

All India Moslem League
(Special Sessions Bombay 1918)

GENTLEMEN,

The present extraordinary session of the All-India-Moslem League is invested with an importance the full significance of which will unfold itself when India will have entered on the era, which is being ushered in through the efforts of her great patriots—all honour to them and to the memory of those who alas! are no longer amongst us.

They laboured incessantly and with a single-mindedness of purpose and loftiness of aim which should be a priceless heritage to us. They worked for a goal which their eye of faith and of hope discerned even when it was obscured and enshrouded by race antagonism, national egotism, and class interests and hatreds.

We are on the threshold of that era; we are not in it, nor indeed near it; for we have been unceremoniously told that though the world has shrunk and progression is at a giddy pace, we must continue to derive what comfort we can from the encouraging observation "Hanoz Dilli aur ast." Will it continue to be out of reach so indefinitely as to make the wayfarer hopeless?

I, for one, gentlemen, am not of that mind. I have not lost faith. I think that once we start on the right road, we will reach the goal sooner than our opponents wish. I said that through the efforts of her great patriots India was to enter a new era. That era was opening out to her, we must remember, through the co-operation of British Statesmen whose foresight and wisdom combined with their enthusiasm for a just cause are as creditable to them as they are essential for the stability and the permanence of the great, the marvellous, almost superhuman organisation, known as the British Empire.

At this juncture in the affairs of our country and of the Empire, the steps we take, the decisions we arrive at, are bound to set in motion reactions which will reverberate for a considerable period in the vaults of time; and believe me I do not use the language of hyperbole when I say that they will affect the destinies of generations yet unborn.

That at this momentous gathering, I should be entrusted with the task of guiding its deliberations is one of the ironies of the situation. I have no qualification—none whatever save that of ambition to serve,—for the position, which, in an indulgent mood you have, in my capacity of permanent President of your organisation, called upon me to fill. Not that I am insensible of the great, almost unique, honour which your selection bestows on me. I am overwhelmed with it. Yet the ripeness of experience is not in me, nor the mellowness of age spent in service, nor scholarship. Your mandate alone brings me here.

What has called us here together is, as you know, the Report on Indian Constitutional Reforms which His Excellency Lord Chelmsford and the Right Honourable E. S. Montagu have presented to His Majesty's Government and on which criticism is invited, and as the recognised conduit of progressive Mohammedan opinion it is the duty of the All India-Moslem League to give expression to its considered judgment on it.

Now, gentlemen, at the very outset let me say that the Report and the memorable announcement of British policy of the 20th August, 1917, with regard to India, as a corollary of which the Report is published, have not come a minute too soon.

The world-forces which are changing the mental and moral outlook of the human race, have not left India untouched or unaffected. It is not a mere idle fancy to say that unfathomed depths of Indian thought and feeling have been stirred; what is seen is not merely ripples on the surface. That more than a million sons of this ancient land have gone voluntarily to the shambles of Flanders, France, and the other theatres of war, to fight the battles of England, is due to the realization by India that the British Empire has not entered this grim struggle lightly or with an ambition to seize territory and subjugate people but to vindicate right and justice and freedom. She saw that England drew her sword to defend the right of small nations to determine their own fate, and to live their lives unmolested by stronger and unscrupulous neighbours. [I do not say that every man who has enlisted in India since the war broke out has done so after a severe process of reasoning respecting the rights and wrongs of the war. No, manifestly not. But the national mind of India has instinctively felt the justice of England's cause.] The Indian's homage to moral grandeur, wherever and whenever he finds it, is immeasurable. Service, complete and unstinted, to spiritual ideals is his creed from time immemorial, and he has lived up to it. Self-mortification, nay, self-immolation, is his willing offering at that altar.

And it was thus that there was a stir in the placid life of this country, hoary with age: stir, not to take advantage of the troubles in which England found herself but to run to her side; and render whatever help India was capable of.

An uninterrupted stream of men—increasing as the years of war have rolled on—of all classes, from the prince to the peasant, has found its way to where the principles for which England had taken up arms are being fought out, not to watch the struggle in a spirit of unconcerned detachment, but to take part in it, and if need be, give up their lives for those principles.

But at the same time the question was as irresistible as it was natural, as to whether the principles in defence of which and on account of the violation of which the Empire was draining its life-blood, were or were not being applied nearer home; and whether it was a fact that in certain portions of the Empire, the right of the people themselves to manage the affairs of their country was not yet conceded.

It was not the War which brought this reflection to them. For years past that section of the people of India which the Report calls the "intelligentsia" has been crying itself hoarse over the denial of what it considers the primary and inalienable right of every people, most of all of people who belong to that commonwealth of nations called the British Empire,—*viz.*, to have a predominant voice and share in the Government of their own country.

The utmost that can be said is that the war and the justification of our participation in it gave point to India's National demand; "it came with the accumulated force of years' discontent".

What would have been the result of further delay in grappling with the grave problem of Indian discontent, it is not pleasant to think of, but the conditions of 1906 and 1907 which no lover of India wishes to see revived, threatened to make their appearance again, only in a form which because it was constitutional was not less formidable than the other.

What I mean is that the party of constitutional progress, the party that put its faith in ordered and peaceful advance was getting impatient and des-

pondent. Hope deferred makes the heart sick and it was hardly a matter for surprise that the best minds of the country who never lost hope, even when the prospect was most dismal, were at last succumbing to despair.

The report makes a note of what Lord Minto soon after taking charge of his exalted office in 1906 wrote :—

“We, the Government of India, cannot shut our eyes to present conditions. The political atmosphere is full of change; questions are before us which we cannot afford to ignore, and which we must attempt to answer; and to me it would appear all important that the initiative should emanate from us, that the Government of India should not be put in the position of appearing to have its hands forced by agitation in this country or by pressure from home—that we should be the first to recognise surrounding conditions and to place before His Majesty’s Government the opinions which personal experience and a close touch with the every day life of India entitle us to hold.”

