MEMORANDUM AND EVIDENCE
BEFORE
THE JOINT PARLIAMENTARY COMMITTEE

OF
C. P. RAMASWAMI AIYAR

30th and 31st July, 1919

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EVIDENCE BEFORE THE JOINT PARLIAMENTARY COMMITTEE

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ANSWERS AND QUESTIONS PROPOUNDED BY
THE JOINT PARLIAMENTARY COMMITTEE

AUGUST 29TH

1. (a) Do you accept the proposition that it is desirable to bring about the progressive realisation of Responsible Government in India? and (b) if so, how do you define the expression "responsible government"? (c) And do you generally accept the proposition contained in the Preamble?

A. I accept the proposition that it is desirable to bring about the progressive realisation of Responsible Government in India. I would define Responsible Government as involving the responsibility of the Executive for their policy and administration to a representative Legislature. I would accept the proposition contained in the Preamble provided that the development of responsibility in the Central Government is prescribed by it and contemplated in Clause 23, sub-clause 2, and if the first steps in such development are provided for in the Statute.

2. Do you think that the realisation of Responsible Government in the Provinces involves the establishment in Provincial Legislatures of a substantial elected majority? (Clause 6.)

A. The realisation of Responsible Government cannot be achieved except inter alia by the establishment in Provincial Legislature of a substantial elected majority. This demand has been unanimous on the part of Indian politicians and a four-fifths majority has been asked for.

3. (a) Do you think that the non-official members of the Provincial Legislatures should possess power to control the actions and policy of the Executive? (b) Do you think they possess such power at present?

A. The non-official members of the Provincial Legislatures on account of the existing composition of the Councils, and in the
present circumstances possess no real power either in the matter of legislation or by way of exercising any control over the actions and policies of the Executive, and the resolutions of the Legislatures have mostly remained a dead letter. There is no possibility of development unless actual power is conferred on the Provincial Councils.

4. Do you think that there are certain matters or functions of Government in the Provinces in which at present the Provincial Executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?

A. The majority of the members of the organisation whose delegate I am, concur with the Indian National Congress in the view that in the Provinces Responsible Government should be immediately granted on the lines suggested by the Delhi Congress. However, as a matter of practical politics, and in view of the discussions that have taken place on this matter and the opinions expressed by several non-official organisations as well as by exponents of the Government's policy, I would state as my conclusion that the Provincial Executive may be placed in a position to enforce its wishes subject to its responsibility to the Secretary of State in Parliament and subject to full facilities for popular influence being brought to bear on it before the final decision is taken, in certain matters and some functions of Government, namely those concerned with the preservation of the peace and safety of the Provinces and political matters.

5. If you accept the propositions stated under Questions 1 to 4, do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view?

A. Having accepted propositions 1 to 4 as stated above, it is my duty to inform the Joint Committee that so far as I have been able to gather their views, the majority of members of the All-India Home Rule League cherish the opinion that the dual form of Government is unacceptable, and that in any case some Provinces at least are ripe for complete Provincial Autono-
my. Here again, for the following reasons, I would for the present accept the dual form of government. My reasons are these:

The Congress-League Scheme was attacked on the ground of its not providing any scope for the exercise of definite and undivided responsibility by popular representatives and because of its inevitable deadlocks. Whilst not admitting the argument as to deadlocks in its entirety, it has yet been felt that the grant and exercise of real responsibility are bound to convince the authorities in England and India that Indians are capable of managing their own affairs and that this conviction will lead in time to complete Self-Government and demonstrate that it is neither against the genius of the race nor will tend to the enthrone ment of a class-oligarchy. This decision on the part of political thinkers is due mainly to the safeguards proposed by the Joint Report, namely, that the two parts of government would meet and decide all important subjects and that all orders will issue in the name of the whole government, that the budget would be a unified one, and that taxation would be transferred and would be in charge of the Minister. These safeguards remove many of the objections that may be urged against the dual system, especially when it is considered that it is meant to be transitional. The Government of India’s recommendations in their letter of the 5th March, 1919, regarding: (a) The choice of Civilian Governors; (b) the insistence on two European members of the Executive Council where the Governor is a stranger; (c) the suggested partition of finances; (d) the powerlessness of the Legislative Council as to Budget resolutions; (e) the possibility of taxation proposals being dealt with by the Grand Committee; (f) the administration by the Governor of Transferred Departments and their retransfer in certain cases; (g) the elimination of the provision as to a reconsideration of the transfer of subjects on the expiry of five years; (h) the composition of the Grand Committee; and (j) the Governor's power to certify bills on transferred subjects completely alter the complexion of affairs and make diarchy absolutely unworkable. These proposals are universally regarded as an attempt to whittle down the scheme and the proposals will be
unacceptable if the modifications are given effect to, but if the plan of the Joint Report is adhered to, I would support diarchy on the ground that a discussion de novo would result in a delay which is fatal to the success of any scheme of reform, and because I appreciate that, under the scheme as originally contemplated, the Minister and the Legislative Council not only control the transferred subjects, but have by means of the Budget and the common deliberation on all subjects considerable though not preponderating influence over the administration of reserved subjects.

6. If you have any other method to suggest, does it (i) provide possibilities of advance by stages and facilitate the "progressive realisation of Responsible Government," and, if it does, in what way? (Clause 2, 3, etc.) (ii) Does it afford means of judgment (a) to the electors, and (b) to the Statutory Commission which is to examine and report on progress, the success or failure in results of the control exercised by the Legislature and those who represent it in the Executive?

A. In the view I have adopted I have no alternative method to suggest, but in my opinion the next best is the Bombay Government Scheme contained in its letter printed at page 188 of the Blue-book, and 123. For an answer to the second part of the question I would refer to paragraphs 18, 19, and 20 of the letter adverted to.

7. If you consider a dual form of government acceptable in principle, are there any points of detail the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest?

A. Accepting as I do the principle of dual government during the period of transition, I regard modification necessary in the following points of detail. These remarks must be read along with the suggestions detailed below:

(1) The responsibility for the rules must rest directly with His Majesty's Government and they should be made by His Majesty in Council, as suggested by Professor Keith. Certain classes of rules under clause 30 may be exempt from alteration by the Indian Legislature, but matters of detail or procedure may be subject to their legislation under the safeguards provided
therefore. In any case, all rules should be published in India before promulgation.

(2) Legislative bodies must be at liberty to alter their rules for the conduct of business unconnected with their fundamental constitution. Rules must provide for vacancies in legislative bodies being filled up within a specified period, and for meetings to be convened on the requisition of a proportion of members of these bodies.

(3) No discrimination is necessary as to their terms of office, and the prolongation of their terms between the Provincial Councils and the Legislative Assembly.

(4) The Minister, in virtue of his position, must be the nominal leader of the House and the exponent of Government's policy.

(5) Standing Committees and Under-Secretaries must be provided for as contemplated in the Report both in the Local Government and the Government of India.

(6) Deputy Governorships are unnecessary and may lead to complications and popular suspicion.

(7) The Bill leaves open the question of a separate or joint purse, but seems to proceed on the basis of not accepting the doctrines laid down in the Report as to the transferred subjects being the residuaries. In either case the Governor's final mediation and decision are requisite (vide answer to question 132) and the success of either experiment is dependent on the mutual cordiality and tact of the authorities concerned (vide paragraph 221 of the Report). Considering that the Ministers who seek responsibility ought not to avoid the so-called odium of taxation, and in view of the preponderating advantages (indicated by Sir Sankaran Nair) of collective action and mutual influence resulting from the joint purse system, and the restraining influence of the periodical review by the future Commission, as well as the opportunity granted to Ministers for understanding the needs of the reserved subjects, as well as to the chances obtained by the Executive Council of understanding the needs of the transferred subjects, I would urge the adoption of the Joint Purse System. The powers of the Governor will enable him to safeguard the interests of reserved departments though I
do not foresee any difficulty. The alternative course would tend to separate the two halves of the Government, may encourage extravagance on the part of both halves, and the fixed periodical adjustments suggested by Government would, as pointed out by Lord Islington, stereotype the position of particular departments. Moreover, taxation may be resorted to, even though there is a surplus in one of the two halves of the Government (vide question 400 and answer). As suggested by Sir Sankaran Nair, the Executive Government as a whole will apportion the revenue between the reserved and transferred subjects, and the Budget so framed will be placed before the Legislature.

