

THE  
MONTAGU-CHELMSFORD  
PROPOSALS FOR  
INDIAN CONSTITUTIONAL REFORM  
  
THEIR SCOPE AND OBJECT

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## Foreword.

It is obviously impossible to summarise with precision all the proposals of this important Report, but an endeavour has been made to set out the salient features so far as space will allow. Readers are recommended to study the Report itself in the handy volume which has been issued at the price of Re. 1. At the end of the Report there is an excellent summary to which references are attached, indicating the paragraphs which deal in detail with the specific proposals.

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# THE MONTAGU-CHELMSFORD PROPOSALS FOR INDIAN CONSTITUTIONAL REFORM

## PART I.

### INTRODUCTION.

#### (i) The Announcement of August 20 and its importance to India.

On August 20th, 1917, the Rt. Hon. E. S. Montagu, His Majesty's Secretary of State for India, made the following announcement in the House of Commons:—

“The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration, and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire. They have decided that substantial steps in this direction shall be taken as soon as possible, and that it is of the highest importance as a preliminary to considering what these steps should be, that there should be a free and informal exchange of opinion between those in authority at home and in India. His Majesty's Government have accordingly decided, with His Majesty's approval, that I should accept



the Viceroy's invitation to proceed to India to discuss these matters with the Viceroy and the Government of India, to consider with the Viceroy the views of local Governments, and to receive with him the suggestions of representative bodies and others."

"I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility."

"Ample opportunity will be afforded for public discussion of the proposals, which will be submitted in due course to Parliament."

2. These words define for the first time in an authoritative fashion the goal towards which British rule in India is working and the means by which that goal is to be reached. Thus they mark in two ways the end of one epoch and the beginning of a new one; for in the first place, they define clearly an end, towards which all future policy must shape itself; and in the second place, they inaugurate a policy of a new type. Hitherto there have been doubts upon both of these points. British rule has had neither an authoritatively declared end nor a clear-cut policy for the achievement of that end.

3. The announcement of August 20th marks a clear break with the old policy in accordance with which India has been governed by Great Britain.

Hitherto, India has been ruled by a system of absolute government, although her people have been given an increasing share in the administration of the country, and increasing opportunities of influencing and criticising Government. But a historical survey of the development of British administration in India shows that, despite the growth of local institutions, of legislative councils and of Indian elements in the Services, the country continues still, to all intents, under an absolute Government. This was hardly the fault of the administrators, for the ultimate responsibility for India lay not with them, but with the British Parliament. Until Parliament took action, no radical change, such as was absolutely necessary in order to open the way for the conversion of an absolute into a progressively responsible government, was possible at all. So late as 1909, when the Minto-Morley reforms were introduced, Lord Morley himself emphatically repudiated the idea that these measures of reform were in any sense a step towards parliamentary government. He was plainly right; for the reforms themselves were based upon the principle that the executive government should retain the final decision on all questions. It is true that some small degree of popular control over legislation was established by the provision of non-official majorities in the provinces: but this step was in no way in the direction of the progressive realisation of responsible government. The Minto-Morley Reforms were essentially a continuation of the system which had previously existed. Such is not the case with Mr. Montagu's announcement, nor with the proposals for Indian Constitutional Reforms resulting from that announcement. They are something quite new: and from them the future historian of India will probably date the successive epochs of the constitutional development of the country.

## (ii) The Goal of India's Effort.

4. What then is to be the ultimate goal of India's efforts? What is to be the last stage of the journey of which these proposals for Indian constitutional reform mark the first stage? The conception to keep before our minds is that the India of the ultimate future will be a sisterhood of States, self-governing in all matters of purely local or provincial interest, in some cases corresponding to existing provinces, in others perhaps modified in area according to the character and economic interests of their people. Over this collection of States would preside a central government, increasingly representative of the people of them all, and increasingly responsible to them, dealing with matters, both internal and external, of common interest to the whole of India: acting as arbiter in interstate relations, and representing the interests of all India on equal terms with the self-governing units of the British Empire. In such a scheme there is a place also for the Native States. It is possible that they too will wish to be associated for certain purposes with the organisation of British India, in such a way as to dedicate their peculiar qualities to the common service without loss of individuality.

5. What of India's place within the Empire? Will the growth of responsible government lead to the weakening of the Imperial bond? If so, the process may be fraught with much danger, for only within the safe shelter of the circle constituted by the Commonwealth of Nations will India find the conditions necessary to the full attainment of the completest nationhood. But there is every reason to suppose that the progressive realisation of responsible government will strengthen, and not weaken, the tie of Empire.

