## THE

# Servant of India

Editor: V. S. SRINIVASA SASTRI.

OL. I., NO. 28.]

POONA-THURSDAY, AUGUST 29, 1918.

[ANNUAL SUBSN. : Rs. 4

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#### TOPICS OF THE WEEK.

THE scene of the Allied offensive has shifted orthward—from the Ailette and the Aisne to the leighbourhood of Bapaume. There are reports hat reconnoitring parties have entered Bapaume. But the news has not been yet confirmed. Whatver the Germans may talk or believe of the weariless of the Allied troops, there are no indications o far that the enemy is in a position to make an ffort to force the Allies back from the places they have occupied.

INTERESTING stories come from Palestine of he dash of Indian troops and the brilliant exploits hey have been performing. If in Mesopotamia he Mahrattas have secured recognition for their alour and their powers of endurance, Palestine as been one more witness to the military qualities f the Sikhs and the Gurkhas, which have been isplayed over and over again in various parts of he British Empire. It is a pity in these circumtances that no provision has yet been made for he issue of the King's commissions by the hunred to such gallant sons of India. Sometimes low movement is mistaken for caution or stateshanship. We hope the authorities do not take his view of the matter.

THE prices of cotton cloth have been soaring igher and higher for some time past, causing a lot f hardship to the middle and the poorer classes of he community. The question of minimising the istress has been under the consideration of Govrnment who had appointed a committee to conider what steps should be taken to give relief in he matter. A press communique has just been usued stating the recommendations of that comittee and the measures government intend to

take thereon. It is proposed to standardise certain varieties of cloth and to arrange that they should be made available to consumers at reasonable fixed prices. For this purpose a bill will be introduced at the forthcoming session of the supreme Legislative Council taking power to appoint a controller of cotton cloth. That some sort of control is imperative to check profiteering and to supply cotton cloth to the public at reasonably cheap prices will be admitted on all hands. But the chief difficulty will be in the distribution of the cloth. Government will have to take measures to ensure a sufficient supply of standardised cloth at fixed prices throughout the interior of the country. Another question which requires consideration is whether it is not necessary to control imported cloth also. The object the Government should place before themselves should be to regulate the prices of cloth in such a way that manufacturers and dealers will not make abnormal profits out of the extraordinary conditions created by the war and to arrange for a sufficiently large supply of cloth to the mass of people at rates which are inevitable under the peculiar circumstances which prevail in the country. This is indeed a difficult task but it must be courageously faced and we hope the proposed legislation will be so framed as to yield the desired results.

A CORRESPONDENT writes : Mr. H. V. Nanjundayya, formerly senior member of the Mysore Council of State, suggests in his criticism of the reform proposals that, instead of the Governor being empowered by the issue of a certificate to withdraw a bill dealing with a reserved subject from the purview of the legilative council and to refer it to a grand committee, it should in the first instance be discussed in the council and if there it fails to get through, it should automatically be submitted to a grand committee for the final decision. This cannot be said to be a better course from the popular point of view. In the first place, the chance which the procedure recommended in the report leaves to the council to reject a bill and put it out of the way altogether will be cut off where the Governor, on a calculation of the antecedent probability of its passage, does not certify it. In the next place, what in the report is intended to be an 'exceptional procedure' will thereby be rendered normal. The report states that the Governor's certificate is not to be given without strong reason, and the reasons justifying recourse to itare to be included in the instructions to Governors which the India Office will issue. Further, the issue of such a certificate on a particular occasion can be challenged by the members of the legislative council, and the Government of India will then decide if "the certificate has been properly given." But no such preliminary objection can be urged if Mr. Nanjundayya's alternative be adopted, and one of the safeguards provided in the scheme will thus be lost.

AGAIN, under the official scheme, a bill after its passage through the grand committee, is again discussed in the legislative council, and the nonofficial members can pass by a majority vote a resolution recording any objection which refers to the principle or details of the measure, such resolution being transmitted, with the Act, to the Governor-General and the Secretary of State. Since all provincial legislation requires the assent of the Governor-General and is subject to disallowance by His Majesty (signified through the Secretary of State), it will certainly be of advantage for these authorities to have before them the objections felt by the legislative council to any measure. This safeguard too will cease in case Mr. Nanjundayya's suggestion is accepted.—It may be suggested in passing that when the Governor's certificate in regard to a particular bill is challenged in the legislative council, the Government of India should not merely consider whether it dealt with a reserved subject, but whether there was a necessity for certification in accordance with the instrument of instructions.

TOUCHING the imperial legislature, Mr. Nanjundayya shows how the power of certification allowed to the Governor-General in Council circumscribes the scope of the legislative assembly and adds: "The necessity, however, of justifying its action by an appeal to the Government's continuing responsibility for the good government of the land in all cases in which the autocratic power is meant to be exercised, and the pointed attention that this would draw to all such acts, will have the effect of restricting the exercise of this power within narrow limits. The assembly, by being given the opportunity of dealing with all such matters in the normal course in the first instance, will be able to show, if it is so inclined, in larger and larger degree, that it can be trusted with a large share of power in important spheres." .

ON the question of communal electorates the Leader observes: "It has been decided that landholders in general are not to have separate representation—only big zemindars will be allowed that —nor Europeans. The latter point is one for decision between Government and the non-official European population... We should say in the case of the landholders that, as at present, only those who pay a revenue of Rsi 5,000 a year or more should be grouped into a separate electorate in the case of provincial councils and only those who pay Rs 10,000 a year or more in the case of the legislative assembly of India. And those who get the benefit of such a separate electorate should not be permitted to be voters or candidates in any general electorate, as Moslems will not be. A similar rule should be made in the case of the Europeans, if eventually they should be formed into a separate elecorate. "

THE New East thus describes the results of the introduction of responsible government into India by stages: "By experiments in local government, in the expenditure of money raised by their own taxes and in the execution of social reform by their own representatives and agents the different races will train themselves for more important tasks. The British officials will play a new part requiring as much energy and as much integrity as the old, and more imagination and more sympathy. They must make themselves not so much instructors as helpers, ignoring so far as may be the differences of race and regarding their colleagues solely according to their natural capacities. Mistakes will no doubt be made, which will not be made if the old system were to continue. But it is not even in the interest of Great Britain that she alone should have the power to make mistakes in India. Under the present system every disaster is attributed to the shortcoming of her bureaucrats. Under the new if a Government bears the blame, it will be an Indian Government. and the political cosequences will be less serious."