In spite of the palliatives applied by the Minto-Morley Reforms the conditions did not improve much.

Partial satisfaction there was, but it soon became evident that the remedies were not potent enough to eradicate the maladies in the body politic. We come now to the next stage of the development of the Indian situation. I have already referred to the declaration of policy made by his Majesty’s Government in regard to India’s constitutional goal. Following upon that, as you are aware, the unprecedented visit to India of the Secretary of State took place, in order to enable him personally to study and investigate the problem, and consult all shades of opinion in reference to it. The results of that investigation are embodied in the Report, to pronounce upon which you have assembled on this occasion.

The Report, gentlemen, is a monument of industry and political acumen. We may not agree with all its conclusions, but we cannot fail to be impressed by it.

The sinister shadow of Mr. Curtis however sits athwart the Report. What Mr. Srinivas Sastri very aptly calls the pedagogic tenets of Mr. Curtis seem to have exercised an influence on the distinguished authors of the Report out of all proportion to their merits.

But for the gratuitous entry of this gentleman into the politics of India, what chance of acceptance the National Scheme evolved by the joint labours of the Indian National Congress and the All-India Moslem League would have had, is an interesting, though now, an unfruitful speculation.

It has never been claimed for the Scheme that it was complete in the formulating of the details of its proposals, or that it was a model of draftsmanship. But anyone reading it with care could not fail to discover that it rested upon and embodied certain vital principles. These principles, so far from being anything new or at variance with the moral instincts of the British Nation or with the trend and teaching of British history, were but a reaffirmation by the people of India of what British Sovereigns in succession, and the British nation through its most illustrious statesmen, had repeatedly declared to be their aim with regard to the great Dependency,—as it had hitherto been called—of India.

It may not be out of place to recall some of these declarations. Lord Macaulay in 1833 while introducing the Charter Act, for instance, spoke as follows :

“The destinies of our Indian Empire”, he said, “are covered with thick darkness. It is difficult to form any conjecture as to the fate reserved for a State which resembles no other in history, and which forms by itself a separate class of political phenomena. The laws which regulate its growth and its decay are still unknown to us. It may be that the public mind of India may expand under our system till it has outgrown that system ; that by good government we may educate our subjects into a capacity for better government ; that having become instructed in European knowledge, they may, in some future age demand European institutions. Whether such a day will ever come I know not. But never will I attempt to avert or to retard it. Whenever it comes, it will be the proudest day in English history.”

“I trust,” said another statesman, Lord Palmerston, on another occasion, “that Parliament will feel that great power is not given to nations without corresponding duties to be performed. We have, by an almost miraculous train of events, been entrusted with the care of the destinies of 150 or 160 millions of men—with the Government, directly or indirectly, of a vast Empire larger in extent than the whole face of Europe, putting the Russian Empire out of the question. That is a task which involved great responsibility. Do not imagine that it is the intention of Providence that England should possess that vast Empire, and that we should have in our hand the destinies of that vast multitude of men, simply that we may send out to India the sons of gentlemen or of the middling classes to make a decent fortune to live on. That power has been entrusted to us for other and better purposes ; and, without pointing to anything particular, I think it is the duty of this nation to use it in such a manner as to promote, as far as they can, the instruction, the enlightenment, and the civilisation of those great populations which are now subject to our rule.”

What British Sovereigns have said has been no less noble. The Proclamation of 1858 issued to the Princes and People of India by the noblest of sovereigns, Queen Victoria of blessed memory, declared :

“We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects, and these obligations by the blessing of Almighty God we shall faithfully and conscientiously fulfil.”

The Gracious Queen further declared as her Royal will that :—

“So far as may be, our subjects, of whatever race and creed, be freely and impartially admitted to office in our service, the duties of which they may be qualified by their education, ability and credit duly to discharge. In their prosperity will be our strength ; in their contentment our security ; and in their gratitude our best reward.”

The Proclamation issued by King Edward VII breathes the same spirit:—

“Steps are being taken,” said the great peace-maker who had personal knowledge of India, and loved her and her people, “towards obliterating distinctions of race as the test for access to posts of public authority and power. In this path I confidently expect the progress henceforward to be steadfast and sure, as education spreads, experience ripens and the lessons of responsibility are well learned by the keen intelligence and apt capabilities of India.

"From the first the principle of representative institutions began to be gradually introduced, and the time has come when, in the judgment of my Viceroy and Governor-General and other of my counsellors, that principle may be prudently extended. Important classes among you, representing ideas that have been fostered and encouraged by British Rule, claim equality of citizenship, and a greater share in legislation and government. The politic satisfaction of such a claim will strengthen, not impair, existing authority and power."

The grandson of the noble Queen, our present gracious Emperor, the first British Sovereign to utter on India's soil to Indian people a message of sympathy and of hope, put a seal by his visit and by his assurances, face to face with his Indian subjects to the Royal pledges given by his august predecessors.

In his Proclamation he said :—

"Queen Victoria of revered memory, addressed her Indian subjects and the heads of Feudatory States when she assumed the direct government in 1858, and her august son my father of honoured and beloved name, commemorated the same most notable event in his address to you some fifty years later. These are the Charters of the noble and benignant spirit of Imperial rule, and by that spirit in all my time to come I will faithfully abide."

The history of India's connection with England being replete with such declarations, proclamations and assurances, it was natural,—it would have been the negation of British history and character if it were otherwise,—that in the British House of Commons, the greatest of free and democratic institutions, the announcement of August 20th was made.

Buoyed up by such assurances as we have cited and having an unextinguishable faith in the cause,—a cause which they believed would further cement the connection of India with England, broad-basing it on a people's willing allegiance,—the representatives of the Indian people, through their national assemblies, evolved a scheme, which, taking into consideration the existing circumstances in India, they thought would be the most suitable beginning of a regime in which the principles enunciated over and over again in Parliament and outside with regard to the governance of this country would have a chance of gradual but progressive application.