The experience of a century of experiments all goes to prove that as power is given to the people of a province or of a Dominion to manage their own local affairs, so does their attachment become stronger to the Empire which comprehends them all in a common bond of union. The existence of national feeling, or the love of, and pride in, a national culture, so far from conflicting with, seems even to strengthen, the sense of membership in a wider Commonwealth. The Empire does not depend upon community of race or religion. It depends upon a common realization of the ends for which it exists, the maintenance of peace and order over wide stretches of territory; the maintenance of the freedom and the development of the culture of each national unit of which the Empire is composed. These are aims which appeal to the imagination of Indians: and in proportion as self-government develops patriotism among them, we may expect to see the growth in them of a conscious feeling of organic unity with the Empire.

(iii) **The Task and its difficulties.**

6. It must be plain to all that India has a long journey to accomplish before she reaches her goal. She is now only at the beginning of her journey—why should she undertake it? The answer is this.

The announcement of August 20 was right and wise. It is a matter of no importance whether or not the exact number of people in India who ask for free institutions constitutes only a fraction of the total population. The bulk of the people are not to be stirred out of peaceful conservatism and set upon a new and difficult path simply at the bidding of an articulate minority. That is not the reason for the

change of policy. The reason for the declaration that the goal of British rule in India is the progressive realisation of responsible government, lies in the faith of the British Government in the value of the ideals for which the British Empire stands, and for which that Empire is now fighting in the World War. The declaration springs from a profound conviction that the time has come when the sheltered existence which has been given to India cannot be prolonged without damage to her national life: that there is a richer gift for the people of India than anything that British rule has yet bestowed upon them: that nationhood within the Empire represents something better than anything they have hitherto attained. If it is with these ideals that the new policy has been enunciated, what are the conditions of success? Obviously there is much to be changed. Capacity and self-reliance have to be called forth in place of helplessness and dependence: nationhood in place of caste and communal feeling. The task is a great and worthy one; but it calls for some effort and some self-sacrifice from every section of the community.

7. What are the difficulties of the task? In order to realise them, let us consider for a moment what the working of responsible institutions really involves. The electors send men to the councils with power to act in their name, and the councils commit power to ministers, over whom they reserve control by their power of removing them from office. The elector controls the Government because at the next election he can change his representative in Council, if he supports ministers of whose actions he disapproves. Now for this system to work at all, those who operate it must possess such a perception of the common interests, and such loyalty to them, that the

decision of a majority must be loyally accepted by the minority. Majorities must practise toleration and minorities patience. There must be not merely a certain standard of business capacity diffused amongst all sections of the community, but in addition a general perception that the public welfare is a different thing from the good of the individual and superior to it. The basis of the whole system is a real and effective sense of the sanctity of other peoples' rights.

8. The realisation of these conditions in India is not easy. Immense masses of the people are poor, ignorant and helpless, far beyond the standards of Europe. And in addition, there runs right through Indian society a series of cleavages—of religion, race, and caste—which constantly threaten its solidarity. From a bird's eye view India is still a country "marching in uneven stages through all the centuries from the fifth to the twentieth." There are tracts where it would be fantasy to dream of representative institutions. Everywhere there are people so ignorant and so depressed as to lie outside the limits of any systems of franchise that can conceivably be framed at the outset. Within the limits to which a new constitution can be applied, there are wide differences of conditions, of which account must be taken. And the divisions of sect and race which run through the whole body politic, still affect the minds even of the educated community. These considerations add immensely to the complexity of putting India upon the road leading to the progressive realisation of responsible government. In accordance however with the announcement of August 20, a substantial step along that road is to be taken at once. How is this to be accomplished? An answer is to be found in the proposals summarised in Part II of this book. There may be another answer;

for, as the framers of the Report say, "our proposals can only benefit by reasoned criticism." Of the truth of the great general principles in accordance with which the proposals are framed there can be no dispute. In the particular application of them as represented by the specific proposals themselves, there may be more difference of opinion. That is why the proposals are put forward for discussion.

#### (iv) General Propositions.

9. The proposals set forth in the Report on Indian Constitutional Reform are really the application to practical conditions of four general propositions. For the sake of clearness, these propositions may be set out thus—

**I.**—There should be, as far as possible, complete popular control in local bodies, and these bodies should have the largest possible independence of outside control.

**II.**—The provinces are the domain in which the earliest steps towards the progressive realisation 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 admit. This involves at once giving the provinces the largest measure of independence of the Government of India in legislative, administrative and financial matters, which is compatible with the due discharge by the latter of its own responsibilities.

**III.**—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.

## PROPOSALS FOR INDIAN CONSTITUTIONAL REFORM. 9

IV.—In proportion as the foregoing changes take effect, the control of Parliament and the Secretary of State over the Government of India and the Provincial Governments must be relaxed.

### WHAT THE PROPOSALS MEAN.

10. What has been done by the proposals may be summarised in the words of those who drew them up.

“What we have done is to afford Indians a fair share in the government of the entire country, while providing in the provinces the means for them to attain the stage of responsible government, to which the beginning of responsibility for the Government of India itself must be the sequel.”