"Bor in any case if the Indian peoples are not to have the chance of doing themselves harm they will never do themselves goud. A man cannot learn to swim without some risk of being drowned, and to learn to govern himself he must have the chance of governing himself badly. There is the important distinction between the government and swimming, that the bad swimmer endangers himself only, while the bad governor may do harm to an indefinite number of others. It is therefore doubly necessary to provide safeguards against the mistakes of those who are inexperienced in politics. But the safeguard must not be suffered to degenerate into a hindrance. The problem of limiting a man's freedom in the interests of others is one which calls for an infinity of patience and circumspection. The greatest of political virtues is courage. 'Magnanimity is not seldom the truest wisdom, and great Empires and little minds go ill together.' The future of India is assured even among the blunder of unpractised enthusiasm. For the damage there will be compensations. For the strength of machanical efficiency must be substituted the strength of conscious association in the greatest work to which any body of public servants have ever been called in the world; that of maintaining peace and order and promoting material and moral improvement among 300,000 human beings."

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### THE FUTURE POPULAR HOUSES.

THE official scheme of reforms, seeking to train the people of India in the exercise of responsible government, proposes to create for the purpose a legislative assembly in the Government of India and legislative councils in that of the provinces. These bodies are intended to afford the elected representatives of the people a constitutional means of expressing their will. In the provincial sphere this will, being of course the will of the majority of elected representatives, is to be carried out, as regards certain functions of government, by ministers dependent for the tenure of their office on the pleasure of the majority of the legislature and, as regards the other functions, by executive councillors, except in certain cases removed from such control by the certificate of the Governor. In the sphere of the central Government the will of the najority of the assembly can never prevail by itelf; it must be concurred in by the majority of nother house called the council of state or by the majority of a joint session of the two houses. The Governor-General likewise has it in his power by issuing a certificate in a specific form to remove a subject altogether from the jurisdiction of the assembly. In both spheres, therefore, the executive has the means of overriding the decision of the popular houses whenever it deems such a course absolutely necessary. This safeguard being provided, it becomes possible, and to make the training of the people in responsible government effective it becomes necessary, to make the popular houses fully popular. This view does not seem to have been vividly present to the minds of the distinguished authors of the official scheme. Otherwise they would not have limited the elective element in the legislative assembly to two-thirds and failed to provide a minimum proportion below which the elective element in the provincial legislative councils should not fall. We will not quarrel in this place with the device of nomination for affording representation to minorities. But we are clear that this nomination should be kept within the lowest possible limit. Members of the exesutive council being ex officio members of the egislature, the number of other officials to be nominated should be extremely small. In fact, if we consider the composition of popular houses sleewhere there should be no such nominated offials at all, executive councillors and ministers inswering for the various departments in their wn persons. Since a departure from this practice as been considered necessary in the case of ndia, we shall acquiesce in it but urge that only he principal secretaries and the heads of a few echnical departments should be allowed in this nanner to hold seats in the popular houses. The uestion how many minorities should have nomi-

nees may vary from province to province and perhaps in each province from time to time But it should be a clear direction to the committee which is to inquire into this subject that, officials and non-officials together, nominations should not exceed twenty per cent. of the total strength of the council. In the case of the legislative assembly the percentage of officials recommended in the report, namely 22, is excessive. It is not known why it is pitched so high. Here also since the vote of the legislative assembly cannot finally decide any matter there can be no harm in fixing the elective proportion, as recommended in the Congress-League scheme, at four-fifths. A .twothirds majority composed of somewhat heterogeneous elements carries no guarantee that the popular house will always express the popular will. No doubt the fact that in non-certified matters officials will generally have freedom of speech and vote renders the above estimate liable to qualification. Still a body of 22 official and 11 non-official nominated members is a large disturbing factor in a house of 100. Considerable importance attaches to this point, and it needs to be earnestly pressed on the attention of the authorities.

The popular character of these houses is likely to be seriously impaired by another of the official proposals-that the president should be the head of the Government and the vice-president an official nominated by him. We take strong exception to this provision and hope that the public will do the same. So far as we know, there is no constitution where a popular house is presided over by the head of the executive. Even the Reichstag of Germany is no exception. When the scope and functions of the popular houses in India are subject to strict limitations, why they should be further constrained by the presence and authority of the Viceroy or the Governor it is difficult to understand. Barring a few persons of eminence and courage, the other members must feel more or less oppressed under the eye of one who is the fountain of honour and patronage, and the freedom of speech which is the very breath of a popular house cannot but be prejudicially affected. If these exalted officials were to be invariably chosen from the public life of Great Britain there might be the surety of the high traditions of the Mother of Parliaments being made familiar and maintained in India. Even then our objection would only be weakened, not altogether obviated. But the official scheme makes Governorships open to the services in India. This would greatly reduce the chances of impartial administration of the standing orders, the maintenance of the privileges of the house and that broad-minded tolerance of full-dress debates, piquant personalities and fearless criticism of Government measures which give to the proceedings

of Parliament their peculiar value and character. We know that it will take time for the extraordinary impartiality and solicitude for the honour of the house which characterise the office of the speaker of the House of Commons to grow up in India. It is precisely for this reason that we would lose no time in training non-official Indians to such high responsibility, and it is. not clear to us how or in what respects a member of the Indian Civil Service, for example, however distinguished and efficient he may be, would be better fitted than an eminent lawyer, let us say, to interpret the rules of the house, to give prompt and correct decisions on points of order, and to hold the scales even between the parties or between the Government and the private member. Long exercise of executive authority would tend rather to unfit a man for the duties of president of a popular house.

