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TOPICS OF THE WEEK.

THE most important piece of news during the week is that Soissons has fallen to the Allies. The advance has not only been maintained but even pushed forward. The valley of the Vesle has been cleared of the enemy and the Aisne has been reached. Towards the north enemy retirement has been reported both in the Montdidier and Albert sectors. This opens up a new prospect of victory before the Allies on the fourth anniversary of the beginning of the war. The happy sound of victory has been echoed in the East. The question of Allied intervention in Siberia for the purpose of helping the Czecho-Slovaks was causing a great deal of anxiety on account of the chance of misunderstandings arising in connection therewith. It is, therefore, a great relief to know from Japan that the landing of Japanese troops at Vladivostok has America's consent. It is, indeed, a happy augury of victory that the tide of fortune should begin to turn against the Central Powers both in the East and the West at the same time, so that with increasing pressure at the two extremities their position should be rendered untenable.

THE Hon'ble Mr. Patel's criticism of the reform proposals has brought to light what seems to be an anomaly, as well as withdrawal of a privilege which the non-official member of a provincial legislative council now enjoys. Under present conditions, if the non-official majority be compliant, a private member may get a bill through all its stages successfully and it must become law unless vetoed by the Governor or higher authority. Under the proposed scheme, if the legislation refer to a transferred subject there will be no retrogression. If it refer to a reserved subject and the

Governor should not certify it, there is no retrogression either. If it refer to a reserved subject and the Governor should certify it, as in Mr. Patel's first illustration, even then there is no real retrogression, for the bill will not be challenged or dropped, as he fears, but will be transferred to the grand committee where the elective element is stronger than in the present legislative council and the non-official majority is not less decisive. But in the case of a bill on a transferred subject, which has been challenged in the legislative council and also certified by the Governor as trenching on the reserved field, as in Mr. Patel's second illustration, the bill will not be automatically referred to a grand committee, but the Governor may order it to be dropped. This is a distinct retrogression. And it is an anomaly for which we are unable to guess an adequate reason. If a certified bill on a wholly reserved subject *must* go to a grand committee, why should a certified bill on a merely mixed subject be liable to be wholly dropped at the will of the Governor? The anomaly will be the greater when the certificate refers not to the entire bill, but only to a clause or an amendment therein. The authors of the report having expressly disclaimed all intention of disturbing existing popular rights, we trust this anomaly has only to be pointed out to induce the authorities to abandon the idea of investing the Governor with the power of ordering a private member's bill in such circumstances to be dropped.

AS to the legislative rights of a private member in the Government of India, it is difficult to follow Mr. Patel when he says, "The Governor-General is further empowered to have a non-official bill, though passed by both the houses, dropped, on his certifying, etc." We are unable to see where it is proposed to give this power to the Governor-General. We venture a guess. Mr. Patel has perhaps been misled by the excessive compression of the language of the concluding sentence in paragraph 280 :

"In this case, also, if the Governor-General in Council were prepared to give a certificate in the terms already stated, the bill would go or go back to the council of state and could only become law in the form there finally given to it."

In this unfortunate sentence one is apt to take the words "the bill would go" by themselves and interpret them to mean that the bill would be dropped. The intended meaning is, however, far other-

wise. Taken along with the preceding sentence, it would read, if we put in the suppressed words :

"In this case, also, if the Governor-General in Council were prepared to give a certificate in the terms already stated, the bill would go to the council of state if it had been introduced in the legislative assembly or go back to the council of state if it had been introduced there, and could only become law in the form there finally given to it."

Our interpretation is confirmed by the words of the summary at the end of the report, which run :

"If, however, a bill emerge from the assembly in a form which the Government think prejudicial to good administration, the Governor-General in Council to have the power to certify in the terms already cited and to submit or re-submit it to the council of state, the bill only to become law in the form given it by the council." (Italics ours.)

So in the case of the Government of India we suffer no retrogression.

* * *

AS was anticipated, the power of dissolution which the official scheme proposes to give to the Governor-General and the Governor has been assailed with vehemence. For our part, we see no harm in the proposal. The bitter denunciation which the exercise of this power will bring on the head of a Government when the members of a dissolved council will seek re-election all over the country and the prospect of a nasty time if the same parties or groups are returned to power will act as a great deterrent, and it is only when the strain has become intolerable and other expedients have failed that this drastic step will be resorted to. What should be insisted on is that the Governor-General or the Governor who dissolves his assembly or council should be under a statutory obligation to order a re-election and summon the next assembly or council within a prescribed period, say four months, from the date of the dissolution. Such a provision is generally inserted in the clause empowering dissolution, and it is a wonder that the authors of the scheme have failed to incorporate it in the report.

* * *

THE device of grand committees has met with a good deal of opposition from friendly as well as unfriendly critics of the scheme. It is an undoubted complication, and its comparative novelty creates vague misgivings. The *Indian Social Reformer* has given pointed expression to this feeling in stigmatising the institution as "a reversion to autocracy pure and simple." We agree with the *Reformer* in partiality for regular second houses constructed on up-to-date principles; but we cannot bring ourselves to endorse the strong condemnation passed on grand committees by our esteemed contemporary. The power which the non-official majority of our present provincial legislatures has of occasionally defeating the legislative proposals of Government will be lost to the new councils in the case of certified legislation, but will be preserved to the people in the grand committees. Autocracy will find the grand committee procedure a much greater difficulty

than the direct veto. And we are not in favour of invoking the powers of the Government of India for affirmative legislation. Superior authority is properly called in to rectify or reverse the decisions of lower authorities, but not to supply a gap left by design in the framework of Governments intended to be autonomous.