## PART II.

### THE PROPOSALS.

#### A.—Local Self-Government.

11. Local self-government does not really fall within the scope of these proposals at all, since the aim of Government is to place the institutions connected with it entirely under popular control. As is universally recognised, the growth of local self-government is intimately connected with educational extension and educational reform. It is part of the contemplated political advance that the direction of Indian education should be increasingly transferred to Indian hands. Progress all along the line must depend upon the growth of electorates and the intelligent exercise of their powers; and men will be immensely helped to become competent electors, by acquiring such education as will enable them to make good selection of candidates for their votes, and to pass intelligent judgment on the business done in the Councils. The reformed Councils, contemplated in this Report, will be in a position to take up and boldly carry forward proposals for advance along the lines both of local self-government and of education.

#### B.—Provincial Governments.

12. The object of the proposals is the progressive realisation of responsible government. Responsible

government implies two conditions, first, that the members of the executive government should be responsible to their constituents, and secondly, that these constituents should exercise their power through the agency of their representatives in the Assembly. These two conditions entail first, that there exist constituencies which, on the one hand, are based on a franchise broad enough to represent the interests of the population generally, and, on the other hand, are capable of selecting representatives intelligently; secondly, that according to the usual constitutional practice, it be recognised that the executive government cannot retain office unless it commands the support of a majority in the Assembly. In India these conditions are not realised. There must be a period of political education which can only be achieved through the gradually expanding exercise of responsibility. Practical considerations, such as those outlined in paragraph 8, make the immediate handing over of complete responsibility impossible. Accordingly, the principle is adopted of transferring responsibility for certain functions of government, while reserving control over others. *At the same time a substantial measure of provincial autonomy is to be established.*

### Financial Devolution.

#### (a) Separation of revenues.

13. Since substantial provincial autonomy is to be a reality, the provinces must not be dependent on the Indian Government for the money which will be necessary for provincial development. The general idea of these proposals on this matter is, that an estimate should first be made of the scale of expenditure required for the upkeep and development of those services, which clearly appertain to the Government of

India, and, that resources with which to meet this expenditure should be secured to the Indian Government. All other revenues should then be handed over to the Provincial Governments, which will thenceforth be held wholly responsible for the development of all provincial services. The principal change in detail will be the abolition of divided heads of revenue. Indian and provincial heads of revenue are to be retained as at present; but to the former income tax and general stamps are to be added, and to the latter land revenue, irrigation, excise and judicial stamps. It follows that expenditure on famine relief and protective irrigation works will fall upon the provinces, though, in the matter of famine relief, the Indian Government could never wholly renounce responsibility in the case of any failure on the part of the provinces.

14. This arrangement will leave the Government of India with a large deficit. In order to supplement this, it is proposed to assess the contribution from each province to the Government of India as a percentage of the difference between the gross provincial revenue and the gross provincial expenditure.

On the basis of the figures taken by the framers of the proposals this percentage works out at the figure of 87, and would constitute the first charge upon the provincial revenues. The figure may be open to revision hereafter, but not subject to change for a period of, say, six years. And in the event of sudden emergency it must be open for the Central Government to make a special supplementary levy upon the provinces:

*(b) Provincial taxation.*

15. It is proposed that a schedule of taxation should be drawn up in consultation between the Government

of India and Provincial Governments. In this schedule certain subjects of taxation are to be reserved for the provinces, and the remaining subjects of taxation to be left under the control of the Government of India. A tax, which according to the schedule deals with a subject of provincial taxation, would not require the Government of India's previous sanction to the legislation required for its imposition, but the Bill should be forwarded to the Government of India in sufficient time for the latter to satisfy itself that the Bill is not open to objection as trenching upon the Central Government's field.

*(c) Provincial borrowing.*

16. In order to avoid harmful competition, it is recommended that Provincial Governments continue to do their borrowing through the Government of India. But if the Government of India finds itself unable in any one year to raise the money which a province requires, or if there is good reason to believe that a provincial project would attract money not to be elicited by a Government of India loan, it is proposed that the Provincial Government might have recourse to the Indian market.

**Legislative Devolution.**

17. While the above proposals will give provincial Governments the liberty of financial action which is indispensable, these Governments must also be secured against unnecessary interference by the Government of India, in the spheres of legislative and administrative business. Accordingly, while the Government of India is to retain a general power of control in respect of legislation, for the general protection of all the interests for which it is responsible, the provincial legisla-

tures are to exercise the sole legislative power in the spheres marked off for provincial legislative control. It is suggested that it might be recognised, as a matter of constitutional practice, that the Central Government will not interfere with the working of the provincial legislatures, unless the interests for which it is itself responsible are directly affected.

### **Executive Government in the Provinces.**

#### *(a) Structure of the executive.*

18. In all the provinces, there is to be the system of administration by a Governor in Council. At the head of the executive will be the Governor with an executive council of two members, one Englishman and one Indian, both nominated by the Governor. Associated with the Executive Council as part of the Government will be one or more Ministers chosen by the Governor from among the elected members of the Legislative Council and holding office for the life of the council.