Another suggestion has to be made in regard to the popular houses of legislature. Remembering that training is to be afforded to Indians in parliamentary government and that ample safeguards are provided against error and deficiency, the rule should be that one of the ministers should be the leader of the house, representing Government, announcing its policy, and making all motions involving the honour, dignity and authority of the house. His position as an elected member of the house and liable to dismissal by it gives him greater title to lead than to a member of the executive council. The official scheme, leaving the salary of the minister undetermined and his status in comparison with that of an executive councillor somewhat in doubt, is open to just criticism in these respects. The departments to be controlled by the minister are not less onerous, while his relations to the legislature in respect of additional taxation and responsibility are more intimate. Naturally he should take precedence of the executive councillor.

#### INDIAN CONSTITUTIONAL REFORMS.—IV. THE GOVERNMENT OF INDIA.

"WE have already made our opinion clear," say the authors of the report, "that pending the development of responsible government in the provinces the Government of India must remain responsible only to Parliament. In other words, in all matters which it judges to be essential to the discharge of its responsibilities for peace, order and good government it must, saving only for its accountability to Parliament, retain indisputable power." (Para. 266.) No one questions that the Government of India cannot become completely subject to popular control till the majority of the provinces have arrived at the stage of full responsible government. Till this consummation is reached, it must continue to possess sufficient power to enable it, in case of need, to guide and supervise the actions of provincial Governments. But the words quoted above appear to have a much wider meaning. They seem to imply that the process of liberalisation in the Government of India should commence only after the final transfer of authority has taken place in the provinces. Mr. Curtis desires that no change should be made in the central Government till the provincial councils have been made responsible for the maintenance of law and order. But he is at the same time of opinion that when this step has been taken the time will also be ripe for making the supreme Government at one stroke responsible to the people of India. " The changes by which," he says, "electorates are made responsible (a) for all provincial functions, (b) for those of the central Government, must come so near together as practically to be part of one operation.' Mr. Montagu and Lord Chelmsford, on the other hand, seem to contemplate that a period of preparation is to intervene between the attainment of complete responsible government in the provincial and Indian spheres. Electorates trained to discharge their responsibilities in regard to provincial functions will need further training by slow stages before they can be considered competent to control the Government of India, whose duties differ not in kind but only in degree from those of the provincial Governments. Such a proposition can scarcely be regarded as a serious argument. It looks perilously like a deliberate attempt to give a sacrosanct character to the Government of India in order to keep it as long as possible in alien hands.

#### SIMULTANEOUS REFORM NECESSARY.

The framers of the report betrary a consciousness of the weakness of their position, for they say in para. 350 : "We cannot think that States on the way to responsible government, which have imbibed a large element of responsibility into their constitutions, can be controlled by a the purely autocratic power. So also with duties extending over the whole of India which will be discharged by the Government of India as its special concern. It is impossible that while other duties which differ from them mainly in being local in scope or subject to provincial differentiation are being administered by responsible governments, those which fall to the Government of India should be administered autocractically." This is sound doctrine, but it has not been carried out in practice. It is all the more surprising that Mr. Montagu and Lord Chelmsford should have shrunk from acting upon it, for they acknowledge that many of the evils we complain of spring inevitably from the constitution of the Government of India itself. "We find, "they say, "the necessity for reforms admitted, principles agreed upon and decisions taken, and then long delays in giving effect to them. Difficulties are realised, enquiries are started, commissions report, and then there is a pause." (Para. 266.) And they recognise that " a constitutional element of delay may be found in the character of the

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Government itself. Because it is bureaucratic, it is naturally less anxious to move than a responsible Government. In the matters where Parliament does not affect it, its duty is to its own conscience—or perhaps we should say to its successors in office—and not to any constituents. " But they have proposed no reforms commensurate with the magnitude of the admitted evils. When the changes proposed by them will be introduced the Government of India will still remain answerable solely to its own conscience. And irresponsible criticism which has been said to be the chief defect of the Morley-Minto councils will continue to be a characteristic of the new Legislative Assembly.

THE PLEDGE REMAINS UNREDEEMED.

Again, the greatest merit claimed for the announcement of the 20th August, 1917, is that it provides for the gradual devolution of responsibility on Indian electorates and lays down the successive steps by which the crowning ambition of all self-respecting Indians is to be realised without any need for outside agitation. But so long as no measure of responsibility is introduced into the Government of India, it cannot be contended that the announcement has been faithfully given effect to or that external pressure will not be necessary to secure the realisation of our aspirations. The changes proposed by the Secretary of State will extend and deepen our influence, but they will give us no power. There is nothing in the declaration of August last which prohibits the transfer of power to Indians in any degree in matters concerning the whole of India. On the contrary, it promises the "progressive realisation of responsible government in India." Unless, therefore, some of the subjects which will be administered by the Government of India are brought under the control of elected representatives the promise cannot be held to be redeemed. The people and the Government will still, in a great measure, form two opposing camps, and bitter contests will take place whenever any attempt is made to effect a breach in the citadel of the bureaucracy.

In order that the pledge given last year may be fulfilled and friction and bitterness may be minimised as much as possible, the first step towards making the Government of India responsible to the people should be taken at once. It should not be postponed till the maximum development has been attained in the provinces. The control of popular representatives should be established immediately over some departments, in order that it may be made clear beyond a shadow of doubt that no sphere of government is to be regarded as inviolable and that in every branch of it power will soon have to be surrendered to Indian electorates. It should also be laid down that the final stage will be reached as soon as a majority of the provinces have become self-governing. Self-government should not be created as an ideal to be realised in the distant future, but should be worked up to with all practicable speed.