8. In particular, do you think—

(i) that Ministers should hold office "during pleasure"?—i.e., should be liable to removal if they are unable to support the action decided upon in their department by the Governor, or if they fail to retain the confidence of the Legislature? (Clause 3 (1).)

(ii) that the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities? (Clause 3. (3).)

(iii) that the Executive Council should in all Provinces normally consist of one official European and one non-official Indian? (Clause 4.)

(iv) that the Governor should have power to dissolve his Legislative Council? (Clause 7 (4).)

A. The rules under Clause 5, sub-clause 2, must provide that the Executive Government should generally deliberate as a whole.

(i) Ministers should hold office during pleasure in the sense that they should vacate office if they fail to retain the confidence of the Legislature. This suggestion carries out the demand for real responsibility, but as a corollary it must follow that the Governor should be bound to accept the decisions of the Minister. If he is, however, to be under the obligation to take action, as indicated in Clause 3, sub-clause 3, then as suggested by Professor Keith, at page 45 of his Minute
appended and the Crewe Committee Report he ought to have liberty to acquiesce in the Governor's decision, but to decline responsibility for it, and remain in office if he has the confidence of the Legislature. Clause 3 of the Bill would have to be amended so as not to compel the Minister to carry out a policy to which he is opposed and for which nominally he is to be responsible.

(ii) The power referred to in this question should be vested in the Governor subject to the following safeguards: if he disregards the opinion of his Ministers and is unable to find a successor to carry out of his views, he may dissolve the Council, and if the new Council also follows the opinion of the old, the Governor must yield to their will without being enabled to resume control of the transferred subjects. If this be not accepted, the following safeguards should be adopted:

(a) All disputes between a Minister and a Governor as to the nature of subjects, namely, whether they fall under the category of reserved or transferred subjects and as to action to be taken as regards transferred matters in consequence of action taken in reserved matters, and vice versa, should be referred, if so desired by the Minister, to the decision of the Secretary of State.

(b) A Governor shall not without the approval of the Secretary of State decline to accept the advice of a Minister in regard to a transferred subject unless he can obtain another Minister prepared to accept responsibility for the policy laid down by the Governor. The approval of the Secretary of State is to be accorded only when he is satisfied that in the interests of India or the Empire the control of the transferred subjects should for the time being revert to the Governor-in-Council (vide Professor Keith's Minutes, pages 46, 47). As connected with this topic, each branch of the Government should have analogous and equal powers of interfering with the other half.

(iii) As to this question I would stick to the formula in paragraph 218 of the Report, the preponderance of the European element would be a whittling down of the Schemes (vide Sir Sankaran Nair's Minute, para. 26). After the appointment of Ministers, the need for increase in the number of the Executive Council would be progressively lessened.
(iv) The Governor's power to dissolve the Legislative Council is consequent on the other features of the scheme and inauguration of a responsible Ministry.

9. Referring back to Questions 2, 3 and 4, if your answers to the first and third of these are in the affirmative, and if you think that the Legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by Clause 9 of the Bill upon their financial and legislative powers as—

(i) suitable, or as
(ii) unnecessarily severe, or as
(iii) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9).

A. Holding as I do that the Legislatures should be given greater powers of control and influence than they possess at present, I regard the limitations imposed by clause 9 of the Bill as unnecessarily severe and such as to jeopardise the success of the scheme. Sub-clause 5 endowing the Governor with the power to throttle legislation is novel, and is greater than the powers possessed by the Governor-General himself. He may veto legislation, but the prevention of discussion will be most harmful in its results, and this provision eliminates the privilege that a private member has even now in theory. The appeal to the Governor-General against a certificate of a Governor must also be retained or an appeal provided to the Secretary of State. As to the legislative power of the Councils, paragraph 212 of the Report, must be adhered to. The rules regarding Provincial legislation suggested by Professor Keith in pages 45 and 46 of the Minute are very appropriate with the exception of the provision regarding the interests of parts of the Empire other than India. The re-enactment of Section 79, sub-section 3, item E. of the Government of India Act is un called for. There are a number of legislative changes as in the case of religious endowments and many departments of Hindu law in which the conditions of one Province differ from those in another, and where public opinion has evolved on different lines. Uniformity of legislation in such cases is neither possible nor desirable. Catastrophic changes can be prevented by a resort to prior sanction.
Financial Proposals.—The proposals contained in paragraph 256 of the Report are regarded in India as the kernel of the scheme in its Provincial part, and ought not to be minimised. The proposals made by the Government of India in their Despatch of the 5th March, paragraph 69 would reduce the Councils to the position of mere advisory bodies in all subjects reserved and transferred. Clause 9, sub-clause 25, gives an extraordinary power and the words relating to expenditure necessary for the carrying on of any department practically gives an unlimited scope. In any case, even in an emergency, the Governor must certify with reasons, and the approval of the Secretary of State must be obtained whenever the Governor issues a certificate in respect of expenditure on a reserved subject which has been disapproved by the Legislature, or to authorise expenditure for some purpose for which no provision has been submitted to or approved by the Legislature. Clause 9, sub-clause 2c, contravenes paragraph 256 of the Report, and overlooks the educative efficacy of the Annual Budget discussion referred to therein. The permanent charges should be few and fixed by statutory rules and should include only a few items beyond Provincial contributions and interest on debt. Prov. D. Clause 2, sub-clause 2 is based on the House of Commons procedure, but there is no real analogy as the House by an adverse vote can turn out the Government, and moreover, the Committee procedure in the Commons secures the possibility of alteration of specific heads. The Legislature should not merely have a right of scrutiny and advice, and it ought to be possible to propose financial measures in the form of resolutions, even though they may involve increase of expenditure under one head. There ought to be no emergency grants which can form proper subjects for supplementary estimates.

10. In particular—

(i) do you think that the Legislature should have power, with whatever limitations, to vote supplies (Clause 9 (2) ).

(ii) do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council?
If so, have you any modifications of detail to suggest?
If not, what other method would you suggest to secure the object in view?

A. (i) The right of voting supplies is essential to any Legislature if responsibility, however limited, is to be exercised by it.

(ii) Grand Committees.—I would oppose the institution of Grand Committees, especially in view of the suggestions made by the Government of India which proceed on the erroneous basis of the absence of independent political thought, and of the assumption that every elected member would necessarily vote against the Government. The disadvantage of the official bloc has been perpetuated, and smaller bodies than even the present Councils are sought to be brought into existence. It has been argued that the Grand Committee affords scope for persuasion on the part of the elected member, but this process can take place in the Council itself without a reduplication of machinery. The Grand Committee may be abolished and the Governor may assume responsibility for cases needing affirmative legislation, subject to sanction on the part of the Government of India or the Secretary of State, and the inevitable review of policy by the Select Committee and Commission. In the alternative, I would advocate action by the Imperial Legislative Assembly for the reasons outlined by Sir Sankaran Nair at page 72 of his Minute. Protection to Government can be combined with opportunity of persuasion by the non-officials, only if the composition of the body is such as to secure at the most a bare majority of nominated members (vide para. 252 of the Report) and if, as suggested by Professor Keith, the approval of the Secretary of State is made requisite for reference to certification to a Grand Committee, or at all events, the appeal provided against the certificate in para. 252 of the Report is retained. There may also be a provision inserted for a discussion by the Council after the work of the Grand Committee (vide para. 253 of Report).

11. Do you accept the position adopted in the Bill (Part II) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as
that given to Provincial Legislative Councils over Provincial Governments?