Gentlemen, what is the essence of the Scheme? I have already referred to the fundamental principles on which it is based. What are they? They are that the representatives of the people of India should have the "power of regulating the policy, disposing of the finances and controlling the Executive," in their own country. The Scheme was made and promulgated before the famous announcement of August 20th of last year was made in Parliament.

In criticising the scheme the report exultingly says :

"We find then in these proposals no connecting rod between the Executive and the Legislative wheels of the machine which will ensure that they will work in unison..... We can see no prospect whatever ahead along the road which we are invited by the Congress-League to take but embittered and dangerous deadlock; to be resolved when it arose, only by a plunge forward into parliamentary government at once, or by reversion to autocratic methods."

That may be true, but the deadlocks were foreseen and provided against by the insertion of the veto on one side, and the provision that :—

“When the Crown chooses to exercise its power of veto in regard to a bill passed by a Provincial Legislative Council or by the Imperial Legislative Council, it should be exercised within twelve months from the date on which it is passed, and the bill shall cease to have effect as from the date on which the fact of such veto is made known to the Legislative Council concerned”; and also the provision, “If a resolution, vetoed by the Governor-General in Council is again passed after an interval of not less than one year, it must be given effect to.” Much ingenuity and argumentative power have been pressed into service to show the unworkability of this part of the scheme. But the fact of the matter is that, like so many proposals in the Report, the process suggested in the Congress League-Scheme to impose the will of the popular Legislature on an irremovable executive was intended to be a transitional phase of the constitution. Moreover, I may be permitted to observe that deadlocks are a recognised device for constitutional advance: when they occur they are almost invariably followed by a step forward rather than backward. “Every political constitution,” as Lord John Russel says, “in which different bodies share the supreme power is only enabled to exist by the forbearance of those among whom this power is distributed.” And we had counted on that forbearance in framing our scheme.

And after all, the Executive was not removable, the Legislature was; it could be dissolved; so the impasse, of which such a gloomy picture is portrayed, was not reasonably likely to have occurred.

Gentlemen, the Government of India has been described as a benevolent despotism. The framers of the scheme did not set themselves to abolish the despotism. They only attempted to increase the benevolence and diminish the despotism. The novelty of this proposal has been remarked upon by the distinguished authors of the Report, but as an eminent critic has pointed out, the Report itself teems with so many novel suggestions, that novelty alone cannot be any argument for or against any particular suggestion.

No two constitutions in the world are identical in every detail; they cannot be by the very nature of things. A constitution cannot be transplanted wholesale. The antecedents of the history of a country may be similar to those of another possessing historical, racial and cultural affinities; but they can never absolutely be the same. The great constitution makers of America, for example, adopted a good deal from the British constitution; and though in race they were the same, and in culture and ideals of government and life they took their inspiration from the same vitalising source, *viz.*, British History, they had to deviate from many important features of their prototype. The responsibility of the Executive in the American system of government, it may be noted, is neither so complete nor so well-defined, nor the consequences to the Executive of its recalcitrance towards those to whom it is responsible so swift and sure, as in the English constitution. And yet it has been found to be satisfactory for all practical purposes.

The device of electing members—Indian members only—to the Executive Council was suggested to bring into the Executive an element of responsibility though in a disguised form. Such elected members would be removable, on the expiry of the life of the council which sent them up; and thus in a manner they would also be responsible to the people. The fears expressed in the Report as to the improbability of the machine “working in unison, in presence of powerful factors operating the other way in the

differences of race and of political bias," are not convincing, since in these arrangements of divided responsibilities frictions are bound to make their appearance, but "the forbearance of those among whom power is distributed," in Lord John Russell's phrase, should have provided the solvent;

Why should we be so full of gloomy forebodings? Why should we not hope that, in the consciousness of so solemn a charge, the two elements would exhibit those qualities of forbearance which in other climes and other countries people who are working imperfect constitutions with a desire to improve them have shown.

The financial powers,—circumscribed and limited as they are—given to the representatives of the people in the councils are essential features of the Scheme. Any tampering with them must be a mockery of the Scheme as a whole. The power of the purse should be with the representatives of the people. Although I recognise that, as a convention, the initiative in proposals of expenditure should come from members of the Executive Government, the final word must be with the people's representatives.

Gentlemen, you know the scheme, because you prepared it or at least gave your considered assent to it; and it went forth as the united demand of India.

In the historic session of your organisation at Calcutta, in the closing week of 1917, you emphatically reaffirmed your adhesion to it, and you declared that it was the irreducible minimum of your demand. You made that demand by reason of India's advancement in education, economic and industrial progress, political capacity and above all her inalienable right to full and unfettered development, and as an over-delayed act of political justice and equity. If it had been urged that the scheme encroached too much on dangerous ground, which if occupied by the people's representatives, would imperil the safety of India as against foreign aggression, it would have been at least intelligible; but to have rejected it simply because some of its provisions seemed to the distinguished critics not ideally workable does not indicate that any sufficient attempt was made to bring it into relation with the announcement of August 20th. To have accepted it as the basis of the new constitution for the Government of India, and then to have it improved, chiselled, polished, to have its angularities rounded off, would have been more in consonance with the avowed desire to bring it (I again quote the phrase from the Report) into relation with the announcement.

We must constantly bear in mind the essential as distinct from the non-essential comprised in the scheme. For instance, if Official Members of the Provincial Executive Councils cannot be recruited from the ranks of public men in England; if the number suggested for the Executive Councils, *i.e.*, 6, is unacceptable to the distinguished critics; if they do not subscribe to the number the scheme fixed for the members of the Legislative Councils of the various provinces, the scheme is not wrecked.

But to disqualify the whole scheme in the manner in which I am constrained to say Lord Chelmsford and Mr. Montagu have done, is calculated to create, if it has not already created, the impression that these statesmen embarked on their work of investigation with a not altogether unbiased mind against the scheme.