* * *

THE comments made by the *Calcutta Weekly Notes* on the certification of bills which initiates grand committees will be found helpful. It says: "With regard to the power of certification of bills or supplies for the reserved subjects, although they are open to adverse comments yet it would be quite reasonable to accept them as a tentative measure for the transitional period. We must also say that the constitutional safeguards that have been provided in respect of certification by the Governor would limit to a great extent any arbitrary exercise of that power. It is to be preferred to the irresponsible exercise of the power of veto by the Governor. Reference to the Viceroy and revision by the Secretary of State for India with regard to any arbitrary exercise of the power of certification will afford opportunities for the expansion of the constitutional powers of the provincial council. When it will differ from the Governor and his executive council, we presume, it will do so for good cause and it should be possible to present a good case to the Secretary of State and the Standing Parliamentary Committee. It is not likely that they would, as a rule, override public wishes and opinion. The history of constitutional development in Canada falsifies any such apprehension."

* * *

AS a sample of the criticisms which Mr. C. Vijayaraghava Chariar has passed on the reform proposals in his presidential address to the special Madras Conference, we will take his comments on the provisions devised to complete ministerial responsibility in relation to the transferred subjects. He seems to think that the provincial legislatures will be allowed, five years after the reformed councils come into being, to vote ministers' salaries annually, only if the Government of India is satisfied with the progress achieved by ministers during the interval. It is not so; if the legislative councils pass resolutions demanding that ministers' salaries should be voted each year, the Government of India must give effect to them. In this event "the ministers would in fact become ministers in the parliamentary sense. The councils would have power to refuse to pass their salaries, and they would have to accept the consequences which constitutional convention attaches to such a vote."

* * *

MR. CHARIAR, however, is not prepared to trust to convention in such a vital matter. What, he asks, if the ministers forego their salaries and elect to remain in office without remuneration? The legislative councils must be vested, he argues, as is the case in constitutionally governed

countries, with some additional powers such as the withholding of supplies or the passing of a resolution of want of confidence, in order that they may be enabled to dismiss ministers, when the latter cease to command their confidence. Mr. Charlar evidently thinks that our councils are not to be given these powers. That he labours under a misconception is however clear from paragraph 237, in which mention is made of both these powers. Indeed, the councils will have the power to refuse supplies to ministers from the very first year; and the vote of censure, carried against them, will "in accordance with established constitutional practice, involve their quitting office."

MRS. BESANT does not favour the policy of total rejection; in her opinion, to reject the scheme and suggest improvements in it is inconsistent. But she is not for acceptance with modifications either; she advocates 'non-acceptance with modifications.' The modifications which she would press for are such that at the end of five years we shall be better off than under the Congress-League scheme in the provincial Governments, and changes suggested in the Government of India are more far-reaching to start with than in the Congress scheme. Yet it would appear we must not accept the reform proposals, with these alterations worked in, as adequate to the needs of the hour. That, we are warned, will be fatal. "If you once say that you accept the scheme, England will go to the Peace Conference and say that she has given everything that India has asked for. You must say that you do not accept the scheme, but that you propose modifications to make it less objectionable." If reforms, even more thoroughgoing than those demanded by the Congress and the Muslim League, are not to be accepted as calculated to meet the requirements of the present situation, further consideration of the official scheme is fruitless.

WE have already expressed our dissatisfaction, in our issue of July 18, with the provision in the reform proposals that the representation of minorities should be secured, as a general rule, by Government nomination, and where this fails then only should resort be made to the expedient of reserving to a particular community certain seats in plural constituencies with a mixed electoral roll. We have therefore no hesitation in endorsing the demand made by the Deccan Ryots Association and certain leaders of the backward classes in Maharashtra in their memorandum that, if communal election is to be ruled out, the committee on franchises and constituencies be specifically directed to secure adequate representation to minorities and other communities similarly circumstanced by the channel of election, wherever possible, instead of nomination. The demand is just and deserves to be conceded alike in the interest of the backward communities and in that of the society in general.

THE BOMBAY COUNCIL.

THE meeting of the Legislative Council at Poona during the last week was not very eventful, though some useful work was done. The questions elicited some important admissions about irregularities and high-handedness on the part of some officials, the budget debate was once more a mere beating of the air as it was a debate only in name, some bills were introduced and others passed and several resolutions were discussed and on the whole showed an amount of sympathy on the part of Government. The Hon. Mr. Manmohandas Ramji spoke rather too sharply on the personal expenses of the Governor, who gave what appeared on the whole a good defence. After all some state has to be preserved in the house-keeping and entourage of the Governor. The most striking thing about the budget is the large extraordinary revenue derived from the auction system of liquor licenses recently adopted, and though some honourable members appeared to be rather sceptical of the benefit from this measure, yet on the whole the windfall was gladly availed of. The one circumstance which threw a dark shadow on the budget was the continued holding-off of the rains. Since the meeting, however, the signs have become a little more favourable, but the situation must continue to give anxiety to everybody—official and the people alike.

The bill to restrict the increase of rent of small premises occasioned a lively debate, and though the first reading was carried by a majority of 23 to 15, still such a great minority is a rarity on the occasion of the first reading of a bill. It does not appear that a good case was made out to increase the stringency of the Rent Act passed in March last. The Governor took rather an unfair advantage of his position as president in scoring a debating success against Messrs. Harchandrai and Desai by reading their own speeches delivered three months ago in answer to their arguments on this occasion. Having accepted the principle of rent restriction enthusiastically last March, how are they justified, asked His Excellency, in opposing the present measure? But accepting the principle of rent restriction does not certainly mean giving a *carte blanche* to officialdom in any measures that may be proposed. The penal clauses in the new bill, the appointment of an autocratic rent-controller, full dispensation not only to him but to all his underlings for anything not done in bad faith, the new role of Government as a rent farmer, all these things may be properly opposed even by one admitting the necessity of some measure for the restriction of inordinate increase of rent. One may as well be estopped from opposing capital punishment for the offence of rackrenting when one has once accepted the principle of rent restriction.