A. I do not accept the position adopted in the Bill especially in the Preamble and Section 28, taken with Part II as to the Central Government, as I hold that the terms of the announcement of Government require, as well as empower, an advance towards a Responsible Government at the top. I hold that the Bill not only makes no advance, but crystallises the present system, and even the Statutory Commission is not under any obligation to enquire into the subject (vide Clause 28, sub-clauses 2 and 3). There is no reason why in most matters which concern the normal internal administration of the country, and especially in all those cases where the Government of India retain a right to interfere with the transferred subjects in the Provinces, responsibility should not be introduced as outlined by Sir Sankaran Nair, vide p. 73 of his Minute.

12. Do you agree that it is advisable none the less to provide for a substantial elective majority in the Indian Legislature? (Clause 16.)

13. Do you accept the plan of a bicameral Legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General-in-Council to secure legislation which he regards as essential? (Clauses 14, 15 and 16.)

14. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature? (Clause 20 (3) and (4.) Or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities?<

A. 12, 13, 14. In any case a substantial elected majority is essential in the Legislative Assembly so as to allow of the exercise of influence at a place where the country's future will be really in the making. I consider Clause 20 making sub-clauses 3 and 4 unnecessarily restrictive of the popular will, and I would also press for the principle advocated in the Crewe Report, para. 35, clause 2. The examination and criticism of the expenditure of the Government of India by the Legislative Assembly must be on the basis that the resolutions are valid and binding,
subject to the conditions indicated in Professor Keith’s Minute, para. 17, sub-clauses 3 and 4. For the reason that the Council of State, as constituted, does not represent interests unrepresented in the Assembly otherwise, and as at present no real Senatorial Chamber can be constituted, a procedure analogous to the Grand Committee should for the present be followed in all cases where the Council of State is deemed necessary. If it is decided that it is necessary to constitute such a Council, it ought not to be resorted to for ordinary purposes of legislation and its interference must be only in cases of paramount importance and legislation should not be certified for enactment by it alone or as against Legislative Assembly unless the Secretary of State approved of it on the ground that its enactment is essential for the peace and order of India. Such legislation should be temporary and not renewable without the approval of the Select Committee. In any case, the words in Clause 20, sub-clause 4 regarding the interests of British India or any part thereof are dangerously wide and vague.

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General’s Executive Council? If not, what are your reasons and what modifications would you suggest?

A. I do not accept the proposals in the Bill regarding the constitution of the Governor-General’s Executive Council, and would advocate that one-half the number of members in it should be Indian, so as to provide for adequate Indian influence in the Government of India, which at present is ultimately bureaucratic. Subject to this remark, I would, for the reasons stated in para. 271 of the Report, approve of the abolition of statutory restrictions as to service in India and as to special qualifications. At all events, the clause about legal qualifications should admit of a wider choice, as indicated in the answer of Sir James Meston.

16. Do you think that the development of Provincial Autonomy on the one hand, and Self-Government in the Provinces on the other, involves any modifications of the provisions of Sections 2, 33, and 45 of the Government of India Act? (Clause 23.)
A. In the first place, the question of fiscal autonomy must be faced and answered, either by a frank concession by the Government of the United Kingdom, or at least in the form suggested by the Crewe Report regarding non-interference by the Secretary of State when the Government and the Legislative Assembly are in agreement, but, bearing in mind that the interests of the Self-Governing Dominions of the Empire may not be identical with Indian interests. This is essential for the industrial progress of India, in view of competition from protected countries in its present comparatively unorganised condition. Nextly, Sections 2, 33 and 45 of the 1915 Act create an essentially centralised system and the adoption of devolution of power must involve modification in the manner attempted by Mr. Basu in paragraph 5 of his Minute, page 32 and by Professor Keith in his Minute, paragraphs 24, 25 and 26.

17. Do you agree that the gradual realisation of Responsible Government involves periodical examination of progress, by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?

A. Whilst agreeing that periodical examination by an independent Parliamentary body is essential for the scheme as laid down, I object to Clause 28 as not imposing any obligation of enquiry into the machinery of the Central Government. I would also urge the retention of the provision regarding the enquiry contemplated in paragraph 260 of the Report as essential by way of stock-taking.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?

A. I would answer this question in the affirmative and ask that the following matters should be provided for in the Bill:

1. The powers inter se of the various constitutional authorities and the limits of their interference as attempted in various Minutes appearing in the Crewe Report.

2. The question of fiscal autonomy, namely the provision that subject to just Imperial obligations, the Government of India under the control of its Legislature should have the
same power over the fiscal policy of India as the Governments of the Self-Governing Dominions.

(3) In view of the past history of the question, the principle should be laid down that provincial contribution must be in proportion to population or revenue, and not arbitrarily fixed.

(4) The salary and position of the Minister should be defined so as to be on an equal footing with those of his official colleagues.

(5) Legislative bodies must be empowered to elect their President and Vice-President.

(6) Governors should be recruited from the ranks of public men in the United Kingdom.

(7) The fundamental rights of members of the various legislative bodies regarding discussion and interpolation should be enacted and matters of detail should be regulated by standing orders or rules.

(8) Part 4 of the Bill must be amended so as to subject the public services to legislation subject to safeguards as contemplated in paragraph 29 of Professor Keith's Minute.

(9) Provision should be made for a permanent Indian Under-Secretary of State.

19. Have you any observations to offer on the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?

A. Reports of the Committee on the Home Administration of Indian Affairs.—I am in favour of the abolition of the Secretary of State's Council, and consider the Advisory Committee as recommended will detract from the undivided responsibility of the Secretary of State, who in future will only interfere in matters of Imperial concern. I would accept the views of Sir James Brunsate contained in pages 21 to 24 of the Crewe Report regarding the classification of functions and the grouping of topics. If the Secretary of State's Council is retained it should be as a temporary measure, and, as Sir James Brunsate puts it, it should automatically come to an end at the end of ten years unless the Parliamentary Commission reports in favour of
its continuance. In the intervening period its reconstitution as suggested by Mr. Basu is extremely necessary so that half the number may be Indians and so as to get recruitment from the ranks of public men from the United Kingdom. The appointment of a High Commissioner may be postponed until the abolition of the Council, but if he is appointed he must have an Advisory Committee of whom not less than one-half should be Indians. I would strongly press for the retention of the Select Parliamentary Committee, and would advocate the appointment of an additional Indian Permanent Under-Secretary. Interference by Parliament is unlikely in ordinary affairs, and it will be an advantage to have at least a few British politicians in Parliament who will have to devote their attention to Indian affairs in a responsible manner.

Franchise Report.—Whilst generally agreeing with the Committee's recommendations as to the Provinces, I would object to the residential qualification for candidates, and I would strongly urge the extension of franchise to women on the same terms and subject to the same conditions as men. I would preserve the Congress-League compact as to Muhammadan representation in all Provinces. I would advocate the introduction of direct election to the Legislative Assembly from the very start. Provision should be made for the inclusion in the electoral list of persons possessing a minimum educational qualification, such as those who have passed a specified examination. The number would not thereby be greatly enlarged. I urge this for the reasons laid down in paragraph 225 of the Report. The University seats should not be abolished, but the election must be by the registered graduates of each University and European representation is excessive, especially in Bengal and Bombay, and disproportionate even to their admitted importance. In regard to the non-Brahmana communities, separate communal electorates are both uncalled for and mischievous.

(39) As to this matter all will echo the sentiments expressed by the Committee that it was regrettable that no settlement was reached which would have dispelled the doubts entertained by this community. The existence of the so-called
non-Brahmana movement which has become more and more thoroughly organised owing to the activities of those interested in the progress of the movement both in England and India demonstrates:

(a) that the Indian non-Brahmana communities are not disposed to accept the so-called predominance of the Brahmanas without cavil or question, and that there is no spirit of subservience manifested towards an oligarchy.

(b) that they are beginning to recognise their own strength and assert their independence.

It will also be noticed that the political classes amongst the Brahmanas are just those who have lost or abdicated their claims to spiritual eminence.