Gentlemen, the doctrines of self-determination and self-realization are, at present, exercising the world, and as Lord Morley has said "the world is moving under formidable omens to a new era." "The speeches of English

and Americal statesmen," the Report itself points out, "proclaiming the necessity for destroying German militarism and for conceding the right of self-determination to the nations have had much effect upon political opinion in India, and have contributed to give new force and vitality to the demand for self-government which was making itself more widely heard among the progressive sections of the people."

Gentlemen, do you not think it would have been a wiser policy, and more in keeping with the proclamations and professions of British statesmen, to which the passage just quoted refers, if at such a time as this more deference had been accorded to India's attempt at self-determination, the more so as the attempt took the form of an attempt at constitutional, ordered and evolutionary development.

Gentlemen, instead of the scheme of reforms which the All-India Moslem League in corroboration with the sister organisation, the Indian National Congress, presented to the country and the Government for their acceptance, the report issued over the signatures of His Excellency Lord Chelmsford and the Right Honourable E. S. Montagu, after making an exhaustive survey of the political situation, and taking note of the different complicated problems which the conditions in India give rise to, makes counter proposals with regard to the constitutional reforms which they think ought, in pursuance of the policy enunciated in the announcement of August 20th, to be introduced in the Government of this country forthwith.

The announcement having been made, the vision was now clear, and the goal definitely fixed which His Majesty's Government definitely, and we trust irrevocably,—pledged itself to help India to reach. The announcement naturally raised high hopes in the minds of those Indians who already regarded the principles enunciated in it, as the articles of their political creed, and when simultaneously with the announcement, it was further announced that accepting the invitation of His Excellency the Viceroy, the Secretary of State would proceed to investigate the subject, on the spot, in order to formulate proposals to give effect to what the announcement intended, the Indian patriots began to feel that the era for the inauguration of which they had been striving was drawing perceptibly nearer.

The publication of the Report as a result of this visit and of the enquiry which was the object of the visit has plunged the whole country in a state of intense excitement. It has stimulated thought and provoked keen controversy. The question is being hotly debated as to whether it should be accepted by the country or not: whether or not the proposals it contains satisfy the aspirations and the expectations raised by the announcement itself; whether, in one word, they constitute a substantial step towards the realization of responsible government?

That they have caused disappointment in our minds, cannot and need not be denied. They have fallen short of natural and legitimate expectations. What now is the remedy?

The Sydenhams, the Welbys, the Dr. Nair's and others of their kidney, the self-appointed friends, guides and philosophers of India—would probably rejoice to see the country reject the proposed reforms, not because they consider them, like us, inadequate and insubstantial, but because the perpetuation of the bureaucracy is apparently their chief anxiety. What would be the result of such a course? The Government of this country would remain what it is—bureaucratic and despotic. From top to bottom there will be no element of responsibility in it—responsibility that is to the will of the people.

to the wishes of the governed. In the public services of the country, the sons of the soil would continue to have a meagre share. Honourable careers, and chances of achieving distinction in administration and of rendering service to the Motherland, would continue to be shut out to them. The industries of the country, its trade and its commerce, would continue to remain in the backward condition in which they are. Education would progress as it is progressing now—the progress of the snail. Should we, then, stand aside in disdain, and disgust, recking not what happened to our country, simply because the reforms that we wanted are not granted fully to the extent that we desired. |

Now, gentlemen, I submit that |it would be a suicidal mistake on our part to adopt that attitude. It would not advance the cause we have so much at heart. It will set back the hands of the clock. The labour, the energy of so many years' strenuous uphill work will have been in vain. Remember against what difficulties, and obstacles, you have had to contend. Faint-hearts deserted you ; there came moments when doubts began to assail your minds as to whether you had the strength in you to go on ; but you struggled on, till you have reached the top of the hill ; and the green valley of self-government inviting in all its wealth of verdure, and foliage, and flowers, and bird-song—lies before you down below. Shall you turn back because the sentinels at the top do not allow you to proceed towards it at the pace your enraptured heart impels you to ? No, I beseech you do not do that. Persist and persevere. Be strong.

Gentlemen, the proposals are before you and discussion and consideration of them are invited. Even the distinguished authors say that they are open to revision. The proposals are built upon the foundation of three formulas, which have been stated thus :—

1. "There should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control."
2. "The provinces are the domain in which the earlier steps towards the progressive realization of responsible Government should be taken. Some measure of responsibility should be given at once, and our aim is to give complete responsibility as soon as conditions permit. This involves at once giving the provinces the largest measure of independence, legislative, administrative and financial, of the Government of India, which is compatible with the due discharge by the latter of its own responsibilities."
3. "The Government of India must remain wholly responsible to Parliament and saving such responsibility, its authority in essential matters must remain indisputable, pending experience of the effect of the changes now to be introduced in the provinces. In the meantime the Indian Legislative Council should be enlarged and made more representative and its opportunities of influencing government increased."

These formulas and the qualifying phrases and sentences implying distrust of the capacity of the people, with which the announcement of August 20th is hedged, tend to mar the undoubted *bona fides* of the actual proposals.

The formulas which I have just quoted and specially the manner in which they have been evolved and given shape in the concrete proposals put forward, make the Government of India practically unamenable to the influence of the representatives of the people. In fact, the cumulative effect of the proposals seems to me, if anything to take the Government farther away than now from the orbit of such influence.

The institution of the Council of State and the consequent relegation of the Legislative Assembly to a position of secondary importance, the humiliating provision that bills rejected by the Legislative assembly may be referred *de novo* to the Council of State and passed there; and worse still, the reservation of the power of introducing a bill in the first instance in, and of passing it through, the Council of State alone, merely reporting it to the assembly, all point in one direction, viz., to make the voice of the people impotent in the Government of India. I have no quarrel with the dictum of the Report: "In all matters which it (the Government of India) 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." So it must; but there is no reason why, with the retention of that indispensable power on a secure basis, opportunities to the people of the country for influencing the Government in other matters of vital importance should not be more extended and definite.