There were as many as thirty-two resolutions on the agenda, and all these were either disposed of or postponed in deference to the wishes of the pro-

posers. The *pièce de resistance* was the Hon. Mr. Paranjpye's resolution on the exodus to Mahabaleshwar which occupied over three hours. It led to the usual arguments for and against and in its later stages descended to the level of a rag debate at the last meeting of a debating club. The main argument of the opponents of the exodus that it is unnecessary and leads to considerable delays and inconveniences in administration and to a certain waste of money—though this argument was not much pressed—was, in our opinion, not answered. The Hon. Sir James DuBoulay said that the present Government was not going to Mahabaleshwar in October either this year or the next, but he was not going to commit future Governments on the matter. As if, forsooth, every Government, by every piece of legislation or even a resolution on any administrative question, does not commit its successors on thousands of matters of more or less importance! But the majority of the Council decided to give the Governor and his Executive Council a holiday on the cool heights of Mahabaleshwar. We wonder how the new Councils will decide this point.

There were as usual many resolutions on educational questions, and the generally friendly attitude of Sir Ibrahim Rahimtoola, the Government spokesman for this department, was much appreciated. He often met the proposers of the resolutions more than half way, and there was no tendency to badger him needlessly. On the resolution of the Hon'ble Mr. Upasani proposing a two-thirds grant of the annual expenditure to all municipalities that introduce compulsory education within their limits he made a powerful speech marshalling his facts and figures properly and, while showing his great anxiety to do everything in his power for the spread of primary education the Council appeared generally to agree with the soundness of his position, as a division on the question was not challenged. He accepted on behalf of Government Mr. Upasani's other resolution about opening a school in every village with a population of one thousand which has at present no school and even said that he aimed at doing the same in the case of villages with a population of five hundred. Several other resolutions were also accepted. Of these we shall only say this that they should have been acted upon long ago before the questions were brought up in the Council. Of this nature were two resolutions by the Hon. Mr. Kamat and the Hon. Mr. Paranjpye, the former of whom asked for the opening of three more middle schools for girls to be gradually raised to the status of a high school and the latter asked for arrangements to admit girls in the present high schools for boys until more ideal arrangements can be made.

On subjects connected with medicine there were one or two resolutions. Government promised to make arrangements for research in indigenous drugs and also for an increase in the output of sub-assistant surgeons by enlarging the present medical schools or starting new ones. Mr. Kamat's sug-

gestion to bring into existence a class of rural medical practitioners of a type lower than the present sub-assistant surgeons met with considerable criticism and was withdrawn. The Hon. Mr. Sethna brought forward the question of separating prisoners whose offences do not involve moral turpitude from others, which was sympathetically considered, while Diwan Bahadur Godbole's resolution on the minute subdivision of agricultural holdings so as to render them altogether uneconomic was postponed after a very lucid speech from the proposer, so as to give members ample opportunity to study this very important question.

The Hon. Khan Bahadur Ibrahim H. Jaffer was responsible for a large number of resolutions, mainly dealing with questions of importance to the Mahomedan community, and he was generally satisfied with the attitude of Government. The only question which threatened trouble related to the starting of a college specially for Mahomedans out of the munificent gift of Sir Mahomed Usaf, but the question was postponed pending full inquiry about the requisite recurring and non-recurring expenditure. It was agreed on all sides that the Muslim community would derive most benefit from the gift if its interest could be applied towards granting sufficiently large scholarships to students from the community, and we hope that the munificent donor can yet see his way to accept this method of spending his donation.

Government defeats have been fairly common in the Bombay Council during the last two years and the present session added one to the number. The question was a very trivial one. The Hon. Mr. C. V. Mehta wanted the representatives of various bodies interested in industry and trade on the committee appointed to advise the Director of Industries which is at present entirely nominated by Government. Mr. Mehta had no complaint to make against the present personnel, but he only wanted the admission of the principle of representation. Sir James DuBoulay opposed this very modest demand and was defeated by the conclusive majority of 20 to 15.

The Governor scored neatly against some fifteen non-official members who sent in a representation, requesting the closing of the session on the fourth day before the whole business was finished, as they said they had important business elsewhere. The Governor rightly wondered whether these members regarded the Council work as unimportant. We trust that the non-official members will be more alive to their duties especially in view of the fact that more responsibility, necessarily involving much longer sessions, is going to be thrown on them in the near future. A representation like the one above mentioned is sure to give a handle to our opponents for carping criticism. The sitting concluded with an assurance from the Governor that an opportunity will be given to the non-official members to discuss the question of reserved and transferred departments mentioned in the Montagu-Chelmsford report. We trust that they will make full

use of the opportunity at the next meeting of the Council in September.

✓ TWO POINTS OF VIEW.

THE trend of discussion of the official scheme of reforms indicates a slight weakening of the school of total rejection. The current of 'nationalist' opinion is setting strongly towards the formula 'not unless materially modified.' The modifications demanded however go so far in some cases as to amount to rejection. The 'moderate' politicians are informed that even this relaxation is a concession to their weakness and invited to join the ensuing special Congress so that the imperial authorities will have to reckon with a united India. So far as we can gauge the situation, the difference between the sections of the Congress is of a two-fold nature. In the first place, the 'moderates' would assume an attitude of friendliness to the reforms, acknowledging the good faith that underlies the report of Mr. Montagu and Lord Chelmsford and admitting that it marks a distinct step in advance of the present situation, and proceed to suggest modifications which, in their opinion, are necessary to make the initial advance adequate to the expectations of the country and the scheme as a whole acceptable with a feeling of real enthusiasm and satisfaction. In the second place, the modifications they would demand would be in conformity with the general tenour of the proposed scheme and not to seek to convert it by drastic manipulation into a variant of the Congress-League scheme. There is no unanimity yet perceptible among them as to what precisely these modifications should be. But we may take it that they will all be conformable to the central doctrine of the August declaration as authoritatively interpreted—responsible government from the beginning to be widened by regular stages into complete autonomy and partnership in the Empire. Provincial autonomy, full and complete, would seem to be ruled out by this requirement; the distinction between reserved and transferred services must be accepted as a corollary in the transitional stage. The demand put forward by another set of men as regards the Government of India overlooks the principle of responsible government and seems to be a reversion to the Congress-League scheme. Our conviction is that the August declaration will not be adequately carried out unless provisions are made for the initiation and progressive realisation of responsible government in the Government of India. Our attack must be concentrated on the third formula. Partial control over the budget must follow such an arrangement. Whether the Indian tariff should be one of the first things to be brought under popular control is a matter of expediency, on which we prefer not to be dogmatic. A middling course would be the elimination of the control of the Parliament and the Secretary of State over our customs and the substitution of that of the Council of State. The idea of a definite