(40) The difficulties experienced by these communities are grossly exaggerated and the arguments based largely on accidental rather than permanent causes. One of the main arguments of those who want special electorates for this class is that though the non-Brahmanas are in a large minority yet in the Madras Legislative Council to-day 9 out of 10 elective seats are held by Brahmanas. This argument overlooks the fact that four out of nine seats were as a matter of fact uncontested, the fifth was contested only as between a European and a Brahmana, and in the case of another seat, namely that representing the Corporation of Madras, the Brahmana candidate was put forward and supported by the late Dr. Nair as against a non-Brahmana colleague of his.

(41) Another argument has been, and will be, introduced, namely that unless there are special electorates created, those non-Brahmanas who are favourable to the Brahmanas, the so-called "pro-Brahmanas" will be returned, but this involves a conspiracy between the so-called oppressors and a large proportion of the oppressed. In view of the fact that the community has an overwhelming electoral strength, and of the considerations referred to in the Franchise Report, it is wrong to think of any solution involving the disintegration of the communities especially as segregation is not the way to protect them. A large number of persons have, nevertheless, favoured a compromise based on the creation of plural constituencies with a certain
proportion of guaranteed non-Brahmana seats or a maximum imposed on Brahmans, but this is a matter for a compromise and compact just as was arrived at in Lucknow between the Congress and the Muslim League.

(42) In the matter of the demand for communal representation the main argument has been that the highest castes and especially the Brahmans, will be oblivious to the interests of the masses. The stress laid by the elected members of all Legislative Councils on the improvement of the administration, on the improvement of gaols and the amelioration of famine conditions disprove this contention. The proposal was made by a non-official member of the Madras Legislative Council for the abolition of punishment by "stocks" in the case of certain depressed classes. The statute referred to was a standing instance of discrimination between castes not due to Brahmana influence at all.

In a smaller sphere it is a fact that, whereas the Elected Commissioners of the Corporation of Madras unanimously voted last year in favour of the admission of Panchamas into Corporation Schools, the proposal was postponed owing to the opposition of a representative of the Department of Public Instruction.

(43) As pointed out in the Franchise Report, the Brahmana community does not desire to be segregated and objects to the assumption that the majority of the population desire not only to be protected from a small minority but that steps should be taken to prevent the minority from influencing the body politic. If real power is granted and if the system of communal representation is to be extended, each special caste of the non-Brahmanas would insist on separate representation, and a perusal of Mr. Thurston's Castes and Tribes in Southern India would convince any one that the various sub-communities amongst them are by no means united or homogeneous.

Functions Report.—The Minister's salary must be on the transferred estimates and permanent heads of departments should not be allowed direct access to the Governor as suggested by the Indian Government. Revocation or suspension of transfers of subjects during the first five years ought not to be
attempted and reliance must be placed on the power of ordering a dissolution and of making ordinances.

Provincial taxation and borrowing on the sole credit of provincial revenues and the subject of land revenue in Raiyatwari Provinces (vide Sir Sankaran Nair’s Minutes pages 10 and 11 Functions despatch) must be transferred subjects as well as the subject of periodical settlements so long as they persist. The present system of executive action and rule-making without reference to the Legislature as to land revenue must be altered. Land taxes and duties on unearned increments are allowed to be Provincial subjects. Irrigation, light, railways and tramways, industrial matters, business concerns, the administration of civil justice and most of all, the subject of education must be transferred, and it is felt that in education especially, progress is impossible without popular support and control, and wide support and the necessary money cannot be procured unless the control of the system is vested in popular representatives.

List of All-India and Provincial Subjects:

(1) Franchises and elections must be left to Provincial Councils to be worked under statutory rules.

(2) The control of services working the departments to be administered by Ministers must be a transferred subject. In short, the tests applied for transfer must be those indicated in the Report, namely, keenness of interest evinced in them and opportunities of service and adequate knowledge.
EVIDENCE GIVEN BY MR. C. P. RAMASWAMI AIYAR

MR. C. P. RAMASWAMI AIYAR is called in and examined, as follows:

Would you like to make any general statement as to the attitude of those you represent in respect of the Government of India Bill, which we are met to consider?—Yes, my Lord. I should like to preface what I have to say by one statement that I am here as a delegate of the All-India Home Rule League, who have deputed me to come here to represent their general views. I may at once state that in one important particular I hold what may be termed the minority view in the All-India Home Rule League, and my League was cognisant of that when I was deputed, that is, I hold that in the present circumstances, in view of the discussions that have taken place, the system of diarchy is inevitable and has to be worked upon in order to effect the objects that the Government of Great Britain and the people of India have in view. Subject to that, I believe that my views will represent the views of the members of my League. Having said so much, I may add that the main points upon which I wish to concentrate, having regard to what has been stated by previous witnesses, would be first the question of communal representation, especially in Madras, with which I am particularly acquainted. I am a resident of Madras, and belong to that community, namely, the Brahmana, which has come in for a considerable amount of criticism during the very recent discussions on this matter; also, I am a lawyer, a class, or community which has come in for an equal amount of criticism; and have also taken a considerable part in helping to form an adequate body of what may be called instructed opinion on this matter in my own Presidency. I may mention that I should also like to offer
special remarks regarding the University representation to the Legislative Council of the Provinces. Those are the two local matters on which I should like to offer some observations, or answer questions. I have, in my answers to questions, stated what modifications I consider necessary in the Bill, and I also in answer to that question and the next question deal with most of the points relating to the Provincial Governments. I shall deal with them in answer to questions or generally. If your Lordship desires me to give a general outline of what I would propose as the necessary modifications in this Bill in the various stages I shall gladly do so.