#### SUBJECTS TO BE TRANSFERRED.

What are the departments that can be placed under the control of the popular section of the legislature ? The Secretary of State and the Viceroy have signified their willingness to entrust the administration of almost every subject of purely provincial concern to the local Governments. The matters with which the supreme Government will continue to deal will be limited to the army, interest on debt, salaries and expenses of the civil departments under the Government of India, opium, salt, customs, income-tax, stamps, tributes, posts and telegraphs, mint and railways. The first three are a drain on the exchequer, while the rest furnish means of replenishing it. The following table which gives the budget figures for 1917-18 will serve to give a rough but substantially correct idea of the financial relationship of the speading and revenue departments.

#### (In million sterling.)

Revenue.		Expenditure.		
Opium		3.39	Charges of collection	on 2·05
Salt		3.97	Interest (net)	4.74
Customs		9.39	Army	27-23
Income Tax -	•••	5.13	Salaries and Ex-	
Stamps		1-80	penses of Civil	
Tributes from	L I		Departments	4.24
Native Stat	es	-62	Miscellaneous Civil	312
Commercial S	Servi	ces (n	et):	
Posts and T graphs Mint Railways	-74 -02	> 6∙86		
Civil Dentts		.12		

Civil Deptts. ... 12 Military Receipts 1.33

Total

32-61

Total 41.38

The revenue falls short of the expenditure by about 9 millions or 131/2 crores, necessitating levies on the provincial Governments to make good the deficiency. If power were given now to the Legislative Assembly over, say, salt the funds at the dispcsal of the Government of India would be insufficient to enable it to meet its liabilities, and it would have to depend on the Assembly to make both ends meet. In other words, the Assembly which will not be responsible for a single item of expenditure will nevertheless enjoy the authority to dispose of crores. And it can so use this power as to have a potent voice in the administration of every department, not excluding the army, and in case of difference of opinion, to compel the Government on occasions to submission. Merely to transfer to it a source of revenue is therefore to exercise absolute control over the whole. machinery of Government at once. In order to. avoid this result it is necessary that its power to. affect the finances of the State should be coupled. with the responsibility of developing or maintaining the efficiency of such branches of administration as would absorb the whole or a large part of the money in its hands. But which depart~ ment is to be entrusted to it? It is universally

admitted that the management of military and foreign affairs is to be left to the unfettered discretion of the Government of India. It is also allowed that for the present it should continue to be responsible for law and justice and police. It follows then that the Assembly can have no control over the army or the salaries of political officers and the members of the Indian Civil and Police Services. Apparently, therefore, there is no department which can be allowed to be managed by the Assembly, and we are driven to the conclusion that either the Government must be made wholly responsible to the legislature at once or continue to be entirely autocratic.

ECONOMIC AND INDUSTRIAL DEVELOPMENT.

In reality, however, the situation is not so hopeless. The report admits that economic causes have had a large share in promoting political unrest, and that considerations of "military security, political expediency, and economic advantage " alike point to the urgency of furthering the industrial development of the country. The difficulties in India's way may be serious but they "will be overcome only if the State comes forward boldly as guide and helper. " The accomplishment of this object will necessitate a large expenditure of money and the protection of Indian goods against foreign manufactures. In view of what happened in other countries it appears that industrial expansion can be achieved only if the State is willing to incur heavy financial responsibilities and levies protective tariffs or adopts some other means of protecting indigenous articles from unfair foreign competition. Humanly speaking, the policy of developing Indian trade and manufactures will be followed more vigorously and the progress will be quicker if the determination of the lines on which industrial development should proceed rests with the representatives of the people. They will spend ungrudgingly on projects devised with a view to securing the rapid advance of India in the economic sphere and will not hesitate to protect home manufactures by taxing foreign commodities wherever necessary. It is essential, therefore, that the department which deals with industrial matters should be subject to the control of the Assembly, and that customs duties should be regulated in accordance with its sanction. If the fear be entertained that this power will be used in such a way as to make the Government of India subservient to the wishes of the Assembly, provision may be made in order to guard against this danger. For instance, a special procedure may be laid down for dealing with non-protective duties. As Indians do not object to the imposition of customs duties for revenue purposes but only desire to have the power of discriminating against foreign articles, such a solution may not be found unworthy of acceptance.

Again, while the salaries of officers in departments connected with the maintenance of law and order cannot be brought under the control of the Assembly, the same cannot be said of the salaries

of officers in other departments, for example, the scientific and technical departments, whose activities have a direct bearing on the economic welfare of the people and a substantial increase in whose personnel, says the report, is likely to be recommended by the Industrial Commission. The Public Services Commission was of the view that there were no grounds of policy which should limit recruitment for them from Indians. These departments can well be allowed therefore to be managed in accordance with the wishes of the elected representatives of the people. Besides, there is the department of posts and telegraphs. It. can hardly be regarded as a source of revenue. It is true that it was expected to bring in about a crore in 1917-18, but from 1907 to 1915 perhaps it never yielded even half this sum, and the profit from it may decline after the war. It may well be transferred, therefore, to the Assembly. Its transference will at least serve to establish the principle that the doctrine of partial autonomy is to be applied to imperial no less than to provincial matters.

#### THE SECOND CHAMBER.

The report proposes that the imperial legislature should consist of two houses, and that the upper house should contain a majority of nominated members. How is the power, then, of the lover house to be secured over any department, forevery legislative measure passed through it must be concurred in by the upper house before it can become law? Some have called the creation of a second chamber an antiquated and discredited device, and the demand has been generally put forward that the legislature should be uni-cameral. If the Council of State is abolished and nothing substituted in its place, it is plain that the Government would be reduced to a position of utter helplessness. To propose that the Assembly should have no power to reduce the level of pre-war expenditure on the army is only to make a show of obedience to the principle that there shall be some reserved subjects during the period of transition. As no one who is conversant with public affafrs expects that military expenditure after the war can revert to the pre-war level, the proposal really amounts to a demand for full self-government in matters pertaining to the whole of India. If, however, the place of the Council of State is taken by some other body which will secure to the Government the affirmative power of legislation, the difficulty mentioned above reappears in another form.