period to be named in the statute within which this fabric of responsible government is to be completed in the provinces and in India as a whole has been influentially advocated and is highly attractive. But it seems a counsel of perfection, and it would be difficult to persuade Parliament to undertake legislation with a rigid time-table. There can be no objection, however, to modifying and defining the terms of reference adumbrated in the report for the twelve-year Parliamentary commissions, so that the first such commission will be required to recommend the completion of responsible government in the advanced provinces unless it could make out a case to the contrary, and the second such commission will be required to recommend the completion of responsible government in all the provinces and in the Government of India unless it could make out a case to the contrary.

AN OFFER FROM AUSTRALIA.

A VOLUNTEER FOR FIJI.

NOT the least remarkable among the many signs lately that the Australian people are eager to show sympathy with Indians to the utmost of their power is the following letter, which has been received by Mr. C. F. Andrews and deserves to be widely quoted:—

Dear Sir,

I have been hearing of the terrible condition of the Indians in Fiji. I am a returned Australian A. M. C., having been in charge of a hospital at —, with considerable tropical experience. My reason for writing to you is that, if suitable arrangements can be made, I would gladly take up the work, without any pay, of attending to the sick among the Indians in Fiji. Miss Dixon, who has gone out from West Australia, is a personal friend of mine, for I lived for many years in West Australia. I am a married man; my wife and daughters live in Fremantle, W. A. If it were not for them I would have no arrangements to make, but could go at once. But, if I could make arrangements so that a suitable provision could be left for them, I am ready at once to devote myself wholly and unrestrictedly to be great work. Since I heard about the Fiji conditions, some great impulse seems to be urging me on—and every day it is getting stronger—to take up the work, with my varied experience of tropical diseases, for no material gain at all, but only to be of benefit to mankind. Trusting that you will forgive my writing to you without having met you,—but with me I am powerless to do otherwise than to write to you for my own peace of mind,—and trusting also that we shall soon know one another in this great work,

Yours very sincerely,

* * *

This letter has been written by an Australian working man who has worked his way up in his own sphere in life as so many Australians do. It was not possible to accept his offer but the value of it remains all the same, and it will be appreciated by those who read about it.

PROVINCIAL TAXATION—A MISAPPREHENSION.

MR. A. RANGASWAMI IYENGAR is well-known as a student of political theory, and also of the current political problems of India. As the author of the "Indian Constitution" his opinions carry weight with a large body of persons in the south of India and he is regarded as an authority on constitutional questions. His views on such subjects must, therefore, be examined with great care even in other parts of India, before they are pronounced to be wrong or incorrect. Mr. Iyengar has published in *New India* of July 31, a detailed criticism of the manifesto on reforms signed by the Bombay nine: We wish to draw special attention to the views expressed by Mr. Iyengar on provincial taxation in the penultimate paragraph of his article. We are sorry we are not in a position to accept Mr. Iyengar's exposition of the manner in which the system of provincial finance and provincial taxation will be worked under the new scheme. We are afraid Mr. Iyengar was labouring under a misapprehension when he expounded that system, or perhaps while strongly denouncing the Bombay manifesto he was unwillingly led into overshooting the mark. Especially is this the case when he blames Mr. Samarth and the other signatories for believing what Mr. Montagu and Lord Chelmsford say in their report!

"We do not know if Mr. Samarth, Mr. Gokhale and others who, we suppose, had the drafting of the manifesto, really believe it, that the authors of the report who were so careful to provide guarantees and safeguards over the whole sphere of executive Government, *would have deliberately omitted to provide them in respect of the control of the purse and would have deliberately handed away the power of the purse to the people in provincial finance.*" So says Mr. Iyengar. We do not know why Mr. Iyengar himself should be in doubt. We believe that the report contemplates both the providing of guarantees and safeguards for the executive, and also the handing away of the power of the purse to the people. This should be quite clear to those who do not forget the fundamental principle of the scheme of reform described in the report, namely, the division of provincial administration into reserved and transferred heads. As regards the supplies for the reserved heads, ample safeguards are provided in the scheme, so that they are not likely to be affected by the whims and caprices of a factious majority in the legislative council. In the first place, they are the first charge on the provincial revenues after the contribution to the Government of India has been paid off; and, secondly, if at the time of the discussion on the budget the proposals of the executive Government in respect of them are omitted or modified, they can be restored in their original form by the process of certification only (*vide* paras 252 and 256 of the report). This procedure

does not involve any reference to a grand committee, which is contemplated only in reference to legislation on reserved subjects. From the point of view of Government it must be so. The report admits that the grand committee is not an unfailing means of carrying through Government legislation and foresees the possibility of its failure in certain contingencies. As regards the supplies for the reserved heads, on the other hand, the report makes it absolutely clear that the Government must have them and cannot risk any reduction in them, as without this safeguard there is no point in making the distinction between reserved and transferred heads in the administration.