#### *(b) Work of the executive.*

19. We have seen that complete responsibility for the government of the country cannot be given immediately without inviting a breakdown. Some responsibility must, however, be given at once. Accordingly the plan is adopted of making a division of the functions of the provincial Government, separating those functions which may be made over to popular control and those which for the present must remain in official hands. How the division is to be made is explained in paragraph 27 below. These functions may be called "transferred" and "reserved" respectively. It is proposed that in the provincial executive, constituted as explained in paragraph 18,

the Governor in Council would have charge of the reserved subjects. This would be one part of the executive. The other part of the executive would consist of the Governor and his Minister or Ministers and would deal with the "transferred" subjects. The executive, including both members and minister, would as a general rule deliberate as a whole, although there would necessarily be occasions upon which the Governor would prefer to discuss a particular question with that part of the Government directly responsible. The decision upon a transferred subject and on the supply for it in the provincial budget would be taken after general discussion by the Governor and his Ministers; the decision on a reserved subject would be taken after similar discussion by the Governor and the members of his executive council.

*(c) Relation of the Governor to his Ministers.*

20. The Ministers would not hold office at the will of the legislature but at the will of their constituents. Their salary while they were in office would be secured to them and not be at the pleasure of the legislative council. They, together with the Governor, would form the administration for the transferred subjects. It is not intended that the Governor should from the first be bound to accept the decision of his Ministers, because he will himself be generally responsible for the administration. But it is also not intended that he should be in a position at his own discretion to refuse assent to all his Ministers' proposals. The intention is rather that the Ministers should avail themselves of the Governor's trained advice upon administrative questions, while he on his part would be willing to meet their wishes to the furthest possi-

ble extent, in cases where he realises that they have the support of popular opinion.

*(d) Additional members without portfolio, and other appointments.*

21. Where the Governor himself has no official experience of Indian conditions, he may desire to add one or two additional members from among his officials as members without portfolio, for the purpose of consultation and advice. It is proposed that he should be allowed to do this. Also where the press of work is heavy, it may be desirable to appoint some members of the legislative council to positions analogous to those of parliamentary Under Secretaries in Great Britain, for the purpose of assisting members of the Executive in their departmental duties and of representing them in the legislative council.

**Provincial Legislatures.**

*(a) Composition.*

22. In each province, it is proposed to establish an enlarged Legislative Council, differing in size and composition from province to province, with a substantial elected majority elected by direct election on a broad franchise, with such communal and special representation as may be necessary. The breadth of the franchise is all-important: it is the arch upon which the edifice of self-government must be raised. The exact composition of the Council in each province will be determined by the Secretary of State in Council, on the recommendation of the Government of India, as a result of an investigation into subjects connected with the franchise, the constituencies and the nominated element. It is proposed that this investigation should be undertaken by a Committee consisting of a Chairman chosen from outside India, two experienced

officials and two Indians of high standing and repute. The Committee would visit each province in turn in order to investigate local conditions, and in each province one other civilian officer and one other Indian appointed by the provincial Government would join and assist it with their local knowledge.

(b) *Communal electorates.*

23. It is proposed that the communal electorates, although they constitute an obstacle to the realisation of responsible government, should be retained for the Muhammadan community. Communal electorates are also to be extended to the Sikhs, now everywhere in a minority and virtually unrepresented. For the representation of other minorities nomination is proposed.

(c) *Official members.*

24. The exact number of official members on the Legislative Council will be for the Committee, mentioned in paragraph 22 above, to consider. Members of the Executive Council should be *ex-officio* members of the Legislative Council, and there should be enough official members to provide the Government with first-hand knowledge of the matters likely to be discussed both in Council and in Committee. It is suggested that a convention might be established that official members should refrain from voting upon transferred subjects.

(d) *Standing Committees.*

25. It is proposed that to each department or group of departments, whether under a Minister or under a member of the Executive Council, there should be attached a Standing Committee, elected by



the Legislative Council from among its own members. The functions of the Standing Committee would be advisory: its members should discuss, and record their opinion upon, all questions of policy, all new schemes involving expenditure above a fixed limit and all annual reports upon the working of the departments. The member or Minister in charge of the department concerned should preside.

(e) *Effect of resolutions.*

26. It is not proposed that resolutions, whether on reserved or transferred subjects, should be binding: but the Legislative Council will *influence* the conduct of all reserved subjects and effectively *control* the policy in all transferred subjects. For, on the one hand, if a member of the Legislative Council wishes Government to be constrained to act in a certain way, it will often be open to him to bring in a Bill to effect his purpose: and, on the other hand, when Ministers become, as it is intended that they should, accountable to the Legislative Council, the Legislative Council will have full means of controlling their administration by refusing their supplies or by passing votes of censure. Subject to the sanction of the Governor, the Legislative Council will have the power of modifying the rules of business. All members will have the right of asking supplementary questions.