The sweeping condemnation of second chambers as antiquated and discredited is scarcely justified by history. There is scarcely any European State where representative government prevails in which the central Government consists of one chamber. In spite of its admitted disadvantages, no country whose example it would be worth our while to follow, has been found willing to dispense with a second chamber. Various devices have been invented, as for instance in France and Australia, to prevent deadlocks on account of the per-

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-sistent opposition of the upper to the lower house, but even in the most democratic countries it is admitted that the popular assembly may pass legislation in a hurry or under the influence of a passion, which may require amendment and revision or even rejection at the hands of a differently constituted body. It is true that the Council of State will not be able to perform satisfactorily the functions of a revising chamber as it will not have the power of delaying legislation, but in view of the limited authority which the Assembly will enjoy, it is not necessary to arm the Council with such a power from the outset. **Besides**, in -course of time, it may be expected to acquire the powers necessary to the discharge of its duties. In order to ensure that the will of the Assembly shall prevail in regard to matters transferred to it, all that is required is to lay down that they shall be dealt with in the same way as non-certificated bills. Differences between the Council and the Assembly should be settled by means of joint sessions of the two bodies, in which the elected members will decidedly preponderate.

#### THE IMPERIAL LEGISLATURE.

The constitution of the Council of State is unnecessarily illiberal. It should be so modified that half the Council should consist of elected members. If, for some reason or other, this proposal is not accepted it should at least be provided that the number of elected and official members should be the same. Thus if there are to be 21 elected members the officials also should number 21, and the remain-8 members should be nominated non-officials. The composition of the Legislative Assembly also should be modified. As the Council of State will enable the Government to pass into law every measure which it may consider necessary, the elected non-official majority in the Assembly should be enlarged, and four fifths of it should be allowed to be elected.

Every bill should be introduced first into the Assembly. The Governor-General in Council should not-have the power under any circumstances to introduce a bill in the first instance into the Council of State and to report it merely to the Assembly after it is passed. It is difficult to con ceive of any emergency in which the slight delay caused by allowing a measure to be discussed by the Assembly will jeopardise the safety or injure the interests of the State. Further, the budget of the transferred subjects should be voted by the Assembly, and financial resolutions passed both by the Assembly, and the Council should be binding on the Government.

#### STANDING COMMITTEES.

In the provincial legislatures the representatives of the people will be in a much stronger position than in the imperial legislature. Yet the report proposes that a standing committee consisting of members elected by the councils should be associated with every department or group of departments. But in connection with all-India

matters, in regard to which there is a real need for the establishment of such committees, the Governor-General in Council is to decide to which departments they are to be attached and "the head of the t department concerned to decide what matters shall, be referred to the standing committee." This is, highly unsatisfactory. Standing committees ought to be associated with every important depart-: ment with the possible exception of the Foreign. Department. In particular, there ought to be a committee which should be consulted in framing. the budget and another which should concern, itself purely with military finance. The Assembly will not be able to control military expenditure, but it should certainly be allowed to influence the military policy of the Government. Besides, the committees should be taken into confidence by the heads of the departments. If only unimportant items are to be placed before them and important papers are to be withheld from them Government may as well refrain from bringing them into existence.

The procedure of the Assembly and other matters which are, comparatively speaking. of a minor, character do not call for any remarks. They should follow the lines proposed in the previous article in connection with the provincial councils.

#### THE EXECUTIVE COUNCIL.

The proposal to appoint one more Indian tothe executive council deserves to be welcomed, but it is inadequate to meet the requirements of the situation. As the statutory limit to the size of the council is to be removed we do not know what its future strength will be, but we should insist on the recognition of the principle that half of it ought to contist of Indians. If the number of its members is reduced to four, the suggested increase in the Indian element will not be insufficient. But if its present strength is retained, it ought to contain three Indians. Counting the Viceroy and the Commander-in-chief, it will consist of eight members. Unless there are three Indians in it, their proportion will be too small to modify appreciably the character of a body, unwillingness to move is of the very essence of whose constitution. Again, the Government of India will be the arbiter between the provincial legislatures and Governments. It appeals preferred to it by the legislatures are to receive due consideration, it is essential that it should contain an adequate number of men whose temperament and training will not disincline them to look at things from the popular point of view. Further, the commissions. of inquiry that will be appointed periodically. to consider the claims of the legislatures to an enlargement of their powers, are bound to be considerably influenced by the views of the Government of India. It is true that it cannot put back the hand of the clock or make further advance impossible, but one may well assume that the pace of progress will be accelerated or retarded according as the Government is sympathetic or. hosile to popular aspirations. This furnishes one

more reason for urging strongly that it should be so constituted as to allow of the proper representation of opinions, which are the result of looking at life from a different angle of vision than that of the bureaucracy. Thus, howsoever we may regard the question, it is a matter of the greatest importance that half the executive council should be chosen from Indians. The future welfare of the country demands that Indians should be adequately represented in a body which will guide and direct the course of Indian administration and on whose constitution will depend the spirit in which the reforms are to be worked.

H. N. KUNZRU.

#### THE PRIVY COUNCIL IN JAPAN.

In order to understand the peculiar position which the Privy Council occupies in Japan and the part it plays in her constitution, a knowledge of the actual working of it is necessary. By an Imperial Ordinance of 1888, the Privy Council was constituted to discharge the functions of an advisory body to the sovereign. It was the desire on the part of the sovereign to have at his command full and authortative information on all important matters of State that rendered its establishment essential. Though the Cabinet ministers sit in the Council by virtue of their office, the Privy Council and the Cabinet are two distinct and independent bodies. Both are responsible to the Emperor and not to the Diet. The anxiety of the crown to provide offices for veteran statesmen who have no place in the administration has led to a considerable increase in the number of the Councillors.