As regards the control of the purse in the sphere of transferred subjects we are as emphatic, and believe that this control has been handed over to the representatives of the people. Here of course we recognise that at present Government can raise in their executive capacity revenue on certain heads without coming to the legislature; and land and excise being the two biggest sources of provincial income, this becomes a serious matter indeed. But that is an old grievance of ours, which a scheme of constitutional reforms like the present cannot justly be expected to solve at a blow. Our representatives must strenuously fight in councils to bring all such incomes under the control of the legislature and to effect this long-delayed reform. But that is another matter. So far as transferred subjects are concerned, the power of both voting supplies and suggesting ways and means for the raising of the same is vested in the ministers and the legislative councils. We may point out here that 'taxation for provincial purposes' has been shown in appendix II to the report both as a provincial subject and a transferred subject, and this taxation includes impositions on the whole of provincial sources, whether transferred or reserved, and even all-India sources with the Government of India's previous sanction. In the face of all this to wonder how Government could have failed to provide safeguards for revenues which they considered indispensable, or how they could have handed away the power of the purse to the people, appears to us, to say the least, ridiculous.

There is one other point on which Mr. Iyengar's reading of the report appears to us far from correct. Describing the possibility of the Indian minister, backed by the legislature, refusing 'to ask for or to put through any legislation for additional taxation,' Mr. Iyengar says, 'the remedy before the Governor and his executive council is most simple and clear. Either he takes the extreme measure of starving the transferred subjects or he gets over the deadlock created by the council and the ministers alike by the power of "certification" of the necessary money bill.' The first alternative we can understand, but for the second, we have not found the flimsiest of ground in the body of the report. Mr. Iyengar supposes that the Governor would consider 'extra taxation for carrying on the reserved services

or for discharging his responsibilities; therefore as an essential matter for legislation.' We consider such a supposition as highly improbable, nay even impossible. The expenditure on the transferred services is not inconsiderable in any province, while that on the reserved ones, being already at a very high level, cannot possibly be so increased as to eat up all the available supplies for the transferred services and be still in want of more, which alone would make additional taxation for reserved heads necessary. If we start on impossible hypotheses, we can disprove anything, or render the most carefully planned scheme unworkable. Except on the hypothesis stated above, taxation for reserved heads cannot become necessary. Such a contingency is not contemplated and provided for by the authors of the report. Even if fresh impositions became necessary for reserved subjects, the Governor or the executive council has not the power to propose them in the legislature if the ministers should oppose such proposals. It is to be wondered how Mr. Iyengar attributes this power to the Governor and the executive council when the report expressly disowns it. There is no provision in the report for certification and grand committee, as regards new taxation. If the allotments made by Government in regard to reserved services are either rejected or modified by the council, the Governor can restore them in their original form by certification only, without grand committees. For proposals of new taxation, certification and grand committees are not provided, simply because new taxation on the initiative of the Governor and the executive council was never regarded as being within the range of possibility. When Mr. Iyengar emphasises the 'obvious certainty' of the power of taxation being given to the non-popular part of the executive Government, if not in the scheme as already put forward, at least 'in the plan as finally developed,' he is not interpreting the provisions in the report, but airing his own scepticism and communicating it to others. Here is a power which Indians are clamouring for and which Government have proposed to surrender though in a restricted sphere of the entire Indian finance, and immediately they do it, here we are exclaiming, 'Oh! It is impossible they should give it; it is too good to be true.' A fine method, indeed, of arguing and agitating to obtain new rights!

H. G. LIMAYE.

THE MADRAS SPECIAL CONFERENCE.

It would be no exaggeration to say that the special session of the Madras Provincial Conference which met at Madras on the 3rd and 4th was a momentous one. In spite of adverse circumstances it gave a clear verdict against the total rejection of the Montagu-Chelmsford scheme of reforms. Regarding those circumstances it will be remembered that in no part of the country was this extreme opinion so voluminous as in the Southern Presi-

dency. On the very day on which the scheme was published a manifesto was issued by Messrs. C. Vijayaraghava Achariar, S. Kasturiranga Aiyangar and others, characterising the scheme as "so radically wrong alike in principle and in detail that in our opinion it is impossible to modify and improve it." The *Hindu* commenced a vigorous campaign in favour of this extreme opinion and published correspondence which left the impression on one's mind that that was the prevailing opinion in the province. Dr. Subramania Aiyar advocated the same view, and though *New India* did not in so many words recommend the rejection of the scheme it did nothing to show till the other day that it did not approve of that policy. Moderate opinion was painfully slow in expressing itself, small in volume and grudging in recognising the good points of the scheme. At a meeting held at Madras under the presidency of Mr. Kasturiranga Aiyangar a resolution was adopted rejecting the scheme *in toto* and a mild amendment for introducing the words "without modifications" failed to elicit any support. Such was the atmosphere in which the Conference met.

I confess my inability to wax enthusiastic over the resolutions of the Conference. They do, in my humble opinion, less than justice to the bright side of the Joint Report and its recommendations, and demand modifications which cannot be said altogether to be calculated to preserve the basic structure of the scheme. After declaring the division of Government into reserved and transferred subjects as unworkable, unsatisfactory and as denying adequate opportunities for exercising responsible government, the Conference laid down that for the first step towards the goal to be substantial it should include complete provincial autonomy, accompanied by necessary correlative changes in the Government of India. Regarding the proposals affecting the latter, the Conference asked for the abolition of the Council of State, and for legislative control over all subjects except foreign affairs, army and navy and ecclesiastical matters; for budget powers over all subjects excepting those mentioned above for which a fixed sum would be allowed based on the averages of five years before the war, subject to its being voted annually; and for complete control by the legislature of customs, tariff and excise. Regarding the provincial Governments, the Conference was against the institution of grand committees; claimed complete control by the legislature over all subjects, but was willing that the administrative control of police, law and justice should vest in the executive during the first five years after which provincial autonomy should be complete; and asked for the legislatures complete control over the purse, excepting the contribution to the Government of India and a fixed sum for the reserved subjects of police, law and justice which should be voted annually and calculated on the average expenditure on those subjects during the last five years before the war. These demands and others not mentioned here

cannot of course be expected to command unanimity. But, it may be argued, they indicate a different attitude from that of rejecting the scheme. 'In the supreme hour of India's destiny' the Conference recognised that wisdom did not lie in rejecting the scheme, but in improving it.