I think that would be useful?—Firstly, with reference to the Local Governments I hold the view, which has already been expressed by the witnesses here, that the Minister must be placed in a position of equality so far as status and influence is concerned with the Executive Council Members. I also hold the view that as to the matters on which the Minister is to exercise his jurisdiction, they are to comprise not only the matters already indicated as the share of the responsible Minister by the Functions Committee, but also the subjects at the least of land revenue, universities, industries and education. I ought to correct myself, because the Functions Committee has really dealt with the question of education. In regard to franchise, I hold the view very strongly that it is not an impossible, nor even an inconvenient, procedure at the present moment to give a franchise for women on the same terms and subject to the same conditions as for men. I would also advocate that the residential qualification should not be insisted on in any portion of the country. Those are the two main points with reference to the franchise that I would urge. The other points are referred to in my answers to the questions. They are contained in my answer to question 19. I would preserve the Congress-League compact as to Muhammadan representation in all Provinces. In regard to the non-Brahmana communities, I have stated that the constitution of separate communal electorates for them would be undesirable, and would really give rise to more fissiparous tendencies than already exist in that community. In the first place, as has been noticed already by a
witness who has given evidence, there is no such thing as a non-Brahmana community from the point of view of homogeneity. If there is no such community, and if real power and influence are going to be exercised by the Legislative bodies, or their members, there will be an agitation in each sub-section of that community for separate representation because it would be quite open to any one of those sub-sections to come forward and say: "Our interests are not safeguarded in this particular matter." A perusal of a very interesting series of volumes, Thurston's *Castes and Tribes of Southern India*, would show that in that community—that is, the non-Brahmana community—there is a very important section in which there are 153 sub-communities, each one of whom assumes superiority, religious and social, to the other. The result of granting real responsibility and power to members of the non-Brahmana community as such would mean that the 152nd and 153rd community would say: "We are swamped by the rest." So I would strongly advocate that the system of communal electorates should be abandoned. I am at one with those who have pleaded that if a compromise were accepted, and was going to be loyally worked on both sides of the problem, a solution may be attempted by a maximum for the Brahmans or by a minimum for the non-Brahmans, but that, as I say, must be a matter of compromise. With reference to the question of functions, I think I have already stated that the main point which I would insist upon is the question of land revenue. In addition to what has been stated, and if I may say so, very cogently stated by the previous witnesses, I would point out to this Committee that the subject of land revenue is now subject entirely to Executive action and Executive rules. That is the reason why we say that Legislative action should have play in questions of land revenue apart from Executive rules and Executive action. The next point that arises for determination is a question as to whether it ought to be a transferred or a reserved subject. On that, although in this matter the Report takes a different view, applying the tests suggested by the Report itself for transfer at page 154, we find it stated that opportunities for local knowledge and social service, those in which Indians have shown themselves to be
keenly interested—these are the tests for the transfer. I make bold to say that those tests if logically applied are such as to include rather than exclude, land revenue. So much for the question of franchise and functions. Then, speaking again with reference to the Provincial Councils, I would strongly advocate that the system of the joint purse suggested originally and supported by arguments which are contained in paragraphs 246 and 256 of the Report should be given effect to rather than the separate purse system. All the arguments that have now been advanced with reference to the separate purse system were, if I may say so, present to the minds of the framers of the Report, and have been answered by them. The question of an outside arbitrating authority has also been put and answered in the Report, and I would leave it at that, subject to any question that may be asked with reference to that matter. Then I hold that the Bill in so far as it provides that Ministers should hold office during pleasure is a great improvement upon the original scheme in so far as from the very beginning it is made clear that the Ministerial responsibility to the Legislature is defined, but I take it that as a corollary it must follow that the Minister's salary would be on the transferred estimates although it is not clearly laid down in the Bill. As however it would be inevitable, I would say no more on that subject, but I hold that that is a great improvement on the scheme as originally understood. I grant that the provision now made of the Ministerial responsibility, the Minister holding office during pleasure, obviates the necessity for the five years' scrutiny as to one portion of it, but the other portion remains, and I would advocate that it should remain, and should not go. That is with reference to the question of further transfer at the end of the five years. I realise that there are two portions of the contemplated examination. The first examination was whether the Minister's salary should be placed on the estimates, and the second portion of the examination was as to the further transfer of subjects. I hold that the first requisite has been satisfied but that the second demand should be complied with. Another very important point which I would emphasise with regard to the Minister's position is in regard to the
statement contained in sub-clause 3 of the Bill, namely, that the Ministers should be forced to take action. If he takes action, then it ought to be made clear that that action is taken on the responsibility of the Governor. It ought not to appear as if the Minister entirely complies with the wish of his constituency or the Legislative Council. It would be a camouflage which I would avoid. If the Governor thinks it necessary that the Minister should take a certain line of action I would advocate what has been urged elsewhere, that the Governor should have the option to dissolve the Council. If after having dissolved the Council he finds that the Legislature also takes the same view he ought to be bound to follow that advice. But assuming that the alternative is not considered advisable, then I would say that action forced on a Minister ought to be placed on such a basis that it ought to be clear to the world that the action is taken on the initiative and at the instance of the Governor. Professor Keith in his Minute points out that in New Zealand the procedure was adopted of the Governor in such cases, indicating that it was his opinion, that it was being followed. In such a case the Minister should, after having said that, continue in office if he had the support of his Council. I would also very strongly object to the power of the Government to throttle or block legislation. Provision has been made in the Bill that the Governor may be entitled at any moment—in this instance transcending the powers of the Governor-General himself—to block legislation at any stage. I hold that it will give rise to entirely unnecessary discussion and agitation if adequate and thorough discussion of legislation should be blocked. Then comes the question of the Grand Committees. In dealing with this question I would say that if the Grand Committee is to be constituted on the lines suggested in the latest despatch of the Government of India, the Grand Committee has absolutely no reason for existence, because it merely becomes a useless formality. If the Governor has made up his mind that a particular course is inevitable there is no necessity for creating a Chamber which exists for merely bringing into operation his idée fixée and it seems to me that the only argument which was advanced in regard to this matter, namely, the utility of a full
discussion before the Council, is of no great validity. Why import a Second Chamber, especially with the composition suggested by the Government of India, if all that is meant is that the Government must have its way. Let the Governor say so and have done with it. In the alternative, if it is felt that a Grand Committee is essential I would say that the only condition of its useful existence is a bare official majority, as recommended by many of the witnesses, where there is a possibility of arguments having some efficacy in certain contingencies. In any case I hold that the appeal provided against the certification in paragraph 252 is necessary, or as suggested by Professor Keith, the approval of the Secretary of State for reference by certification to the Grand Committee. With reference to the Governor’s Council, the view which has been expressly put forward is that half the members should be Indian, in order to provide for Indian opinion adequately manifesting itself in the Government, both of the Provinces and of the Central Government. Without repeating what has already been stated by previous witnesses, I would add my voice to theirs in urging very strongly the liberalisation, or, if I may so say, the democratisation of the Central Government. I would leave the particular reasons to any question that may be asked of me though I regard this matter as one of the most crucial of all. With regard to the Council of State I would say that personally (and I am speaking entirely personally) I am in favour of a double Chamber, in which one Chamber is popular and the other a revising body. If the Council of State can be constituted so as to be an adequate revising Chamber, constitute it, otherwise have only the power of ordinance; but if this be not accepted I would very strongly urge that the position be made absolutely clear that if the Council of State should come into existence the Council of State ought not to play any part, excepting in emergency matters and temporarily. So far as the Crewe Committee’s Report is concerned, whilst generally agreeing with the recommendations of the Crewe Committee, and especially with the division of functions by Sir James Brunyate with reference to what may be called popular and non-popular subjects, and the limits of interference, I would say that the case has been amplió made out for
the abolition of the Secretary of State's Council, especially in view of the modifications in the other portions of the scheme; but if it is not to be abolished I would be in favour of the suggestions made by Mr. Basu in his Minute coupled with Sir James Brutbyate's suggestions in the Crewe Committee's Report.

Mr. Bennett

You refer to University representation, and you express regret at the abolition of that?—Yes.

How will that be regarded in India?—That will be regarded as an attempt by Government by way of crusade against the educated classes.

Would it be regarded as a progressive step, or retrograde?—The abolition of the University seat would be regarded as a retrograde step.

With regard to the caste difficulty, which you have spoken very fully about, do you think that has been made too much of or too little of, in this discussion?—It has been made too much of in this country, certainly; in India the agitation is largely artificial.

Have you seen it in the Legislative Council in the Province of Madras?—The Legislative Council had, during the whole course of its career, from 1892, introduced, or rather the members of the Legislative Council have attempted to introduce, various measures tending to the amelioration of all the classes. If you will allow me, I will give you one or two instances. It was a member of the Legislative Council that brought forward the proposal for the abolition of the punishment by stocks. There is an enactment now in force in the Madras Presidency by which the lower castes—it is not an expression invented by the Brahmanas, but invented by the Government and embodied in their Statute—may be put into stocks. The abolition of that form of punishment was advocated by the Legislative Council and I think the debates will disclose that the nervousness with reference to its abolition was manifested not on behalf of the elected members, but on behalf of the Government. The reformation of the gaol administration and the amelioration of famine conditions have been urged, and the urgency of educational
progress has been pressed forward on behalf of all the classes of the community by members of the Legislative Council, who, according to the discussions now proceeding in England and India, are supposed to represent solely the intelligentsia.

Have you seen any movements outside the Legislature by which the Brahmanas and the educated classes have sought to raise the condition of their poorer countrymen?—I belong myself, if I may say so without egotism, to the governing body of some societies for the alleviation of the lot of the depressed classes. I am aware, from my own personal knowledge, of a band of estimable young men, mostly Brahmanas, who are today in Madras going round to the poorest quarters in the city, teaching in night schools and performing other kinds of social service and the same happens in some of the larger cities in the Madras Presidency, where the problem is acutest. People are going round to the slums, and try to teach the members of the depressed classes the elements of reading and writing. Night classes are held for that purpose by members of the superior castes, and I think, I may say without fear of contradiction, that the highest classes realise today, and have for a considerable time been realising that in the uplifting of the other classes is their own salvation.

You would like to see the Land Revenue included amongst the transferred subjects?—Decidedly.

