6th century before Christ when the Stoics and Socrates rose with their philosophy. But the individualistic spirit there led to individual independence of thought and action, which in its turn led to sects, parties, factions and threw the State into the confusion of disunion, until, weakened internally, it fell a prey to subjection by the foreign power of Imperial Rome. Plato sought to prevent the cataclysm, which threatened the Greek Society and State, by propounding his *social* theory of politics and law in his *Republic*; but it was too late. The individualistic spirit had gone too far and done its mischief by its life of *competition*—each man for himself and no God, no society or state for all. Greece was conquered by Rome. Rome, starting from an *exterior*, became an *interior* people, and in her turn shared the same fate, was overrun by barbarians because of the individualistic spirit bred by Greek philosophy. Hence Cardinal Newman points out that a people, who are exclusively *interior*, die out by foreign conquest, and that the enduring progress of a people is secured only when they proceed on the lines of the *exterior* and the *interior life* combined—when and so long as, that is to say, they are institutional and also mystical. How does this apply to India? Are we an *exterior* or an *interior* people, or are we both combined?

We have been for centuries subject to foreign conquest. Therefore, one must  
**People of India Ex-terior or Interior?** infer, according to the historic canons above laid down, that we have been an *interior* people, a people given to self-contemplation and too much wedded to the individual soul, neglecting the social consciousness. In his history of Sanskrit Literature Max-Muller tells us that in the songs of the Rig Veda we find little philosophy born of self-contemplation by the individual—but that we do occasionally find wars of kings &c., the active life without,—the mark of an *exterior* people; that only after the Aryan tribes had moved southward and taken possession of the rich plains and beautiful groves of Central India, they seem to have turned their thoughts from the world without to the spirit within; and that then began the *interior* life with speculations as to the immortality of the soul, life and death, and death as the birth of a new life. This life with the spirit of asceticism, neglect of the world, has formed the dominant feature of the Hindu mind ever since and the multitude of our philosophic thought has affected our political and social nature. *Hence* the fact of our life as an *interior* people has resulted in the foreign conquests.

But, on the other hand, foreign conquests in our case have not swept us and our civilisation, such as it has been, off the face of the earth, as it did in the case of ancient Greece and ancient Rome. We are still a live people with our religions, ancient customs, and traditions, though the life has not been as vital as it

might be. Foreign conquests, as in the case of other *interior* people, have not destroyed us and our civilisation. How can we account for that ?

One way to account for it is, in my humble opinion, this. We have been developing all along both the *institutional* and *the mystical* consciousness of life ; the individualistic and the social spirit have been struggling to come together ; they have not come together and formed themselves into mutual allies to make our civilisation as vigorous and progressive as it should be, because ( 1 ) of the ante-social and anti-individualistic character of our institution of caste in the form and condition in which it has existed in India, and ( 2 ) because of the consequent arrested growth of the idea of freedom as a force which is neither exclusively religious, nor social, nor political, but is all these, and which, when it operates in the *whole* life of a people, makes for their progress as a nation. It will take me long to develop this line of thought. But let me invite your attention to a few salient considerations.

We begin with the age of the Vedas, which are regarded as the source of all our politics and law intertwined with religion and morality. The Vedas grew out of our customs and the customs were made by the people among us as among other people. What Julian in Dig. I. 3.32. says of the origin of law and politics among all people in general is true of us that " those rules which the people without any writing has approved bind all persons, for what difference does it make whether the people declare their will by their votes or by things and acts. ? " The people were