**Divisions of the Functions of Government.**

27. It being assumed that the entire field of provincial administration is marked off from that of the Government of India, it is suggested that in each province certain definite subjects should be transferred, for the purpose of control, to the Ministers

who have been chosen by the Governor from among the elected members of the Legislative Council. All subjects not so transferred would remain in the hands of the Governor in Council. The list of transferred subjects would vary from province to province, and would naturally be susceptible to modification at subsequent stages. It is suggested that the work of division be done by a Committee similar in composition to the one described in paragraph 22 above. These two Committees would have to work in close co-operation, since the extent to which the responsibility can be transferred is related to the nature and extent of the provincial electorates. Having first marked off the field of provincial administration, the Committee would proceed to determine which of the provincial subjects could be transferred. Their guiding principles should be to include in the transferred list those departments which afford most opportunity for local knowledge and social service, those in which Indians have shown themselves to be keenly interested and those which stand in most need of development. The Departments naturally lending themselves to classification as transferred subjects are taxation for provincial purposes, local self-government, education, public works, agriculture, excise, and local industries.

28. Should any doubt arise as to the category in which a subject falls, the matter should be considered by the entire Government, but the final decision should lie definitely with the Governor.

29. In emergency it should be possible to take back transferred subjects, which have been made over to non-official control, and to place them either under the control of the official Executive Government of the Province or of the Government of India.

### Affirmative Power of Legislation.

30. Assuming that the Legislative Councils have been reconstituted with elective majorities, and that the reserved and transferred subjects have been duly demarcated, we have now to consider how the executive government is to secure the passage of such legislation as it considers necessary for carrying on its business. The King's Government must go on. The process to be followed is this. For the purpose of enabling the provincial Government to carry legislation on reserved subjects, it is proposed that the Head of the government should have power to certify that a particular bill is "essential to the discharge of his responsibility for the peace or tranquility of the province or of any part thereof, or for the discharge of his responsibility for the reserved subjects." Such a certificate would not be given without strong reason, and the Legislative Council might by a majority vote request the Governor to refer to the Government of India, whose decision would be final, the question whether or not the Bill dealt with a reserved subject. If no reference was made, or if the Government of India decided that the Bill was properly certificated, the Bill would then be automatically referred to a Grand Committee of the Legislative Council.

31. The Grand Committee in every Legislative Council would comprise 40 to 50 per cent of its members, and would be chosen afresh for each Bill, partly by ballot and partly by nomination. The Governor would have power to nominate a bare majority, exclusive of himself. Of the members so nominated not more than two-thirds should be officials. The elected members would be elected for each such Committee by the elected members of Council in Grand Committee. The Bill would be debated and

if passed by that body, would be reported to the whole Legislative Council, which might discuss it, but could not reject or amend it, except on the motion of a member of the Executive Council. The Governor would appoint a time limit within which a Bill might be debated, and after the expiry of the time limit the Bill would pass automatically. If the Bill were not passed by the Grand Committee it would drop.

### **Mixed Legislation.**

32. Should a Bill on a transferred subject trespass on the reserved field of legislation, it should be open to a member of the Executive Council, on the ground of infringement of the reserved sphere, to challenge the whole Bill or any clause of it, on its first introduction, or any amendment to it, as soon as such amendment is moved. The Bill, clause, or amendment would be then referred to the Governor, who might allow it to proceed or certify it, in accordance with the procedure of paragraph 30 (above).

### **Power of Dissolution.**

33. The Governor of a Province should have power to dissolve the Legislative Council.

### **Assent to Legislation.**

34. The assent of the Governor, the Governor-General, and the Crown, (through the Secretary of State) will remain necessary for all provincial legislation, whether certified or not.

### **Budget Procedure.**

35. It is suggested that budget procedure be as follows:

The provincial budget should be framed by the executive government as a whole. The first charge upon the provincial revenues will be the contribution to the Government of India. Next will come the supply for the reserved subjects. So far as the transferred subjects are concerned, the allocation of supply will be decided by the Ministers; and if the revenue available is insufficient for their needs, the question of additional taxation will be decided by the Governor and the Ministers. The budget will then be laid before the Council, which will discuss it and vote by resolution. The budget would be altered in accordance with the resolutions of the Council except in the following case. If the Council reject or modify the allotment of reserved subjects, it would be in the Governor's power to certify its necessity, in the terms mentioned in paragraph 30 (above), and to insist upon the retention of the allotment, which he declares essential for the discharge of his own responsibilities.