The resolutions passed at the Conference may well encourage the belief that at the proposed special Congress the Montagu-Chelmsford scheme is not likely to be rejected *in toto*; but whether such modifications will not be required as will be tantamount to abandoning the present scheme is more than one can say. The special Congress at Bombay will not meet under more radical auspices than did the special Conference at Madras. Mr. C. Vijayaraghava Achariar and the *Hindu* have always assumed with regard to the scheme a more extreme attitude than anyone in Bombay or elsewhere. The rejection party attended the Madras Conference in its full strength and had the moral support of the President throughout. So lustily did they cheer him that he was tempted to depart from the wording of his printed address and use in places much stronger language than is found in it. In the subjects committee which was the whole Conference sitting in committee and which took up so much time that at the open Conference all the resolutions had to be put from the chair, almost every resolution was keenly fought out, the decisions of the chairman sometimes challenged and poll demanded, and even that regrettable form of rowdyism which in the same breath shouts for liberty of speech and shouts down unpopular speakers was not absent. On occasions it seemed as if the breaking point had been reached. Yet the feeling for composing differences prevailed with both parties and the Conference ended peacefully. I am therefore somewhat confirmed in my personal predilection for attending the Congress and would ask the leaders of the progressive party in other parts of the country to consider the question in the light of the turn the Madras Conference has taken, thought, it has to be admitted, the treatment accorded to Mrs. Besant, who had perforce to maintain silence through the greater part of the proceedings, is not particularly encouraging. Indeed, Mrs. Besant was so scandalously used at the Conference that she rejoices that there are no more conferences in Madras till next year and, abstaining from public meetings held by the noisy section, intends to resign the presidentship of the Home Rule League.

V. V.

INDIAN CONSTITUTIONAL REFORMS.—II.

PROVINCIAL LEGISLATURES.

BEFORE entering on a detailed discussion of the proposals relating to provincial legislatures it will be desirable to consider if we can formulate any general principles which will help us in arriv-

ing at a true estimate of their value and in making suggestions for their improvement. It has been granted for the sake of expediency that full responsible government cannot be conceded to us at once. It is to be reached by stages. This implies that during the period of transition the Government is to continue to exercise certain powers. In other words, the matters which form the proper subject of provincial administration are to be divided into two classes, one to be controlled by the representatives of the people and the other by Government. Thus the division of subjects into reserved and transferred follows from the principle underlying the scheme of reforms. Again, if Government is to retain certain powers during the transitional stage, it is obvious that they must be of an important character. Otherwise, their retention would be useless. Now the primary duty of all Governments is the maintenance of law and order. We should, therefore, leave sufficient power to Government to enable it to discharge this responsibility. Any modifications that we may suggest should take account of these considerations. We may press for large changes, but they should not be such as to strike at the root of the scheme. In this view, it is unreasonable to ask for the abolition of the division of subjects into two classes. To do so is not to propose an amendment but to demand the abandonment of the whole scheme. Similarly to urge the extension of popular control over police and administration of civil and criminal justice is not to propose an expansion of the list of transferred subjects but to cry indirectly that there shall be no reserved subjects at all.

But, however this may be, it is said that to accept the restriction sought to be imposed on us is to surrender powers that we already enjoy. For instance, the *Hindu* of Madras has argued that while the Morley Minto councils did enable the people to exercise some degree of control over legislation "in all essential departments of administration," and to defeat, in a few cases, legislative measures that they did not approve of, under the plan of responsible government proposed by Mr. Montagu and Lord Chelmsford, "this right of opposing successfully obnoxious legislation brought by the executive in the provincial councils, will be effectually taken away." The existing provincial councils have been frequently described as gilded shams and glorified district boards. Over and over again it has been pointed out that the non-official majorities provided in them are illusory. They may prove effective occasionally, but the elements which compose them combine so seldom that they are practically valueless. In any case, it has been said, they do not ensure control over a single department of administration. But now they are suddenly held up to our admiration. The principle underlying their constitution is apparently great enough for our purposes! Can anyone, who does not regard fairness as an encumbrance in politics, compare for a moment the Morely-Minto

councils, which as a rule only gave opportunities for criticising the executive, with the Montagu-Chelmsford councils, which will make the popular will supreme in many important departments? But apart from the balance of advantage being in favour of the remodelled councils, is it a fact that in a single instance they will deprive us of a particle of the power vested in us at present? To say that, according to the Montagu-Chelmsford scheme, legislation on reserved subjects can be withdrawn from the cognizance of the "Provincial Council" is *technically* correct, but in reality highly misleading. It is true that certified bills will not be voted on by the "Provincial Council," but no more will the provincial Governments have power to convert them into law simply by means of an executive decree. They will go to the grand committees, where the elected representatives of the councils and nominated non-official members will be in a majority as in the existing councils, and where the elected element will be stronger than in many of the councils at present.* The power of blocking unpopular legislation, to which the *Hindu* attaches so much importance, will not thus be lost to popular representatives in the new regime, but will only be lodged in the grand committees instead of in the councils; and there, judging by the composition of the grand committees, it can, if anything, be called into exercise somewhat more easily than at present.× The anomaly which Mr. Patel has pointed out in regard to legislation on a transferred subject, certified by the Governor to trench on the reserved group, will obviously not arise in the cases here contemplated by the *Hindu*, and its criticism is thus seen to be entirely misplaced. There are many defects in the Montagu-Chelmsford scheme which can be legitimately criticised. One can condemn it as halting and inadequate. One is even entitled to object to the classification of subjects adopted in the report. But no one has a right to bolster up his case with statements which are ridiculously wide of the facts.