What opportunity has there been hitherto for influencing the administration of the Land Revenue; what legislative opportunity has there been?—None at all, because the periodical settlements are dealt with on the basis of executive action. I am speaking with reference to the Madras Presidency, with whose conditions I am most familiar naturally. The Board of Revenue and the executive portion of the Government are entirely responsible for the administration of Land Revenue, not only the collection of revenue, but the fixation of the principles upon which that revenue has to be collected, and the Legislature has absolutely no chance of impinging its will upon the executive.

You have a right of interpellation in regard to these matters, which I think is freely used, not only in Madras, but in
other Presidencies?—The right of interpellation may be used in this way: Supposing a settlement takes place, the settlement officer, acting under orders of his superiors, lays down certain principles. Those principles might be attacked, if they are clearly wrong, when so much percentage of increase is suggested, you might say that is an increase which is not compatible with the general conditions, and is not really consequential upon the pre-requisites of an enhanced amount of revenue. To that extent interpellations may go, but the day by day administration of the principles of Land Revenue is of the essence of good government in India, and it is just the subject in which the local knowledge of a Provincial member might be of the greatest assistance and where the Indian's administrative talent can be most usefully employed.

You would not interfere, for instance, with a thirty-year settlement; that is not to be interfered with during the term of its currency?—Certainly we would not upset by any revolutionary methods what has already been fixed; but the thirty years settlement does not mean that the settlement does not come on for thirty years more. In certain districts settlements are going on now. When those settlements come we shall have a chance of finding what bases the settlement is to proceed, and what is the increase that ought to be contemplated in view to local as well as general conditions.

Is that a question that can be dealt with in the Legislative Council? Are not these settlements based on strict local inquiries?—I grant it; but strict local inquiry co-ordinated with what may be called the general policy of the Presidency and of the country.

You object, I see, to blocking legislation by the Government without discussion?—Yes.

Would you elaborate or state more fully the grounds?—What I desire to say is this: If persons have had their say, and if at the end of what they have said arguments on the other side are put forward and a decision is arrived at, there will be much less grievance, and there will be much less chance of rancorous feeling than if you find that the Legislative Council is told, "You shall not discuss it any longer".
You would say, then, it is to the advantage of the Government that that discussion should take place?—Assuredly.

You are in favour, I think you said, of a Second Chamber as a general principle?—Yes as a Revising Chamber.

Do you regard either the Grand Committee or the Council of State as coming up to your ideal in any degree of a Second Chamber?—I may say they are contradictory to my ideas.

You recognise the advantage of a legislative body gathering to itself the respect and affection of the people?—Yes.

That is of supreme importance, you admit that? That is the basis of these reforms.

Can you imagine either the Grand Committee or the Council of State so gaining the respect and affection of the people?—The position is shortly this: So far as the Grand Committee is concerned it can be supported only on one ground, namely, that after a certain decision in favour of affirmative legislation has been reached if it is felt that the Government must get through certain measures which are, in the opinion of the Governor, of essential importance, then you have to devise machinery for it. The machinery might be either the independent action of the Governor, subject to such checks as might be thought of, or the composition of a Grand Committee. The Grand Committee may be advocated on this basis, namely, that if it is such that discussion in it has a chance of influencing it and so as to make it possible for the Grand Committee to take the one view or the other, then it may be looked upon practically as a system tending towards lightening of the very heavy responsibility of the Governor. If, on the other hand, the Grand Committee is so constituted, as is provided in the last despatch of the Government of India, that it is only a registering body, that the decision can only be one way, then there is absolutely no use in constituting it.

Would a Grand Committee reduce the disfavour with which the action of the Government was received?—I am afraid not, as it is sought to be constituted. On the other hand, it will give rise to factious spirits in the Council and tend to create two sets of people, one of whom would be termed the favoured of the Government who are in favour of its policy, and the other being
the constant opponents. In saying this, I am not omitting for a moment the consideration of the fact that the Grand Committee is constituted ad hoc for each Bill.

Is it not of advantage for a legislative body to be constituted ad hoc for a particular purpose?—I would say that for this reason, namely, that is the only chance if the Grand Committee is to be constituted at all of what may be called circulation amongst the members of the Legislative Council. There must be interchange of personnel, otherwise it will be the same set of people doing the same thing over and over again. If it is to be constituted at all, it should be constituted ad hoc.

**Major Ormsby-Gore**

May I ask you to define for us the exact position of your deputation in relation to the other deputations, such as Mrs. Besant's?—So far as Mrs. Besant's deputation is concerned, I may at once say that the All-India Home Rule League, whose Vice-President I have the honour to be, was the parent body started for the purpose of being an adjunct of the Indian National Congress originally, because it was felt that the Indian National Congress needed some assistance for the purpose of propaganda. Mrs. Besant's organisation, of which she is a delegate, has been, if I may say so, formed ad hoc. So far as the Congress is concerned, I may say that the majority of my body would be generally in favour of the Congress view. I happen to represent only a minority view, and I have said so in the beginning, and it is because I take it that the members of the All-India Home Rule League think that on the whole I shall serve the interests of the country that they have elected me as a delegate.

I take it then that your personal view, which is, you say, a minority view of your organisation, tends nearer to the position taken up by the National Liberal Federation than does the view taken by the majority of your association?—I think that would be a correct statement.

On actual points, you say that you are in favour personally of the Second Chamber system?—Yes.
Are you in favour of that in the Provinces as well as in the Central Government?—The difficulties in the case of the Provinces are for the present well-nigh insuperable. The point is, that there may not be found in the Provinces, speaking merely as a matter of practical politics, a sufficient number of men for the purpose who are not wedded to policies which are merely obstructive apart from being deliberative or revising.

In the Central Government you think that such a body could be found. Would you give me briefly your idea as to how such Second Chamber should be constituted?—I may premise whatever I have to say to this, that if the constitution of that Second Chamber is going to involve further delay and further inquiry as has been suggested by the Government of India, I would rather not have it, because I consider that the sine qua non of all reform is the rapidity with which those reforms are carried into execution.

Chairman

Is this for the Council of State you are speaking?—Yes, my Lord. I venture to say a direct election by persons of superior qualifications, proprietary and literary, might be devised in course of time which would have all the elements of conservative yet not unprogressive thought which ought to characterise a Revising Chamber.

You rule out, do you, thereby a Revising Chamber containing a certain number of nominated members; you would like it wholly elected?—Yes.

On the point as to the relation of the Governor to his Legislative Council, are you one of those who take the view that it is very undesirable that the Governor should preside at the Legislative Council?—Yes.

Would you let each Legislative Council select its own Speaker, or would you allow the Governor to nominate?—I would say that one of the conditions of introducing a proper democratic spirit into these Assemblies is to enable the Assemblies to elect their own President.

Would it be possible to obtain a President who has some experience of working of deliberative Assembly by means of
election?—If by that question it is meant to ask me whether familiarity with Parliamentary procedure and forms would be readily obtainable, I would say no; but I would leave it to the wisdom of the Legislative Council to choose the best man that could be got under the circumstances, holding that study and experience would cure any defects which may initially be found. After all, the whole of the scheme is tentative, and there is no reason why an experiment should not be made in that direction as in any other.

Who do you think would frame the rules of procedure of the Legislative Assembly?—I have endeavoured in my answers to say this, that fundamental rights such as the limit of the scope of interpellations should be defined in the Statute itself—what I may call the fundamental rights of a member. Statutory rules ought to be framed at once. Mere matters of detail of procedure, what I may call the conduct of business of an Assembly, might be left to Assemblies to work out themselves, according as their experience may suggest.

You would not give the Governor any particular powers in that respect?—No particular powers are needed by the Governor, and I fancy you would rather leave it to those who have the working of those things to make these rules.

With regard to the Governors in the Provinces other than the three old Presidencies, do you share the view that we heard the other day, that they should be selected from England rather than the Indian Civil Service?—Yes, for this reason, that you are introducing a system which, however sui generis, is modelled on your Parliamentary system, and those who have had the advantage of seeing at first hand the working of that system must be the Governors.