The Privy Council was never intended 'to attain any position of executive importance.' Its functions were mainly consultative. It is merely to 'deliberate upon important matters of State when it is consulted by the Emperor.' Unless its decisions are accepted by the Emperor, they are not binding upon the executive. The matters on which its advice is generally sought are: (1) points relating to the Imperial House Law, (2) international treaties and pledges, (3) emergency ordinances and the declaration of a 'state of siege,' (4) all doubtful points arising out of the articles of the constitution and also in regard to 'laws and ordinances dependent on the constitution,' (5) amendment of the constitution of the Privy Council. In the case of succession to the throne or the appointment of a regent according to the Imperial House Law, the Privy Council, owing to the experience and wisdom of its members, largely influences the decisions of the Imperial Family Council. Sometimes the advice of the Privy Council is taken by the crown when a new ministry is to be formed.

In view of the fact that the number of councillors is large and that they are generally men of ability and talent, it is natural for the Emperor to accept their views as against those of the cabinet. Though such decisions the cabinet is required to execute, the Privy Council is not permitted to interfere with the executive in any wise. Usually the cabinet ministers and the councillors are men of the same mode of thinking. Whenever the cabinet fears the opposition of the council to its proposals, it arranges the meetings in such a manner as 'to incapaciate the latter and keep them in the background.' Nor is the danger of interference on the part of the Council so great as it would be if the councillors also were in direct touch with the permanent officials and the Houses of the Diet. The members of the Council are not even allowed to be members of a political party.

The immunity from challenge or review which the decisions of the Council enjoy, has been availed of by the cabinet to use its position to great advantage in evading responsibility in matters on which it has secured the concurrence of the Council. All proposals of the cabinet, if fully endorsed by the Council, generally receive the sanction of the Emperor. As long as the cabinet and the Privy Council are of one way of thinking, the smooth working of the Governmert is ensured. The difficulty may arise when the differences between the two become acute and that is likely to happen when the full parliamentary responsibility of ministers is attained. Even in that case, good relations between the two can subsist if, in the words of Ito, ' the Privy Council is competent tolend assistance to the wisdom of the Emperor to be impartial, with no leanings to this or that party, and to solve all difficult problems.

Intimately connected with the Privy Council is, the small body of men called 'the elder statemen' who are the suvivors of those by whose genius modern Japan was raised to her present position among the nations. They stand between the Crown and the Cabinet. "Their proved ability constitutes an invaluable asset, and in the solution of serious problems their voice may be said to be final." It is an informal council of statesmen from which all 'weighty decisions of policy and administrative acts' emanate. Though they fill a responsible place, their actions are free from cri

they are, as Petrie Watson puts it, 'responsible only to their conscience, their own wisdom, and their own patriotism.' 'Their position seems to be legalised or regularised by the fact of Privy Council membership,' and ' the Elder Statesmen direct policy and manage affairs as privy councillors under the presidency of the Emperor-who thus covers them with the mantle of his power-and with occasional consultation with the parliamentary cabinet, which thus sanctions. them with the authority of its forms." (Watson's Future of Japan, p. 69.) For a long time these Elder Statesmen governed independently and presied over successive cabinets, scarcely disturbed by the clamour of parties. But the accession of the leading statesmen, marked a new chapter not only in the history of the Privy Council but 'in the history of the quasi-constitutional polity of which

it is a part' During the period of constitutional struggle, 'the Elder Statesmen, formally as members of the Council, but in reality as the only statesmen possible at a critical juncture, have originated or deliberated every important administrative act and presided at every extension or modification of policy.'

Last week in my article on 'The Privy Council in England, 'reference was made to British colonies. By the British North America Act of 1867, a Privy Council was constituted to assist the Governor-General in the performance of certain of his executive duties. Section II of the Act lays down that " there shall be a Council to aid and advise in the government of Canada to be styled the Queen's Privy Council for Canada; and the persons who are to be members of that Council shall be from time to time chosen and summoned by the Governor-General and sworn in as Privy Councillors and members thereof may be from time to time removed by the Governor-General." Following British custom and constitutional practice, the existence of a committee within the Council, the members of which are men presiding over departments of State and whose responsibility and power has been slowly established, has come to be recognised. In its composition the Privy Council of Canada resembles the Privy Council in England in many respects. It includes not only ex-ministers but also a few men of distinction who fill no place in the Cabinet. Except under extraordinary circumstances all these are not summoned to the meetings of the Cabinet or the Council. Following the imperial practice, the members of the Cabinet, even after retirement, are permitted to retain an honorary position in the Privy Council. "By command of the Sovereign 'Members of the Privy Council, not of the Cabinet' have a special precedence within the Dominion and are permitted to be styled Honourable 'for life.' The Governor-General exercises the right of pardon in capital cases, with the advice of the Council.- In consultation with his Council, he exercises many important executive powers and functions such as the appointment of Lieutenant-Governors and their dismissal in certain circumstances. The appointment of officers for 'the effectual execution of the Constitution,' until the Parliament makes due provision is also vested in the Governor-General in Council. The Commonwealth of the Australian Constitution Act of 1900 and the South Africa Act of 1909 provide far a Federal Executive Council which, like the Privy Council in Canada, assist the Governor-General in the discharge of his executive functions. Its members are also appointed by the Governor-General and are summoned and removed at their discretion. In Jamaica alone of the Crown Colonies the name Privy Council survives, for the Executive Council of that colony is known by that name.

R. S. R.

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#### **RETROGRESSION EVERYWHERE!**

THE special session of the Bengal Provincial Cenference, it will be remembered, expressed its collective opinion that the reform scheme did not present any real step towards responsible government, and appointed a committee to draw up a report embodying its reasons in support of the above motion. This report has now been published, and an examinatiou of it will be very helpful to those who are desirous of coming to the right opinion on this momentous question. The extra-Radical view of the reform proposals is presented in this report, and it may be safely imagined that the scheme has been subjected in it to a searching criticism and every weak point in it relentlessly exposed. And if it can be shown that the reasoning on which the conclusion is based is faulty, every dispassionate critic of the scheme will feel impelled to discount a good deal from the adverse view in the resolution of the Conference which the report seeks to justify.