RESERVED SUBJECTS TO BE AS FEW AS POSSIBLE.

According to the line of reasoning followed above, we should, for the present, let the responsibility for the maintenance of law and order rest on Government alone. But this should be the sole limiting principle. There is no reason why Government should retain in its hands more power than is necessary for this purpose. All departments which are not concerned with the preservation of peace and order should, at least in the major provinces, be under the control of ministers. The illustrative list of transferred subjects appended to the report, to serve as a rough guide to the committee which will deal with the division of departments, includes many important subjects, for instance, local self-government, education (primary, secondary and technical), co-operative

* The Bengal Council has an elective majority, but the majority is ineffective as it includes a large number of Europeans.

credit and excise. It should be expanded, in particular, by the addition of higher education and land revenue. The propriety of placing higher education under popular control is obvious. The task of educating the nation should be in the hands of the nation's representatives. We must have the power to train our youths in the duties of citizenship and to prepare them to become citizens of a self-governing India. We should be able to offer them the right kind of intellectual nourishment and to introduce into our universities that element of freedom and independence which they sadly lack at present, and which ought to form an essential ingredient of the character of those who will be called upon to form free and independent judgments on vital matters in the near future. There is no room in the wise and liberal policy, which Lord Chelmsford and Mr. Montagu have conscientiously set themselves to carry out, for the ideals of the Simla Conference of Lord Curzon's time and the Universities Act. Nor should we be asked to wait till we have developed primary and secondary education. To do so is as unmeaning in the domain of education as to say that we should prove our fitness for local self-government, before we can be entrusted with higher responsibilities, in the domain of politics. This is, however, a doctrine which has received no support from Lord Chelmsford and Mr. Montagu.

HIGHER EDUCATION.

Two things are bound to happen if higher education is controlled by Indians. No attempt will be made to check the growth of patriotic feelings among students, and Indian talent will be much more largely employed than it has been hitherto. The growth of patriotism among students need cause no concern to a Government which has courageously made up its mind to satisfy it, for there will be no conflict then between loyalty and patriotism. Nor should a change in the personnel of the higher educational service give rise to any uneasiness. In October last the Government of India was prepared to contemplate the possibility of appointing Indians to half the higher posts. In forwarding to it their views about the recommendations of the Public Services Commission, the local Governments, generally speaking, also expressed themselves to be in favour of an equal division of these appointments between Indians and Europeans, while the Government of Bombay, which saw more clearly the needs of the times, recommended that the proportion of Indians to Europeans should be as 3 : 1. The objection may be raised that the Government of India cannot divest itself of control over those universities which serve more than one province. The argument can scarcely be taken seriously. If pressed, it will only lead to the demand that these universities should cease to affiliate institutions situated outside the provinces to which they belong.

LAND REVENUE.

Land revenue is a more ticklish subject than

education. The Montagu-Chelmsford report lays down that the principle, which should guide the committee whose duty it will be to consider the division of subjects, should be "to include in the transferred list those departments which afford most opportunity for local knowledge and social service, those in which Indians have shown themselves to be keenly interested, those in which mistakes which may occur, though serious, would not be irremediable, and those which stand most in need of development," and expressly states that its authors would not expect the committee to recommend "the transfer of matters which vitally affect the well-being of the masses who may not be adequately represented in the new councils, such for instance as questions of land revenue or tenant rights." We meet here with the oft-repeated argument that the officials are the protectors of the dumb millions, whose interests are not safe in the hands of their educated countrymen. It is strange that this claim should be advanced by a Government which has done so little for the spread of primary education, for the improvement of sanitation and the development of cottage industries, in spite of the incessant efforts of the educated community to goad it into action. The history of past famines and of land revenue administration itself further belies the claim. The arbitrary enhancement of land revenue has been a sore grievance with the peasantry, whose cause the educated classes have championed, but the officials have turned a deaf ear to all demands for its limitation or regulation in accordance with sound principles. They defeated the attempts of Lord Ripon to secure to the cultivating classes the fruits of their labour, and to prevent the State from demanding more at every settlement unless it could be shown that payers of the land-tax were themselves earning more. They have refused to give effect to the recommendation of the Decentralisation Commission that "the general principles of assessment... should be embodied in provincial legislation," and kept land revenue administration under their absolute control.

The verdict of facts being wholly against the Government, how is it that Mr. Montagu and Lord Chelmsford, who are conscious of the weakness of its position have nevertheless decided in favour of it? Perhaps they have been influenced by the fear that if control over land revenue administration were given to the councils they may reduce the land-tax in order to win popularity, thus causing serious financial embarrassment or settle it permanently, thus depriving the State of a share in the future increase in the produce of the land or in its value. Is this fear well-founded? Are the councils likely to begin their career by reducing the land-tax? Popular government has nowhere led to a reduction of expenditure, nor is it probable that India will form an exception to the rule. The councils will be responsible for education, sanitation and local industries; all subjects which will require a greatly increased outlay for

their development and which will abstract for many a year to come all the available resources of the State. They will be judged largely according as they deal with these vital matters. Confronted with heavy and growing responsibilities, is it reasonable to assume that they will thoughtlessly curtail the means of satisfying them? The task of future legislators will be to render people happier not by asking them to pay less but by enabling them to earn more and then pay more than they do at present.