Now with regard to certification. At present it is proposed, is it not, in the Bill that the Governor should have power to certify measures for Grand Committee procedure at any stage?—Yes.

Are you one of those who take the view that that should be altered, and that he should only have power to certify after rejection by the Legislative Council?—Yes.

You do not think that that would create more friction—that the mere fact that a Bill has been rejected by the Legislative
Council would provoke a political crisis?—The alternative is equally difficult. It means that the Governor makes up his mind as soon as a Bill is introduced that the Legislature is likely to reject it.

That would be the interpretation generally to be put upon the action of the Governor?—Yes.

One question with regard to the Council of India here. Do you think that, during the first interim period whilst this great constitutional change is taking place in India, it is very important that the Secretary of State should have in the India Office both Englishmen and Indians of recent political experience whom he can consult from day to day?—In my answers I have stated that it may be for the purpose of working this experiment for five years or ten years the Secretary of State might feel handicapped without a Council. In that case, if the expedient suggested by Mr. Basu in his Minute, namely, that the Secretary of State's Council is to be composed of Indians to the extent of a half and is to be further recruited by men trained in the Parliamentary tradition, were adopted, it would enable the Secretary of State on the one hand to get local knowledge, and on the other hand to familiarise the country with the Parliamentary traditions, and bring in Parliamentary experience; and for that purpose, subject to the qualification contemplated by Sir James Brumbyate, namely, that the Council of India should automatically terminate at the end of ten years, unless Parliament for paramount reasons extends its functions, I should be in favour of a temporary Council, as indicated.

You would not give up any of the present statutory powers for finance that the existing Council has?—There are two aspects of that matter to be considered. The argument, I take it, for the continuance of the Secretary of State's Council is that he wants a special experience. Therefore, subject to what I have outlined, I would say let that continue; but the financial veto, as I understand it, operates harshly, and I would, therefore, be in favour of the abolition of the financial veto.

You take the view that the financial veto has led to an enormous number of administrative actions on the part of the
administrative Government coming to Whitehall which need never have come to Whitehall?—Yes; but at the same time it must not be forgotten that to abolish the financial veto, while preserving the constitution of the Council, would induce in the people of India the conviction that the Council of the Secretary of State might sacrifice Indian to British interests.

Even though it were composed of half each?—That is why I subjected my remarks to the qualification, unless it were reconstituted.

LOnD LsLlmNGTON

You said you would like to see revenue, industries, and education as three subjects to be controlled by Ministers?—Yes.

What do you mean by industries?—Business concerns, I include co-operation and the law relating to business concerns; not company law generally, which I would make an all-India subject.

In the promotion of industries you would include that within a Province?—Yes.

And all the financial arrangements that surround that promotion?—Yes, certainly. I feel in all the discussion it is understood that I accept the view that the Government would deliberate as a whole, and that whilst a Minister would have the expert assistance and guidance of the Executive Council and the Governor, he would be entitled to lay down the general policy.

Have you read the Report of the Commission on Industries?—Yes, very carefully.

Do you agree with the general recommendations of that Report?—I must say that I have taken an objection in limine to that Report on the ground that the Terms of Reference were unduly restricted, but subject to that I generally approve of the directions of activity suggested in the Commission's Report.

(The Witness is directed to withdraw.)

Ordered.—That the Committee be adjourned to to-morrow morning, eleven o'clock.
ON AUGUST 30TH, 1919

Mr. Ramaswami Aiyar was recalled the next day, i.e., August 30th, 1919, and further examined as follows:

Witness.—Before Lord Sinha begins I should like, if I may, to amplify one or two points which I referred to yesterday in my preliminary statement, because that might obviate some questions. The first of the points I desire to press upon the attention of the Committee is with reference to the question of the right of the Legislative Assembly to regulate the fiscal policy. That I had not adverted to yesterday in my preliminary observations, and I would press it very strongly on the attention of the Committee as being a unanimous demand on the part of the Indian deputations. Closely connected with that, and dealt with more or less as a part of the bigger problem, is the question of the liberalisation of the Government of India itself. The problem of fiscal autonomy, of fiscal freedom, is sought to be solved by the majority of the Lord Crewe Committee in one of two ways. Professor Keith suggests that the problem may be faced boldly and frankly straightforward; but an alternative is suggested that the Secretary of State is not to interfere where the Legislative Council and the Government are at one. My submission before this Committee would be that it is far better to face the problem straightforward at once. That matter has to be dealt with and dealt with urgently.

The second point, which arises out of an answer I gave to a question addressed to me by Major Ormsby-Gore, is with reference to the question of diarchy. That system is accepted only as a transitional stage and subject to the unified Budget and to the transfer of taxation which are features of the Montagu-Chelmsford Report and not features of the Government of India resolutions. It would be unworkable, in my view, unless the unified Budget and the common deliberation are preserved as integral portions of this scheme. Another branch of this question of diarchy which I would take leave to urge is this: except on this one question of diarchy I hold the views of the Indian National Congress which met at Bombay, and which in substance takes the same line except on this one
question with the Indian National Congress which met at Delhi.

The next point which I would also urge very strongly is the question of Provincial contributions. I had omitted to mention anything about it yesterday. I would very strongly urge that the question of the Provincial contributions should be dealt with in the statute itself, not, of course, making each Province contribute so much—that is not a possible subject for statutory enactment—but laying down the principles either in the statute itself, or at all events, by statutory rules, that the Provincial contributions ought to be in proportion either to the revenue or the population or on some equitable basis of that kind. The matter must not be left to be fixed arbitrarily without any definite tests. Those are the points I wanted to submit to your Committee, and especially that about myself and the League which I have the honour to represent being at one with the resolutions of the Congress, excepting on the one question of the diarchy.

**Lord Sinha**

Before I ask you any questions, might I draw your attention to the record of your evidence yesterday? I have not got it.

It is on page 83. I think there is a mistake in the record. That is why I want to draw your attention to it. This is the record of what you said with regard to the Council of State:

"With regard to the Council of State, I would say that personally (and I am speaking entirely personally) I am in favour of a Double Chamber, in which one Chamber is popular and the other a registering body"? Oh, no, it is quite the opposite. I am afraid. "Revising" was the word, I believe, I used.

Would you mind looking at Clause 3 of the Bill? With regard to the second sentence in Clause 1 about the salary of the Minister, would you object to the clause remaining as it is, provided the salary was placed upon the transferred estimate?—I would for this reason. Whilst holding that the transfer of the salary to the transferred estimates would complete the ministerial responsibility that is contemplated, yet I would urge that the same clause in the Bill, one of the sub-clauses of
Clause 3 should make it clear that such salary should be the same as that of the members of the Executive Council, and I would say that the words might make it clear that the salary of the members and the Ministers need not be the same in all the Provinces—that is, the salary of the Executive Council members and the Minister in Bombay may or may not be the same as the similar salaries in Assam. But, nevertheless, in the same Province, the status, position and salary of the Executive Council and the Minister should be entirely alike.

There is one further question I want to ask you on that. There may, of course, be more Ministers than one in any particular Province?—Yes.

Would your answer be the same with regard to each Minister, that the position of each Minister should be the same with regard to pay and status as that of an Executive Councillor?—Yes, the reason being that at the inauguration of the experiment, I take it, the Ministers would be added only if there is enough work. There ought not to be a difference between them inter se.

One other question with regard to Ministers. You notice the same clause, sub-clause 3, "In relation to a transferred subject, the Governor shall be guided by the advice of the Minister in charge unless, having regard," etc. Does that, to your mind, contemplate that the Governor should have relations with each Minister independently of others when there is more than one? If I may say so, the wording of the clause seems to suggest the isolation of each Minister in relation to the Governor.

Do you favour that?—I would not, I would keep Ministerial responsibility corporate, as the responsibility of the Executive Council is corporate.

**Chairman**

I should like to pursue that a little. If one member of the Executive Council differs from another, he does not resign?—No.