the law-makers in the times of the Vedas; and throughout in India they have more or less remained so for the most part up to the advent of the British Government. That both Max Muller and Sir Henry Sumner Maine say is historically true—our kings before that advent seldom legislated; the king had to obey the laws made by the people and the people were left to manage their own affairs, the king preserving the peace and levying the taxes for its purposes. That was so even during the Mahomadan period, when such law-givers of Hindus as Jimutavahana in Bengal, Nilakantha in Gujerat, Mitra Misra in Northern India, flourished and codified the laws. Our law-givers were first our *Smriti-kars*, the authors of the Smritis, and their commentators called the *Nibandhakars*. They were law-givers in a limited sense. They for the most part recorded in writing and codified the unwritten laws which had grown out of customs made by the people and gave them a legal and moral turn of social stability and cohesion as they understood it. They were called *Shistas*, or sages. In the times of the Vedas the laws were more or less exclusively of the *social consciousness*; the individualistic spirit was absent. The Upanishads with their doctrine of the indwelling soul represented the stage of individualism which reached its climax under Buddha. But neither the Upanishad nor Buddha was anti-social. Buddha never condemned the Vedas, which were religiously regarded as the fountain of all political, social, and legal polity and were social in their spirit. He only

denounced the ceremonial and aggressive domination of Brahmins. The result was that the Brahminical lawyers, who codified the laws and shaped the legislative tendency of their times, learnt to distinguish between the *secular law* and *religion*, and to codify in a manner so as to emancipate the individual without making him break from the *social spirit*. You see that best reflected in the teachings of the *Gita*. Our civilisation has been so far on the right line; but unfortunately the line has stood deflected, because the *social spirit* has been the spirit of castes fostering the individual in such a way as to restrict his social vision to his caste, not to his country as a whole. The idea of the State as a spiritual entity standing for the people as a whole to develop the personality of all, whether high or low, has remained clouded.

That brings me to the political theory and practice of legislation under British rule, the spirit of which, rightly understood and carefully followed, is to develop that personality. Thus it would seem British rule has come in as a necessary sequence in the line of our political evolution with its mission to remove the cloud that has darkened our march forwards in the direction of self-government. I will define the broad aspects of that theory and practice briefly.

The principle of religious toleration and neutrality, which secures to every person the liberty to follow his own faith, the principle embodied in the Parliamentary statute of 1833 that in the eye of law all men shall be equal, that there shall be no

distinction of race or religion or caste in regard to appointments, high or low, under Government, the laws legalising widow marriage, prohibiting *Sati* and infanticide, and removing the disabilities as to the right of inheritance in the case of persons who have abjured their ancestral faith and been, therefore, out-casted, the right of suit against Government—all these represent the individualistic policy of administration. It dates and is derived from the influence of the English Evangelical, otherwise called humanitarian, movement of the 18th century, assisted by the Benthamite movement of the earlier part of the 19th century. These laws have their root in the principle of individual liberty. In fact, Lord William Bentinck in whose time as Governor General of India *Sati* and infanticide were abolished by law, distinctly affirmed that the British policy was to instil into the Indian the self-respecting idea of individual worth and liberty so as to enable the people of India to stand on their own legs. The social side of British legislation, which in England has been most marked with the rise of the democracy, has also been active in India. Take the *ryotwari* tenure of landed property. The question has often been debated whether the State is the proprietor of all land, entitled to rent from its holder, or only the sovereign power entitled to a share of the produce as a tax for police purposes. The former theory has been supported on the ground that the State has from the times of Hindu kings been the proprietor of land in India and that its holders have been the State's tenants, paying it its share of the produce not by way of a tax

but rent. But whatever the ground of the *ryotwari* tenure, the land-laws of the British Legislature take their cue mostly from the socialistic spirit, which is familiar to legislation in Europe as the nationalisation of land, *i. e.* that the State, being the owner of all landed property on behalf of the people, parts with it in favour of individual holders only so far as such alienation conduces to *personality*, meaning that the land-lord shall enjoy his land for the purpose of fulfilling his obligations to his social environment represented by his Government as a Government by and of the people and for the people. It is upon that ground that the State founds its right to what is called the unearned increment. In England the State's right to the unearned increment in private property was advocated a few years ago by Mr. Lloyd George and there it is still in the developing stage. Here in India it has been in full force since 1872, if not earlier; and has been made the basis of the right of Government to enhance the assessments on land periodically wherever the *ryotwari* system of landed tenure is in force. The income tax is another form of social legislation—the State takes a part of the individual's income and administers it for *social* purposes. The Abkari law is another. When the late Dr. Norman Macleod, who was in the sixties of last century Queen Victoria's Chaplain, travelled through India in 1868 and saw the palm trees bear numbers marked in white, he was told that they were marked for the purpose of checking the illicit distillation of liquor and securing the *abkari* revenue. That struck him as a novel