No definition has been given as to what will be the boundary line of responsibility for peace, order and good government; and when the definition is left undetermined, as it has been in the Reforms Report, it is conceivable that the domain of things and of actions considered necessary by Government for peace, order and good government, may become co-extensive with the personal predilections and even idiosyncracies of the Executive. It is necessary in my opinion that the boundaries should be well defined as to what matters ordinarily relate to peace, order and good government.

Responsibility to the electorate, an element of which is introduced in the Provincial Government, is entirely absent in the constitution of the central and supreme Government. It is only accountable to Parliament and the Secretary of State. That, I submit, is not the right way to prepare us for full and complete responsible government at a later stage.

In the Government of India also, though in a more circumscribed area than in the Provincial Government, the principle of responsibility should have full sway.

This brings me, gentlemen, to the novel method in which responsibility is sought to be introduced by the distinguished authors of the Report.

In the Provincial Government, where alone the system is to come into vogue, a system of dual government is set up. Departments of Government will be divided into those dealing with reserved and those dealing with transferred subjects. Transferred subjects will be administered by ministers selected from among the members of the Legislative Council and they will be responsible to it. They will be removable by the council inasmuch as their lease of official life will be co-terminous with that of the council itself, of which they will be a member. They will be dependent for administration of their department on the votes of supplies which they may get from the council or from fresh taxation which they may persuade the council to impose for specific benefit of those transferred subjects. The reserved subjects will, on the other hand, be in the happy position of having their financial requirements attended to first to the extent that the Executive Government may demand; and the Legislature is debarred from having any determining voice in the matter.

In so far as this makes a portion of the administration amenable to popular control, the proposal is to be welcomed. But the bifurcation of Government will not lead to that harmonious working for which the authors are so anxious. The duality of the Government has in recent history been in oper-

ration in Egypt in pre-protectorate days, and Lord Cromer's "Modern Egypt" bears witness to the difficulties and sometimes quite intolerable situations which it gave rise to. It was the forceful personality of Lord Cromer, and the prestige of the Government of which he was at once a symbol and agent, which overcame such difficulties, and tided over the situations. It may be said in reply that there were two Governments, foreign, the dominant, and native, the subservient, ruling side by side and it was due to this anomalous combination that the difficulties owed their origin. That is true; so will it be true of the Government set up in the form of administrations of reserved and transferred subjects. The prestige of the reserved departments will make the transferred departments feel small in their own estimation. I cannot but fear, as has been suggested, that "the one government will be regarded as official and the other as Indian," and although the proposals say that all orders relating to reserved and transferred subjects would be the orders of one Government, it is not difficult to foresee that the subordinate officials would very soon decide as to what orders required prompt and thorough obedience, and what could be complied with at leisure.

There is historical precedent for this view. When the East India Company took over the Divani from the Nawab Nazim of Bengal—although it professed to have acquired nothing more,—in fact the Executive of the Nizamut came in time to be subordinated in the public mind, to the administrators of the Divani. This may be described as an earlier example of dubious dualism in Government.

The administration of transferred subjects will therefore in my opinion start with a great handicap; a handicap which, I submit, cannot be fairly placed on it, and which it should be our aim to remove as soon as possible. But if the system with its attendant defects and dangers is considered necessary as a training school in the art of responsible government for the ministers and the Legislative assembly alike, I accept it. I accept it not for any inherent or intrinsic merit of which I see it possessed, but because I think that this proposal for experimental purposes may be accepted in its principle.

The main reason—in fact the only reason—for the suggested bifurcation of Government which has been advanced is the necessity of keeping authority unimpaired in the experienced hands of the Executive Government for maintaining peace, order and good government. The principle being conceded, the Government should act upto its own professions. It should reserve only those subjects which are absolutely necessary for peace, order and good government. Moreover, the distinction should conscientiously be abandoned when its experimental purpose has been served. The period should not extend beyond five years, according to all reasonable calculation, and therefore provision to that effect should be made in the statute. The illustrative list No. 22 showing transferred subjects, any, some or all of which may be transferred to the provinces according to the capacity which the different provinces may be adjudged to possess is not required. What is required is a list of subjects which it is intended to reserve, not at random, but in their indisputable indispensability to peace, order and good government.

In this connection and here it would be proper if I draw your attention to an ominous passage in the Report. It says:—

"What we have to do is at once to encourage and to regulate this process. After five years' time from the first meeting of the reformed councils we suggest that the Government of India should hear applications from either the provincial government or the provincial council

for the modification of the reserved and transferred lists of the province and that after considering the evidence laid before them they should recommend for the approval of the Secretary of State the transfer of such further subjects to the transferred list as they think desirable. On the other hand, if it should be made plain to them that certain functions have been seriously maladministered, it will be open to them with the sanction of the Secretary of State to retransfer subjects from the transferred to the reserved list or to place restrictions for the future on the minister's powers in respect of certain transferred subjects."

Do you realize, gentlemen, what an interminable vista of accusations and allegations against the Indian people this opens up for those—and their number is not negligible yet—to whom the thought of any transference of power to the Indian people is anathema.

Anglo-India and reactionary India, it is idle to disguise, will not fail at the end of five years after the first meeting of the reformed council, to bring charges of serious maladministration with regard to the transferred subjects. The close of the fifth year would be a signal for the revival of racial bitterness. The flood-gates of charges regarding the Indians' want of capacity and their ineptitude will be opened. The doctrine of transmigration, and not of evolution, will thus be applied to the political constitution of India and there will always be the danger of a transferred subject "reeling back into"—the reserved subject. It is not an exaggerated fear. I can foresee what frantic efforts will be made, both here and in England, to have those subjects retransferred to the reserved list. What will be the result? The cycle will not end, and the process will never be complete "of adding to the transferred subjects and of taking away from the reserved ones, until such time as with the entire disappearance of the reserved subjects the need for an official element in the Government procedure in the Grand Committee vanishes and the goal of complete responsibility is attained in the provinces."