The Bengal committee, curiously enough, reconcile themselves to the position taken up by the Viceroy and the Secretary of State that in the Government of India no beginning of responsible government should be immediately made, but that the central legislature should be enabled to exercise increased influence. If this increased influence is really secured to popular representatives, then, the committee say, "so far as the Government of India is concerned, the scheme must be voted as satisfactory, as a whole. But if, on the other hand, the recommendations in their cumulative effect are found retrograde and reactionary, then the scheme must be declared as disappointing and unsatisfactory." The Bengal Provincial Conference had alrendy declared that the changes recommended in the Mantagu-Chelmsford proposals were disappointing and unsatisfactory, and, in order to make good this statement, the committee set out to prove that the proposed changes are in sober fact " retrograde and reactionary." They then describe the provisions in the scheme as regards the reconstruction of the legislature of the central Government. They recognise that the percentage of elelcted non-official representatives in the legislative assembly will be ,66 as against 36 in the present council, and that in a joint session of the legislative assembly and the council of state, to which recourse will be had in case of a conflict between the two chambers, the elective element will be preponderate, and the non-official majority will be decisive. The committee thus admit that, so far as non-certificated legislation is concerned, the popular will will prevail in the Government of India to a far greater extent than now. They go on to maintain that there are enough safeguards in the joint session and that there was no need to resort to the method of certification in order to get behind the legislative authority of the joint session-a contention with which we are not disposed to quarrel.

But one cannot help joining issue with the committee when they say that we suffer a set-back even as regards certified legislation. For the fate of all such bills is determined by the council of state, whose composition is not worse but better than that of the present legislative council, from the popular point of view. We may legitimately contend that the improvement in the deciding authority in the imperial legislature is not adequate, that the council of state should be liberalised, and that in the popular house the elective element should be in a decisive majority, but to argue that the council of state "will register even more faithfully than the present imperial legislative council the orders of the executive" is to betray either a gross ignorance of the provisions in the scheme or a desire to deliberately misrepresent them. The committee say that the power of cer-

betray either a gross ignorance of the provisions in the scheme or a desire to deliberately misrepresent them. The committee say that the power of certification "gives the Governor-General a carte blanche to take away any bill out of the hands of the legislative assembly at any stage and pass it into law in any shape he pleases, over the heads of the legislature." If a bill is removed from the province of the popular house it has got to be submitted to the council of state; the Governor-General cannot pass it into law by an executive decree "over the heads of the legislature." So the strengthening of autocracy which some people see in these proposals does not as a matter of fact happen, and the provisions in the scheme relating to the Government of India cannot justly be said to be "retrograde and reactionary." Let us by all means press our demand for an introduction of responsible government in the central Government, but no purpose is served by representing the changes proposed in this sphere as not only inadequate but retrogressive.

The Bengal committee fall into the same error when they deal with the reconstructed provincial legislature. The changes in regard to this also they call "reactionary," and the reasons why they characterise them in that manner are thus explained:

"Under the existing constitution (which in some provincials councils provides a non-official majority) all bills must pass through all stages in a legistative council and the members have full freedom to alter or amend it as they think proper. The bill so amended can only be vetoed by the Governor-General. The proposed changes will, while providing a substantial majority for all provincial councils, practically deprive them of the supreme right of legislation with regard to the provinces through the institution of grand committees and the certificating power of the Governor."

If the councils are thus deprived of the "supreme right of legislation," it is not to be supposed that the executive can pass any legislation on their own authority. All measures to which the process of certification is applied have to be referred to grand committees, and so long as the composition of these is not less favourable than that of the present legislative council, it is clear that there is no retrogression. And no one can justly contend that the popular element will be less strong

in the grand committee than in the present legislative councils. Nor is it a fact that every bill dealing with a reserved subject is to be transmitted to a grand committee or that a bill which is defeated in the legislative council is then transferred to a grand committee, as seems to be imagined by the committee of the Bengal Conference. For they say that a grand committee is to be "formed on every occasion that may arise through the rejection of a Government measure by the provincial legislature," which is by no means a fact. The reasoning, therefore, by which the committee comes to the conclusion that the changes in the provincial legislature are reactionary is faulty at every step.

One would have expected that the provisions in the scheme relating to the provincial executiveat any rate would have met with the approval of the Bengal committee, but here too they see nothing but retrogression. "The provision of ministers," they say, " in the present scheme will not weaken but rather help to strengthen the influence of of the bureaucracy, " because " the idea of control over " them by a right to pass resolutions on the allocation of funds on transferred subjects " is illusory." Ministers, the Bengal committee imagine, cannot be made accountable to the legislature by the power to withhold supplies, and therefore the creation of ministers in charge of the departments made over to popular control will only strengthen autocracy | Again, because the complete control of the legislature is limited to a part of the provincial finance, and their control over the other part is subject to a qualification, the Bengal committee express the opinion that this makes only "for greater autocracy of the provincial executive." The members of this committee believe that the estimates in regard to reserved subjects " will not be liable to amendment or alteration by the legislature." The fact is that they are liable, only subject to a reservation. that the Governor by certificate can restore the items struck out. In any case, it does not look like progress backwards" to have full control over a portion of finance and partial control over the rest, when in the present circumstances the legislature exercises no manner of control over any part-This is the Bengal committee's justification of the resolution that the scheme "presents no real step towards responsible government."

A CRITIC.