form of taxation. When he returned to England and published his impressions of India in the monthly called *Good Words*, he described that taxation with this exclamation: "Oh India! Even thy hairs are numbered!" That was the period when the individualistic or *laissez faire* theory was holding the ground more than the social in England, and Dr. Macleod, was surprised because he had been brought up in the theory and practice of Government as a power governing least and letting people alone as far as possible, instead of interfering with their liberty beyond the strict purposes of order and peace. But from 1872 the social theory of politics and legislation began to prevail in England over the individualistic with the growth of the democracy. The spirit of that social legislation has since more and more affected the legislative policy in India in a way. That spirit in its essence is three-fold:—

(1). According to the old English idea of legislation, which drew its inspiration from the individualistic principles of Common Law, the word *law* meant something different from the word *right* and carried no ethical content necessarily as in the Roman civil law with its definition of *Jus* as consisting in living honorably, not harming your neighbour, and giving every one his due. This life of the moral man was left by the Common Law of England to the will of each man with his inbred sense of liberty. In our Hindu jurisprudence, the word law originally meant *dharma*, duty, and included religious and secular obligations. But subsequently *law* became more secular than religious and was known as *Vyavahara*. Now, in England

the idea of right and righteousness as a *social* force has entered into the idea of law and legislation since 1872 and legislation places value upon individual rights more for the purpose of the social duties and responsibilities of the individual than for securing individual liberty.

(2) As a corollary to that, the ideas of *public good*, of *legislative expediency*, and of *justice*, have shifted from the idea of class legislation to legislation for the benefit of the masses. And it is since 1872 that in British India the social theory of politics and legislation has been prominent more than before in the shape of municipal and sanitary laws, salt laws, land revenue laws, relief to the indebted *ryots* against money lenders and other laws evidencing very markedly the two tendencies of the democratic legislation of England without the power of the democracy, however, behind it, as in England, as its condition precedent.

Those two tendencies are : (1) investing executive departments of Government and individual officers of Government with legislative powers and (2) investing them with discretionary powers in certain matters by ousting in respect of those matters the jurisdiction of the Civil Courts.

The question arises, whether this *social* spirit of Government by law in India has not been like putting the cart before the horse in respect of the said two tendencies.

In England before 1872 the situation was this: down to 1850 the tendency of the people as such was to be what is called "agin the Government," in respect of

its laws. From 1850 to 1872 the tendency was to say to Government: "let us alone"—a spirit of indifference to legislation. From 1872 onwards it has been more distinctly on the side of Government for its social legislation. And the fact noticeable as to that change is that in 1867 a portion of the working classes obtained a voice in the Government by having the franchise extended to them; in 1870 the compulsory system of education was introduced; and in the eighties the franchise to the working classes was extended.

The inference, which may be said to arise from these facts, is that the people in England have not only become reconciled to, but have become the champions of, the social theory of politics and legislation combined with the individualistic theory, because it has for its object the elevation and relief of the masses, and that object they began to appreciate after the boon of compulsory education had been extended to them, and after they had a voice given in the Government of the country.

Is that a legitimate inference? And ought not the same conditions which the inference pre-supposes—the condition of compulsory education and the condition of representative Government—to apply to India, if the social theory of legislation, which I have pointed out as markedly influencing since 1872 our legislative and administrative policy, is to be popular and effective? And how far is India prepared for those conditions? These are the questions which, I think, are suggested by the mode of treatment I have adopted today, in dealing with the legislative policy of modern civilized States in general, of England and India in particular. Those questions require separate treatment.

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