#### Safeguards.

36. A great safeguard to the working of the system is the proposal that a periodic Commission shall review proceedings. Both the Government, on the one hand, and the Legislative Council on the other, will decide their course of action with the knowledge that their conduct will in due course come under review by such a Commission. Before this Commission there will be an opportunity of arguing, on the one hand, that the reserved subjects have been extravagantly administered, or that the Governor in Council has unnecessarily disregarded the wishes of the Legislative Council; or, on the other hand, that the attitude of the Legislative Council, with regard to expenditure upon reserved subjects, has been so unreasonably as to make it unsafe to transfer further powers.

37. It is suggested that ten years after the meeting of the new Councils, a Commission should be appointed to review the whole working of these institutions in order to determine whether it would be possible to improve in any way the existing machinery or to advance further towards the goal of complete responsible government in any province or provinces. This Commission should be authoritative, deriving its authority from Parliament itself, and the names of the commissioners should be submitted by the Secretary of State to both Houses of Parliament for approval. The functions of the Commission will, indeed, be of the utmost importance: it will represent a revival of the process by which the affairs of India were subjected to periodical examination by investigating bodies appointed with the approval of Parliament. It is proposed that the further course of constitutional development in the country shall be investigated at intervals of twelve years.

38. The Commission should also consider the progress made in admitting Indians to the higher ranks of the Public Services, the adjustment of the financial burden between the provinces, the development of education, the working of local self-Government, the constitution of electorates, the working of the franchise and similar matters.

#### Development in the Provinces.

39. The proposal is that, as the popular element of the Government acquires strength and experience, subjects will be taken from the reserved list, and placed upon the transferred list until at length the reserved subjects altogether disappear and the goal of complete responsibility is attained. It is suggested that after five years from the first meeting of the new

Councils, the Government of India should hear applications from the provincial Governments or the provincial Legislative councils for the modification of the reserved and transferred lists of the province: and that after hearing the evidence they should recommend to the Secretary of State such changes as may seem desirable.

40. It is desirable also to make the responsibility ~~of Ministers~~ for the transferred subjects complete. It should be open for the Government of India, when hearing such applications, to direct that the Ministers' salaries, instead of being secured to them for their period of office, should be specifically voted year by year by the Legislative Council, and it should be open to the Legislative Council to demand a resolution that Ministers' salaries should be so voted. This would result in the Ministers becoming Ministers in the Parliamentary sense, dependent upon a majority in the legislature.

## C.—GOVERNMENT OF INDIA.

### *General.*

41. The general idea of the proposals is to create an enlarged Legislative Assembly with an elected majority: to reserve to the decision of a new Council of State, in which Government will have a bare majority, only those measures which it must retain power to carry in discharge of its continued responsibility for the good government of the land: to restrict the purely official vote that can be always depended upon to the smallest dimensions compatible with the same principles: to institute a Privy Council and to admit a second Indian Member into the innermost counsels of the Indian Government.

*Responsibility.*

42. Pending the development of responsible government in the provinces, the Government of India must remain responsible only to Parliament, and except for that responsibility, must retain indisputable power in matters which it judges to be essential to the fulfilment of its obligations for the maintenance of peace, order and good Government.

**The Executive Council.**

*(a) General.*

43. It is recommended that the existing statutory restrictions concerning the appointment of members should be abolished to give greater elasticity in the size of the Government and in the distribution of its work.

*(b) Increase in the Indian element.*

44. It is recommended that another Indian member be appointed as soon as possible.

**The Legislature.**

*(a) General.*

45. It is proposed that the strength of the Legislative Council of the Government of India, to be known henceforth as the Legislative Assembly of India, should be raised to a total strength of about 100 members. Two-thirds of this total should be returned by election; one-third should be nominated by the Governor General and of this third not less than a third again should be non-officials representing min-



orities or special interests, such as European and Indian commerce, and the large landlords. The normal duration of an Assembly to be three years.

(b) *Electorates and constituencies.*

46. Electorates and constituencies for the Indian Legislative Assembly should be determined by the same Committee entrusted with the investigation of electorates and constituencies for the Provincial Councils.

(c) *Nomination of non-official members.*

47. The power of nomination of non-official members is to be regarded as a reserve in the hands of the Governor General, enabling him to adjust inequalities and supplement defects in representation. Nominations should not be made until the results of the elections are known and should be made after informal consultation with the Heads of Provinces.

(d) *Nomination of official members.*

48. The maximum number of nominated officials will be two-ninths, and it will rest with the Governor-General to determine whether or not he requires to appoint up to the maximum. Official members of the Assembly, other than members of the Executive Government, should be allowed a free right of speech and vote except when Government decides their support is necessary.

(e) *Special appointments.*

49. Members of the Assembly, not necessarily elected or non-official, may be appointed to positions analogous to those of Parliamentary Under Secretaries

in England. The President of the Legislative Assembly should be nominated by the Governor-General.