The proposals with regard to the autonomy of the provinces in fiscal matters are satisfactory as far as they go. The provinces will no longer be in the position of Collectors of their own revenue for the purpose of handing it over to the Government of India and to beg for whatever doles the latter may be pleased to give out of its abundance, to enable the provinces to eke out an existence. The freedom to impose fresh taxation is accompanied by the freedom to utilize the revenue derived from those taxes for provincial purposes; this is an act of overdelayed justice. But it has come after all; and the provinces will no longer be starved as they have been so far. One caveat the Government of India have made. "Emergencies may arise which cannot be provided for by immediately raising Government of India taxation, in that case it must be open to the central government to make a special supplementary levy upon the provinces."

The Report after considering the advantages and disadvantages of the bicameral system of government comes to the conclusion and I think rightly—that the system should not be introduced here. "We apprehend," says the Report,

"that a second chamber representing mainly landed and moneyed interests might prove too effective a barrier against legislation which affected such interests. Again, the presence of large landed proprietors in the second chamber might have the unfortunate result of discouraging other members of the same class from seeking the votes of the electorate. We think that the delay involved in passing legislation through two houses will make the system far too cumbrous to contemplate for the business of provincial legislation. We have decided for the present therefore against bicameral institutions for the provinces."

After such lucid exposition of reasons against the system, one would have thought that one had heard the last of it, but it makes its appearance all the same in the provincial constitution. (What are grand committees, if not second chambers in essence?) In spirit and in origin they may be regarded as a diluted form of the second chamber.

I unhesitatingly declare that in the proposed constitution where the governments have been subjected to such a restricted and partial, in fact illusory popular control, these second chambers, by whatever name you may call them, are not merely superfluities,—they are positively harmful.

I have already shown that I regard the Council of State, as an innovation which would make the Government of India even less amenable to the influence of the representatives of the people of the country than it is now and, therefore, gentlemen, we must urge for its removal from the proposed constitution. I note with satisfaction that in the Executive Councils, the Indian element, is to be increased; but our demand that the Indian element introduced in the council should be truly representative has not been acceded to.

The cogency of arguments which the distinguished authors in the Report advance in support of their inability to satisfy this demand must be admitted and therefore we should not just at present press for the modification of the Report in that respect. But we should insist that in the Executive Councils—the Cabinets of the Government—the Indian element should be increased, they should be half and half. It will comprise representatives of the people by sympathy of sentiment and identity of interest which is the next best thing to representatives by direct election.

One great matter—which constitutes the basis of the whole structure has been left to be settled later on. I refer, gentlemen, to the electorates that are to come into existence. They will be the motive power of the whole machinery, and yet the determination of their composition and the qualifications which will be demanded of them has been left to the discretion of a committee to be called hereafter to institute enquiries and make recommendations.

These recommendations should have emanated from the distinguished signatories to the Report—they would have had on them the impress of two great and penetrating minds. What will happen now? The whole question of the capacity of the people will be re-opened. Associations and individuals—who have not reconciled themselves to the main principle of the declaration of August 20th and who are otherwise known to be hostile to Indian progress—will start their campaign afresh against the grant of any extended franchise to the people. And it is unfortunate that they will get many weapons from the armoury of the Report itself.

The picture as presented in the chapter on "The Conditions of the Problem" for instance, may in its main outlines, be faithful to the lineaments of the original, but as has been pointed out, the blemishes have been given an undue prominence, "the circumstances which go against the introduction of responsible Government have been given an exaggerated value and those that are in favour of it have been under-estimated or ignored."

The absence of education, the differences of religion, race and caste, the ignorance of the masses of the people, their distressful poverty—far beyond the standards of Europe—the alleged want of political capacity of the rural population—are all paraded forward and backward and side-ways to prove that it is problematical whether people so circumstanced are

capable of properly exercising the power of voting. Yet it may be confessed, more in sorrow than in shame, that not a few of the conditions mentioned are not of our creating. We have been pointing to them insistently for a long time and offering suggestions with a view to their amelioration, but unfortunately, as in other matters, they have fallen on deaf ears.

I have of course no wish to minimise our own responsibility for the prevailing condition of things in India. For much of the religious differences, for instance, that exist we ourselves are to blame. There may be officials who in pursuit of the well-known principle of "divide and rule" would wish to see the perpetuation of these differences; but whose is the fault if we make ourselves not only willing but eager tools in their hands? What efforts—I am talking of sincere and not simulated efforts—have we made to obliterate those cleavages of which the report speaks "the cleavages of religion, race and caste which constantly threaten its (Indian Society's) solidarity and of which any wise political scheme must take serious heed." Social aloofness and separation are not fostered by Government.

For this we are to a greater degree than we wish to admit, responsible. The fact that these differences do not appear to soften down is due, however, I am firmly convinced, to the absence of one factor from the life of the masses of India. It is that apart from the spiritual temperament which keeps the Indian immersed in religious preoccupation, there is also the lack of any other equally engrossing interests in life. Next to religion, politics dominates the minds of men in other places. But the average Indian has been given little opportunity or encouragement to take a healthy and active interest in the affairs of his own country. Politics to him is taboo. And indeed, it could hardly have been otherwise with a system of administration so central and bureaucratic in character, and paternal in its professions, as the one that obtains in India. The consequence is that religion mainly colours the texture of his life.

But there are other things on which an equal emphasis has been laid in the Report, the poverty, ignorance and the helplessness of the masses of the people. In respect of these the Indian is the victim of circumstances, over which he has no control.

The poverty of the Indian masses is a heart-rending problem. It is there, it stares you in the face. But the problem cannot be solved by Indians alone. The economic forces that keep him down cannot be contended against by them unaided. Has the Government responsible for the material and moral well being of the people committed to its charge done enough to help them in his behalf? Have the agrarian, the industrial and the fiscal policies of the Government not indirectly served to bring about that result? Or take again, the question of ignorance. The masses cannot educate themselves. They have not achieved the impossible here any more than in any other country.