#### SELECTIONS.

#### THE LIBERAL CONFERENCE.

At a meeting of representative gentlemen held on Wednesday last under the chairmanship of Sir Dinshah Wacha, resolutions were passed adopting measures preliminary to the holding in Bombay of a special Congress of Indian constitutional Liberals to give expression to their considered approval of the Montagu-Chelmsford scheme of reform and to suggest certain improvements therein with a view to make it more efficacions for the object it has in view. A glance at the list of

#### AUGUST 29, 1918.]

shose present and of those who have promised their adhesion to the movement, shows that it has evoked the sympathy of a very much wider circle than that which ordinarily interests itself in politics. The leaders of the Brahmo Samaj and the social reform movement in Bombay have enrolled themselves among the supporters of the new movement. The Brahmo leaders of bengal have done the same. We quoted in the last issue the comment of the leadership of Mrs. Besant and Mr. Tilak. The great leaders of the movement of industrial regeneration in this country have likewise thrown in their lot with the constitutional movement inaugurated last week. The Servants of India Society has decided in a similar sense. The Indian Christian community in Bombay, we understand from an authoritative source, regards the movement with ardent sympathy, and we trust that it will join it in large numbers. As Sir Dinshah pointed out at the meeting on Wednesday all the important communities are represented, on the Reception Committee. Prominent leaders in the Indian States are in entire accord with the basic principle of the new movement, as strikingly evidenced by the thoughtful and able article on the reform scheme which we are privileged to publish to day from the pen of Mr. H. V. Nunjundayya, lately Senior Member of the Mysore Council of State, and Vice-Chancellor of the Mysore University. Had the movement been inangurated a few days earlier, there would in all probability have been only one Conference. It takes time for people in the districts to appreciate the real situation, and we have no doubt that by the time the Liberal Conference meets under the presidentsbip of the veteran leader, the Hon. Babu Surendcanath Banerjea, the large majority of the people will have enthusiastically rallied to the side of moderation, sound sense and temperate speech and writing.

There are two important questions on which large sections of the community are eggriy avaiting the decision of the Liberal leaders. The first of them is that relating to communal representation. The cogency of the arguments urged against such electorates by the distinguished authors of the joint report, cannot be denied. If we can avoid having communal electorates, nothing can be better. But we cannot. Mt. Montagu and Lord Chelmsford themselves recognise that to withdraw communal electorates from the Mahomedan community is out of the question. "The Mahomedans," they say, "regard these as settled facts, and any attempt to go back on them would rouse a storm of bitter protest and put a severe strain on the loyalty of a community which has behaved with conspicuous loyalty during a period of great difficulty, and which we know to be feeling no small anxiety for its own welfare under a system of popular governient." Not only the Mahomedans but also the Hindus would view with regret any thought of revoking a concession that the former have beeen enjoying, and have, on the whole, exercised with considerable judgment and good feeling. If the joint authors stopped short at this, it would have been possible to regard the exception in the case of the Mahomedan community as merely maintaining undisturbed an existing order of things. But they propose to confer communal electorates on another section of the community which has hitherto enjoyed the privilege. "The Sikhs in the Punjah," the report observes, "are a distinct and important people; they supply a gallant and valuable element to the Indian Army; but they are everywhere in a minority, and experience has shown that they go virtually unrepresented." To the Sikhs, therefore, and to them alone, it is proposed, to extend the system already adopted in the force of their arguments against communal electorates. If Mahomedans and Sikhs cannot feel secure of their interests without communal electorates, the other minorities can hardly be expected to do so. And thou

The second point which we should much like the Liberal leaders to consider carefully is that regarding a second chamber of the legislature. We cannot help feeling that this very movement which has now been launched is a signal proof of the need of a second chamber of the legislature. The All-India Liberal Conference will in effect be an unofficial second

chamber revising and recasting the decisions of the Radical Special Congress to be held next week. We say that the decision to hold the Conference is in itself a recognition of the fact that a popular chamber will not exhanst all the resources of knowledge, experience and judgment which the people of India possess and can bring to bear upon political and national questions. The section of Indian leaders which has the largest fund of experience and practical wisdom, and really enjoys in the largest measure the confidence of the public, is accustomed to be treated with a certain measure of respect and consideration, and it will not take part in any proceedings where it is not assured of them. We do not wish to make any reflection on the leading spirits of the Radical party, but we are sure that they themselves will be ready to admit that they prefer to call anything which can be possibly brought under that uenomination a spade and that, as regards motives, their rule is to give credit to an opponent for no higher motive than the lowest that they can think of. With increased experiences the younger men among them will no doubt learn the utter futility of violent language in public affairs. But we shall always have to reckon with the existence of a party of political puglists who by sheer audacity will carry for the time being a considerable section of the ignorant masses with them. It seems to us that under these circumstances a second chamber is a necessity, most of all during the transition period from bureaucracy to responsible government. There is a certain amount of weighty opinion in favour of the arrangement. One of the latest advocates of it is the eminent Indian publicist, Rao Bahadur R. N. Mudholkar, who in his able and careful Note on the Chelmsford-Montagu scheme, observes : "I have always held that if Parliamentary institutions are to be established and a beginning towards that is to be made, then we must proceed to." The case of the larger provinces is in no wise different in this respect

#### APPRECIATION OF MR. DEVADHAR'S WORK.

MR. G. K. DEVADHAR, the Editor of the Dnyan Prakash and senior member of the Servants of India Society, will shortly leave India on a visit to England and the scenes of the war in the West. as one of the invited representatives of the Indian Press. We published last week a report of the farewell meeting held in his honour by the Seva Sadan of Poons of which he has been the life and soul, under its distinguished President, Mrs. Ramabai Ranade. The amount and quality of the work which the Poona Seva Sadan, under Mr. Devadhar's segacious and strenuous guidance, has been able within a few short years to achieve, are simply marvellous. The ladies trained as nurses and teachers in the institutions of the Poona Seva Sadan are doing excellent work. Two names will stand out most conspicuously in the annals of the movement to raise the condition of women in Maharashtra, those of Prof. Karve and Mr. Devadhar. Mr. Devadhar's services to the cooperative movement have been equally meritorious. In common with most social workers, Mr. Devadhar profoundly distrusts our political Radicals and has incurred on that account the dislike of those who regard Home Rule as the panacea for all existing evils. We need hardly say that those who know him and his work—a very large circle—hold him in the highest esteem, and, on their behalf as much as on our own, we wish him a safe, prosperous and happy voyage.—*The Indian Social Reformer*.



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