### **Affirmative Power of Legislation.**

#### *(a) The Council of State.*

50. During the transitional period, the capacity of the Government of India to obtain its will in essential matters necessary for the good government of the land is to be secured by the creation of a second chamber known as the Council of State, which shall take its part in ordinary legislative business and shall be the final legislative authority in matters which the Government regards as essential. The object is to make assent by both bodies the normal condition of legislation; but to establish the principle that in the case of legislation certified by the Governor-General as essential to the interests of peace, order and good government, the will of the Council of State should prevail.

#### *(b) Composition of the Council of State.*

51. The Council of State will be composed of 50 members exclusive of the Governor-General who would be President. Not more than 25 members including the members of the Executive Council would be officials, and four would be non-officials nominated by the Governor-General. There would be 21 elected members returned by non-official members of the Provincial Legislative Councils, each Council returning two members with the exception of Burma, the Central Provinces and Assam which would return one member each. The remaining 6 elected members are to supplement the representation of the Muhammadans and the landed classes, and to provide for the representation of

the Chambers of Commerce. The Council of State is to possess senatorial character and the qualifications of candidates for election should be so framed as to secure men of the status and position worthy of the dignity of a revising chamber. Five years would be the normal duration of a Council of State.

### Legislative Procedure.

#### (a) *Government Bills.*

52. Ordinarily a Government Bill will be introduced into the Legislative Assembly and, after being carried through the usual stages there, would go to the Council of State. If amended by the Council of State in a way which the Assembly is not willing to accept, it would be referred to a joint session of both houses by whose decision its fate would be decided. But if the amendments introduced by the Council of State were in the view of Government essential to the purpose for which the Bill was originally introduced, the Governor-General in Council would certify them to be essential to the interest of peace, order or good Government. The Assembly would then have no power to reject or modify the amendments nor would they be open to revision by a joint session.

#### (b) *Private members' Bills.*

53. A private Member's Bill would be introduced in that house in which the mover had his seat and, after passing through the usual stages, would be taken to the other chamber, and carried through that. In the case of a difference of opinion, the Bill would be submitted to a joint session, by which its final fate would be determined. But if the Governor-General in Council were prepared to give a certificate in the

terms already stated that the form of the Bill was prejudicial to peace, order, and good government, the Bill would go, or go back, to the Council of State, and only become law in the form there finally given to it.

(c) *General Principles of Legislative Procedure.*

54. The general principles of the legislative procedure proposed, are that in the case of all save certificated legislation, the will of the non-official members of both chambers taken together should prevail, while in the case of certificated legislation, the Council of State should be the final authority.

(d) *Power of Dissolution and of Assent, Disallowance, etc.*

55. The Governor-General should have power at any time to dissolve the Legislative Assembly, the Council of State or both bodies. The Governor-General and the Secretary of State naturally retain their existing powers of assent, reservation and disallowance to all Acts of the Indian legislature.

(e) *Fiscal legislation.*

56. Fiscal legislation will be subject to the procedure recommended in respect of Government Bills. The budget will be introduced into the Assembly, but the Assembly will not vote it. Resolutions upon budget matters and upon all other questions whether moved in the Assembly or in the Council of State will continue to be advisory in character.

(f) *Standing Committees.*

57. Standing Committees, drawn jointly from the Assembly and from the Council of State, should play, so far as possible under the circumstances, a similar

part to that suggested in the case of the Standing Committees in the Provincial Legislatures.

*(g) Questions.*

58. Any member of either House might be entitled to ask supplementary questions. The Governor General should not disallow a question on the ground that it cannot be answered consistently with the public interest, but power is still to be retained to disallow a question on the ground that the putting of it is inconsistent with the public interest.

**The Privy Council.**

59. His Majesty may be asked to be pleased to approve the institution of a Privy Council in India. Appointments to be made by His Majesty for life; and such appointments to be confined to those, whether officials or non-officials, from British India and from the Native States, who had won real distinction, or occupied the higher offices. The Privy Council's duty would be to advise the Governor General when he saw fit to consult it, on matters of policy and administration.

**Future Progress.**

60. Equally with the Provincial Machinery the Central Machinery will be subjected to periodical revision by the Commission approved by Parliament (See above paragraph 37).

**D.—THE INDIA OFFICE.**

*General.*

61. Since His Majesty's Government have declared their policy of developing responsible institutions in

India, Parliament must be asked to set certain bounds to its own responsibility for the internal administration of the country.

*(a) In transferred matters.*

62. It should be laid down broadly that in respect of all matters in which responsibility is entrusted to representative bodies in India, Parliament must be prepared to forego the exercise of its own powers of control, and this process must continue as responsibility in the provinces, and eventually in the Government of India itself, gradually develops. Parliament cannot retain the control of matters which it has deliberately delegated to representative bodies in India.