The report speaks of the "existence of silent depths through which the cry of the press and the platform never rings." But education alone can have the effect of making those depths illumined, responsive and active.

The bestowal of the franchise will not at once transform the people. It will not, as if by the flourish of a magic wand, at once bring enlightenment and prosperity where darkness and poverty reign. But it will be a very perverse sequence of events if the possession of franchise broad enough to affect large masses of the population, does not stimulate them to demand measures for their education and uplift.

Upto now the educated portion of the Indian population—men whom study and travel and observation have enabled to enter into enquiry and comparison of the conditions of different countries—have asked for and tried to get government to introduce measures for the education of the masses, in vain. If the masses get the franchise, I am convinced their first demand will be for education.

My friend, the Hon. Pandit Madan Mohan Malaviya has so admirably dealt with the argument of illiteracy in his recently published memorandum that I need not go over the same ground afresh. I shall content myself with quoting one or two passages from it bearing on this point :

But were not the bulk of the people in every country—aye, even in England—non-politically-minded until they were given an opportunity to exercise political power, until the franchise was extended to them? And is there a better means of getting the people to take an interest in politics than giving them such power? . . . But I cannot help feeling, that the argument based on the lack of education among the people, has been unduly pressed against the cause of Indian constitutional reform. We know that in Austria, Germany and France which have adopted the principle of 'manhood or universal suffrage,' a common qualification is that the elector should be able to read and write. So also in Italy, the United States, etc. But except in the case of eight universities, the franchise has never been based in the United Kingdom on any educational qualification. It is the possession of free-hold or lease hold property of a certain value or the occupation of premises of a certain annual value that gives a vote there, and it is said that this is the most universal qualification in all countries where a system of popular election has been introduced. Mr. Disraeli made an attempt in his abortive Reform Bill of 1867 to introduce an educational franchise in England. Hansard records that it was met by ridicule because it proposed a very low educational franchise,—so backward was education in England at the time.

"Mr. Gladstone's Reform Bill of 1868 based the franchise, like its predecessor of 1832, on property qualifications. It was after the franchise had been so extended to the workmen, that Englishmen began to say that "we must educate our masters," and the Elementary Education Act was passed in 1870, making elementary education universal and compulsory. The Duke of Newcastle's Commission of 1861 stated in their report that the estimated number of day scholar in England and Wales in 1833 was one in eleven and a quarter (11¼). Speaking in 1868 Mr. Bruce stated that they had then arrived at the rate of one in seven or eight. In introducing the Elementary Education Bill (1870) Mr. Forester described the situation as showing "much imperfect education and much absolute ignorance,"—"ignorance which we are all aware is pregnant with crime and misery, with misfortune to individuals and danger to the community."

So we are not much worse¹⁸³ of than England in 1868—70. Nor are we worse off than Canada when on Lord Durham's recommendation, Parliament established responsible government there. "It is impossible", said Lord Durham in his memorable report which led to the change, "to exaggerate the want of education among the inhabitants. No means of instruction have ever been provided for them, and they are almost and universally destitute of the qualifications even of reading and writing." Let us have a Reform Bill based on the principles of that of 1868, or a substantial measure of responsible government

and one of the first things, if not the first thing, we should do is to pass an Education Act which will remove the stigma of illiteracy from our land and steadily raise the percentage of scholars at schools, until it will equal the standard which has been reached in other civilized countries.

Apart from the historical validity of the official argument, however, it is our duty now, gentlemen, to put on record our views on the subject of franchise instead of waiting for the initiation of enquiries by the Committee which is going to be appointed for the purpose. It may be stated broadly that the present condition of the people in respect of education and training in politics should not be made an excuse for disqualifying a considerable number of them from enjoying that privilege. The electorate must be sufficiently broad-based to include all those who can be expected to be capable of using the vote in an ordinarily intelligent manner. Manhood suffrage is neither demanded nor is feasible, but literacy and possession of small property may well be recognised as qualifications for the franchise.

As regards the public services of the country it is gratifying that Lord Chelmsford and Mr. Montagu do not stop at the recommendations of the Public Services Commission of 1912 but make more equitable and more generous recommendations.

They have recommended among other things the removal from the regulations of the remaining distinctions that are based on race, and the throwing open of all appointments in all branches of the public service without racial discrimination. They have also recommended that in the Indian Civil Service the proportion of recruitment in India be 33 per cent. of the superior posts increasing by $1\frac{1}{2}$ per cent annually.

I think the percentage though an advance on what the Public Services Commission recommended is not quite adequate. The ethics of the question of the larger employment of Indians in the administration cannot be discussed at length here; but one point may be mentioned.

Among many reasons which have been advanced on every occasion (when the question has been debated) against the admission of Indians in any considerable number to the superior grades of the service, one that has been often put forward is that the British character of the Indian public services will be adversely affected.

I refuse to admit that proposition. Among the lessons of the War there is a striking demonstration of the fallacy of that assumption. Owing to the exigencies of the War, as is well-known, many Indian services notably the Indian Civil Services and the Police have been depleted of their English personnel, and Indians in the Provincial Services are being put in charge of positions which they could not formerly hope to reach. Many districts are now almost entirely manned by Indians, The Police, the Medical, the Judicial and even the Executive charge of some districts is now in their hands. Has the character of the administration become un-British? No, on the contrary the administration has gained by being brought more in touch with the people.

Before leaving the subject of the Public Services I should like to point out that the proposals still further to increase the pay of the European members of the Civil Service, which is already the best paid service in the world, will make the cost of administration disproportionately heavy, and considering the poverty of the country, we should not impose on it a heavier strain. The demand for making the King's Commission available to Indians has

at last been conceded but the proposals in the report are not commensurate either with the requirements of the situation or even with the necessities of the hour.