But even if the councils succumb to the temptation of gaining the good-will of the people by diminishing the land-tax, they themselves will be the sufferers. The provincial Governments will lose nothing, for they will not depend on its proceeds for administering their departments. Its yield will form part of the general revenues of the State, on which they will have a prior claim. If the remainder of the revenue is insufficient to balance the expenditure on transferred subjects, the councils will have to cast about for some mode of making up the deficiency. They will have to extricate themselves from difficulties of their own creation by levying a fresh or enhancing an existing tax, which will destroy any credit that they may gain by lessening the demand of the State on land.

As for the permanent settlement of the land revenue, it has been advocated because it seemed to be the only way of escaping ever increasing and arbitrary exactions on the part of the executive. If, as recommended by the Decentralisation Commission, the principles governing the administration of land revenue are embodied in provincial legislation, the demand for its permanent settlement will soon lose all its force. For then the anomaly of keeping the largest source of revenue outside the purview of the councils will cease, and its enhancement will be subject to the control of the representatives of the people. If these considerations do not appeal to Government, it may rule that no measure for permanently settling the land revenue shall be introduced into any council without previous sanction of the Governor in Council.

THE POLICE.

Before passing on to other points a word may be said in regard to the police. It has been conceded above that the police should be left under the control of the provincial Governments. This does not mean, however, that every part of its organization should be controlled by the executive. Take, for instance, the village-chaukidar. He can hardly be said to belong to the regular police force. It will be more accurate to describe him as the servant of the village. He is, properly speaking, a part of the machinery of local self-government, and wherever village panchayats are established, he should be controlled by them. This aspect of the question has been clearly brought out by Mr. Curtis. "I am not assuming," he says in his 'Letters on Responsible Government,' "that the

police need always remain as one closely organized department from the Inspector-General to the village-chaukidar. I see no reason why the management of the village constables should not be relegated to the new elective authorities from the outset. Then there are the great bulk of the police, who correspond to those which an English Country Council controls. . . . Provided that forces are retained strong enough to step in and restore order in the case of any breakdown on the part of elective authorities, these authorities might be entrusted with the ordinary police work and large sections of the police during the transitional stage."

The control over the provincial services should follow the line which divides provincial subjects into reserved and transferred. As a rule these services should be under the authority which administers the departments with which they are connected. It appears from the specimen lists of provincial and transferred subjects attached to the Report that all provincial services are to be controlled by the provincial Governments. There seems to be no justification for this.

The councils are to consist of members elected on a broad franchise, and nominated officials and non-officials, but its precise composition and questions relating to franchises and constituencies are to be considered by a committee to be appointed by the Secretary of State for India. It ought to be laid down for the guidance of the committee that at least four-fifths of the members should be elected and that the interests of the populations of large cities should be adequately represented in the councils.

LEGISLATION ON RESERVED SUBJECTS.

Bills relating to transferred subjects will be dealt with by the councils, but legislative measures regarding reserved subjects may be referred to the council or to a grand committee of the council. They shall be referred to the latter if the Governor certifies that they are essential to the maintenance of peace and order or the "discharge of his responsibility for the reserved subjects." Any decision concerning them can be taken by the grand committee only, which is to contain a bare majority of nominated members. For instance, if it consists of, say, 41 members, 20 will be elected by the council from its own members while 21, of whom not more than two-thirds can be officials, will be nominated from them by Government. If the necessity for creating it be admitted, one must acknowledge the fairness with which it has been constituted. Its composition will not make its decision on every subject that comes before it a foregone conclusion, but there is an influential section of opinion in the country which is not satisfied of the necessity of its being brought into existence. According to this school of thought, necessary legislation on reserved subjects had best be obtained by invoking the general overriding power of legislation which, under the scheme, is reserved to the Government of India. (Para 211 of the Report.)

FINANCES.

When we come to finance we come to a critical point. An equitable apportionment of the provincial revenue between reserved and transferred subjects is essential to the smooth working of the complicated machinery which the reform scheme proposes to set up. Unless some method is devised of giving the ministers adequate control over the division of funds, the legislative council will be at the mercy of the provincial Government. The transferred subjects should be assured of a fair share of the provincial resources. They contain many services needing for their development large sums of money, which will probably have to be raised in the main by imposing extra taxation. The position of the ministers will not, therefore, be an enviable one, and it ought not to be rendered more difficult by leaving it to the provincial Government to determine the supplies necessary for the administration of their departments. The plan proposed in the report is likely to be a source of constant friction between the two halves of the executive Government and create suspicions in the public mind. Joint consideration of the budget is an insufficient safeguard. At any rate, while the provincial Government has it in its power to direct the distribution of funds it will be hard to avoid the suspicion that the transferred subjects have been treated ungenerously and even unfairly. Apparently an easy way lies out of this difficulty. On a review of the expenditure on reserved subjects incurred, say during the last ten years, their normal requirements in the future can be easily estimated. We can arrive at a figure which will provide not merely for present expenditure but also for the growth that is likely to take place in it under ordinary circumstances. This was the method employed by the Government of India in the quinquennial revisions of provincial contracts, and it has been used in substance in the report to determine the contributions payable by the provincial Governments to the Government of India. It will enable the provincial Government to secure the necessary supplies without giving rise to any bitterness on the part of the ministers or the public. The sum allotted to the provincial Government will, of course, not be fixed for all time. It will have to be determined periodically in accordance with the reports of the commissions of enquiry.

The legislative council will have the right to discuss the entire budget and to vote upon it by means of resolutions, which will be binding upon the Government unless they relate to reserved subjects. If the legislative council interferes with the allotment proposed for a reserved subject, the Governor will have power "to insist on the whole or any part of the allotment originally provided, if for reasons to be stated he certifies its necessity." This provision goes far beyond what is necessary. The Governor is not more responsible for the finances of the reserved subjects than for legislation concerning them. If it has not been considered necessary to make his certificate sufficient to secure the enactment of a measure into law there is no reason why a different view should be taken in regard to the budget. The procedure to be followed in the case of the budget should be the same as that defined for reserved legislation.

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