*(b) In reserved matters.*

63. While in reserved subjects there cannot be any abandonment by Parliament of ultimate powers of control, there should be such delegation of financial and administrative authority as will leave the Government of India free, and enable them to leave the provincial Governments free, to work with the expedition that is desirable. A wider discretion should be left to the Governor General in Council; and certain matters now referred home for sanction might in future merely be referred to the Secretary of State for information. It is hoped that Parliament will authorise the Secretary of State to divest himself of his control over the Government of India in certain matters, even though these continue to be the concern of official Governments.

**Organization of the India Office.**

64. A Committee should be appointed forthwith to reconsider the organization of the India Office, with

a view to providing for the material alteration of functions involved by these proposals, and for the more rapid discharge of its business.

### Secretary of State.

65. The Secretary of State's salary should be defrayed from home revenues and voted annually. This would enable any live questions of Indian administration to be discussed by the House of Commons in Committee of Supply.

### Select Committee.

66. In order to provide for informed criticism and discussion of questions connected with India, it is proposed that the House of Commons should be asked to appoint a Select Committee on Indian affairs. It would inform itself upon Indian questions, and report to the House before the annual debate on the Indian estimates. By means of interrogations of the Secretary of State and requisitions for papers, the members of the Committee would keep themselves informed on Indian affairs, and to them Indian Bills might be referred upon second reading.

## E.—THE NATIVE STATES.

### *General.*

67. In view of the fact that the contemplated constitutional changes in British India may react in an important manner on the Native States, it is necessary to assure the Princes, in the fullest and freest manner, that no constitutional changes which may take place will impair the rights, dignities and privileges secured to them by treaties, sanads and engagements, or

by established practice. Further, all important States should be placed in direct communication with the Central Government, as an aid to good understanding and the speedy conduct of business.

### The Council of Princes.

#### (a) *Functions, etc.*

68. It is recommended that a Council of Princes be called into existence as a permanent consultative body, ordinarily meeting once a year to discuss agenda approved by the Viceroy, who should be President. The opinion of such a body would be of the utmost value upon questions affecting the States generally or British India and the States in common.

#### (b) *Standing Committee of the Council.*

69. The Council of Princes should be invited annually to appoint a small Standing Committee to which the Viceroy or the Political Department might refer matters of custom and usage affecting the States.

#### **Commissions of enquiry.**

70. Should dispute arise between two or more States, or between a State and Government, the Viceroy might appoint a Commission of enquiry to report upon the matter in dispute. Such a Commission might be composed of a judicial officer of rank not less than a High Court Judge, and one nominee of each of the parties concerned.

71. In the case of misconduct, matters might be referred by the Viceroy to a Commission appointed



to advise him. Such a Commission should ordinarily consist of five members, including a High Court Judge, and two Ruling Princes.

### Joint Deliberations.

72. With the establishment of a Council of Princes, of a Council of State, and of a Privy Council, the machinery will exist for bringing the senatorial institutions of British India more closely into touch with the Rulers of the Native States. The Viceroy, when he thought fit, might arrange for joint deliberation and discussion between the Council of State and the Council of Princes, and might invite members of the Council of Princes to serve on Committees of the Privy Council.

## F.—THE PUBLIC SERVICES.

### *General.*

73. The policy of the increasing association of Indians in every branch of the administration was placed in the forefront of the announcement of August 20th. The characteristics which have enabled the services to confer benefits upon India in the past, must be adequately maintained in the future; and the solution lies in recruiting year by year such a number of Indians as the existing members of the services will be able to train in an adequate manner and inspire with the spirit of the whole.

74. Appointments are to be made to all branches of the Public Services without racial distinction.

75. For all Public Services, for which there is a system of recruitment in England open to Indians and

Europeans alike, there must be a system of appointment in India.

### **The Civil Service.**

76. It is suggested that thirty-three per cent of the superior posts should be recruited for in India, and that this percentage should be increased by one and a half per cent annually, until the periodic commission is appointed which will re-examine the whole subject. A re-adjustment of the rates of pay and pension is recommended.

### **Other Services.**

77. There should be a fixed percentage, increasing annually, of recruitment in India. This percentage will not be uniform for all Services as the particular figures must depend upon their distinctive characteristics and functions. As in the case of the Civil Service, a re-adjustment of the rates of pay and pension is recommended.

### **The Army.**

78. The granting of a considerable number of King's Commissions to Indians is recommended. Race should no more constitute a bar to promotions in the Army than it does in the Civil Service.

## **G.—INDUSTRIES AND TARIFFS.**

79. The proposals lay stress upon the necessity for Government action in developing the resources of the country, and for the recognition by Government of the necessity for a forward industrial policy. The

extent and form of State assistance will doubtless be determined by the reformed Governments of the future, having the advice of the Industrial Commission before them, and with due reference to Imperial interests.

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#### H.—CONCLUDING NOTE.

The general principle kept in mind in framing these proposals has been the progressive realisation of responsible government. The arrangements contemplated by these proposals are admittedly transitional. They are to be open to revision. The proposals themselves are tentative. They are now open to discussion.