India is no longer isolated. It is in the vortex of international strifes, ambitions and struggles. The menace to her is not chimerical, we have been told on the highest authority that it is very real. India has been asked—and she is straining every nerve—to put forth her greatest effort in supplying men, money and material for the needs of the Empire, and the defence of her own borders. She is supplying men not in thousands but in hundreds of thousands; would it not be an inspiring sight if these men were to be led to battle by officers of their own race as are the Canadians, the New Zealanders and even the South Africans?

Why this mistrust, even at this supreme moment of trial? The rally of India to the flag has been nothing short of phenomenal. At a critical time of the War the contingent from India turned the scales and we are thankful to Lord Hardinge for having given India an opportunity to prove her mettle.

Let her be given a national army, officered by her own sons, let her people have the right to bear arms, and then we may face with equanimity any menace to her safety.

Gentlemen, no real beginning towards a self-governing India can be made until fiscal autonomy is included in the first instalment of reforms. No nation can make any progress without it, and to my mind it is the very life-breath of the industrial renaissance of which India stands so much in need.

The policy of free trade might have made England what it is; but the principles which will bring economic salvation to India, we are firmly convinced, are not the principles of Adam Smith and his school. The world has travelled very much farther since his days. Protection and bounties and discriminating tariffs which were not the gods worshipped by the political economists of the Victorian age have been now enshrined even in that country. In the economic reconstruction of the Empire after the war, the problems of which are now being considered, the voice of the free trader is no longer heard to any effect. England is committed to a policy of preference. One thing is clear: the belligerent Powers of to-day will not enter into any economic peace on pre-war terms. Even after they have sheathed their swords and resumed political relations there will probably be an allied Zollverein.

India is not alone in her repudiation of free trade. The Central Powers, Austria-Hungary and Germany, rejected that principle. They built up their huge industries, their marvellous trade, and captured the markets of the world by a systematic application of the principles of protection, and encouragement of industries by state subsidies and bounties. Japan, the primitive backward Asiatic country of 40 years ago, did the same. To-day she is a highly industrialised state, and her people are rich and prosperous.

India has been the dumping ground of foreign manufactures of every country in the world. She had no industries to speak of of her own and was dependent for even the smallest article of every-day use, on imports. Her function has been to supply raw materials of every kind, and get them back in the shape of manufactured articles and contribute to the prosperity of those countries which thus sent out their commodities to her.

Following the outbreak of the war, Germany and Austria were automatically excluded from Indian markets and imports from other belligerent countries, too, were restricted. Here was a splendid opportunity to revive and improve her industries; but, unfortunately, we had neither state subsidies nor protective tariffs to help us forward. The result is that Indian industry continues to be where it was. Instead of Germany and Austria, Japan has flooded our market. Though we cannot expect much help from the British Parliament in this matter, I am sure if we pressed our claim with unanimity and force, the love of fair play of the British Democracy will assert itself and India would get fiscal autonomy. The report under consideration omits to make any proposals, I regret to say, in this regard.

Gentlemen, I now come to a question with which the very existence of the All-India Moslem League is bound up. I mean the question of the separate representation of Musalmans in the Legislative Councils and in local bodies.

I have reserved the consideration of this question to the last, not because it is less important than the others, but for us the most important of all. From the point of view of the Mahomedans of India it should be and is, under the present circumstances of the country, the dominant factor in Indian polity.

The attitude of the Mahomedans on this question has been characterised by an utter unanimity, and intensity of conviction, which does not appear to have been adequately realised so far by the authorities.

Following upon the rapprochement of 1916, by which the Hindus and Mahomedans self-determined their national demands, the Hindus realizing its beneficent effect on the vital interests of the country, agreed to the Mahomedans having not only separate electorates, but a representation commensurate with their status and special needs in the country. The Mahomedans on their part renounced their participation in mixed electorates. This result was arrived at by mutual consent. That constitutes the chief basis of the agreement. The Montagu-Chelmsford Report, however, fails to grasp the significance of the settlement. "We are not aware on what basis the figures were arrived at," say the authors of the Report. I wonder what other basis than the one I have pointed out could be more valid. Is not mutual consent the most satisfactory basis for any such settlement as the one under consideration?

I may be permitted to point out that in the discussion of its proposals, which the publication of the report has evoked, there has been a unanimous condemnation of, and protest against, on the part of Hindus and Mahomedans alike, of the view taken of the Hindu-Moslem agreement referred to by the authors of the Report. I may further remark that, having regard to the dissatisfaction already engendered by the attitude disclosed in the Report in regard to this matter, there cannot be any doubt that the Mussalmans, any less than their Hindu brethren, will agree to anything less than the restoration of the settlement in any Bill that may be in contemplation. It is my duty, knowing as I do the intensity of Moslem feeling on this question, to sound this note of warning and of appeal.

Gentlemen, I am afraid I have taxed your patience and your indulgence to an inordinate extent, but the seriousness of the occasion is my excuse for it.

We, who are assembled here, have a sacred though a heavy duty to perform, and I pray that God will grant us all light and guidance to see which way our duty lies.

Gentlemen, I shall conclude with one last word. You will have observed that I have refrained from indicating any specific lines for your deliberations to proceed upon. This I need hardly say is not due to any oversight, but to the fact that I very strongly feel that on so momentous an occasion as the present, no individual opinion should be imposed upon the community and that the community itself should, through its chosen representatives, declare its mind on the issue before it according to the constitutional procedure by which we are bound. While on this point I cannot but deplore that at this juncture the Mussalman community is deprived of the benefit of the advice and guidance of some of its most trusted leaders, who, moreover, had made a special study of the constitutional issues on which we are called upon to pronounce.

I refer especially to that brilliant publicist—Mr. Mohamed Ali—who occupies a position of outstanding eminence in the Progressive party of Moslem democracy,—and who, together with his brother and a number of distinguished confreres is still condemned to internment without any well-established cause. The Mussalmans keenly feel the wrong inflicted on them by their being thus deprived of most valuable assistance and guidance in the task of considering and pronouncing upon the Report on Indian Constitutional Reforms. May I once again appeal to the Government to meet the wishes and satisfy the sentiment of the Moslem Community in this regard?