In case, we will say, of two Ministers only, and each with their own department and responsibility, would you say that the Minister whose department is not in question should resign if he
does not approve of the policy of his colleagues?—I shall endeavour to answer the question. It may be thought at first that if the Minister is to be responsible to the Legislative Council each Minister ought to stand on his own legs, so to say, but it seems to me that, having regard to the tentative nature of the experiment, and in the transitional stage, it is as well that the Governor should act in conjunction with two Ministers—if there are two—taking their conjoint advice; and if a question arises as between one Minister and another on account of differences of opinion, the same attempt should be made as between the Executive Council on the one side and the Ministers on the other, namely there ought to be an attempt, as I say, to bring about some kind of mediation or arbitration, and a modus vivendi agreed to.

LORD SINHA

The corporate responsibility that you suggest would be the only means for the development of a Cabinet system of Government, would it not?—Yes. If I may say so respectfully that is what I had in my mind.

And any other scheme would mean friction? First of all we will take it in the way of allocation of funds?—Yes.

And if you keep each Minister separate or isolated from the other you would not only have a dual Government, but a triple or quadruple Government?—As many Governments as there are individuals.

And I suppose you would regard that as unworkable?—And likely to embarrass still further the Governor in relation to his advisers.

Now there is one matter in relation to Ministers arising out of your written Memorandum which I want to elucidate. You say, I think, that the Minister should have the position of the Leader of the House?—I suggest that having regard to his position he ought to be the exponent of the Government policy.

Will you look at your answer to question 7, which is sub-clause 4 of your answers?—Yes. “The Minister, in virtue of
his position, must be the virtual leader of the House and the exponent of Government policy."

I want you to elucidate because, speaking for myself, it is not quite clear to me. First of all apart, from the position of Leader, you would say that— he should be the exponent of Government policy? I take it that that would be with reference to the policy of the transferred department? I should go a little further than this. I take it at all events the advocacy of most of the members of deputation is in favour of Provincial taxation being a transferred subject, so that the Minister or Ministers, as the the case may be, would be in charge of taxation proposals as a whole, either arising out of the needs of the Government as a whole, in relation to the needs of the transferred as well as the reserved branches. As the exponent of the policy regarding taxation, he would naturally have to expound the Government policy as a whole, because, I take it, taxation is of the essence of Government administration, and it was with reference to that that I was asking that the Minister should be placed in charge of the exposition of the Government policy, and therefore be the Leader of the House.

The policy generally, or policy when it leads to taxation?—Policy when it leads to taxation.

Of course if taxation is a transferred subject?—Yes, I act entirely on that basis.

On the other hand, if each side of the Government has power of asking for taxation for its own needs that would not apply?—No.

CHAIRMAN

Where there is more than one Minister, who is to choose the leader of the House?—The Ministers inter se. This will approximate to the Cabinet system. So long as the Prime Minister as such is not in existence under this scheme, I take, the Ministers in consultation with each other will arrive at a decision as to who is to lead the House.

Subject to the advice of the Governor?—Certainly.

The Governor will choose both Ministers when there are two or all the Ministers when there are more than two?—Yes.
And I take it they will decide, according to your view, between themselves, with the advice of the Governor, as to who is to be the exponent of the policy so far as their side is concerned?—Yes, and in fact it has to be done in that manner, because if taxation is to be a transferred subject, one of the two Ministers in charge of the transferred subjects will have to take charge of the taxation proposals.

And even if taxation, were not a transferred subject, with regard to their own departments, the transferred departments, the general policy might be expounded by one of them as such?—Very probably, yes.

Will you look at Clause 9? The controversial matter arises really on Clause 9?—Yes.

Before going into the budget, which is the first part, may I draw your attention to the clauses about Grand Committees, Sub-clauses (3), (4) and (5). I take it that, in your view, if the Grand Committee procedure is accepted, you would insist on there being discussion in the Legislative Council before a Bill is referred to a Grand Committee?—Yes.

So as to elicit fully public opinion?—Yes.

In that view the words in the second sentence of Sub-clause 4 and in the first sentence of Sub-clause 5 “is proposed to be introduced,” are particularly objectionable, because that means no discussion?—No reference to the Provincial Council at all.

If those words are eliminated it would meet your objection to a great extent?—Yes.

Wholly?—No, because I would, if I may say so, insist if possible on two references to the Legislative Assembly, in this way. There is no object in referring to a Grand Committee directly without reference to the Legislative Assembly, because it deprives the Government and the Legislative Assembly itself of seeing the pros and cons of the position. After the discussion, and when public opinion has been ascertained on the matter—if a Grand Committee is decided upon; I am only arguing on that basis because my first position is that a Grand Committee as sought to be constituted, is unnecessary and would be injurious, but if it is to be constituted—the prior discussion would be of
great avail. And then, if it passes through the Grand Committee, it seems to me that any amendments or alternations that have been made in the Grand Committee should be again reported to the Legislative Council in order that the Legislative Council might make up its mind again with reference to what has passed in the Grand Committee on the matter, and that finally the Governor should take the responsibility.

Would there be any great use in the second reference?—The first reference is of the essence of the programme; the second reference I would not consider as essential as the first.

So far as information is concerned, the Legislative Council would have it in any case?—Yes.

I think you have stated that the Council of State in the Central Legislature you do not accept in the form suggested either in the Report or by the Government of India?—No.

And if any procedure of that kind is to be retained, you would prefer the Grand Committees?—Yes.

**Viscount Midleton**

You give an opinion with regard to the Grand Committee, from which I gather that you do not favour the establishment of a Grand Committee at all. Is that so?—Yes.

You think that in any case in which the Governor has to interpose it would be better that he interposed, so to speak, by his own fiat rather than by any other machinery?—Yes.

I notice that you regard many questions with regard to this as experimental. You would feel that there was a necessity that there should be a check somewhere in the early stages of these Councils?—I would consider so.

And if there is to be a check you would rather it came from the Governor than otherwise?—My reasons would be these, that after all the resort to a Grand Committee would be regarded as a pure formality, and if there is going to be the elimination of blame falling upon the Governor that expedient will not solve the question, because people would in any event say that the Government have decided upon the policy and they are carrying through the Bill by means of this process of the Grand Committee.
With regard to the Cabinet, you would favour the Council and the Ministers sitting together?—Yes.

Would you regard the Governor in the light of an umpire or of a party? How would you wish him to be regarded?—The position of the Governor in the transitional period is, of necessity, very difficult exactly to define, but I would rather that the Governor were regarded in the capacity of mediator than anything else—mediator with this difference, that mediators have not generally got to carry out the result of their mediation, but the Governor would have to.

What do you feel as regards the Governor himself being Speaker or Chairman of the Legislative Council? I would deprecate the Governor being Chairman of the Legislative Council in the interests of the Governor himself, because I take it that the position of mediation and impartiality which is his position in relation to the Executive Council and the Ministers would make it all the more necessary that the heat and strife of the Legislative Assembly should not be deflected on him.

In your experience of Indian Assemblies, which I believe is large, do you find the position of Chairman or President has been a difficult one?—I take it is difficult in one sense in every country, and India is no exception.

You recognise that at the Legislative Council there would be great technicalities of Parliamentary procedure which are at present not understood?—Yes.

Under those circumstances, do you think that it is really desirable at the outset that these new Councils should choose their own President?—I regard it as very essential that they should. If I may elaborate it, I take it the idea is that persons ought to be trained from the Legislative Councils themselves in the arts of Parliamentary debate. If that training is necessary, it ought to be imparted both from the point of view of the private member and of the Speaker. How is that training going to be developed unless, even at the risk of mistakes, which are not after all irremediable, some one is given the position of Speaker, having an amount of detachment, and is taught to exercise the virtues of that detachment, which, I take it, are the functions of the Speaker.
With regard to the position of the Governor, I did not quite understand one of your replies to Lord Midleton, or, in fact, one of Lord Midleton’s questions, because I understood from your former examination that your view was that the Governor should not, either *ex proprio motu* or through some such body as the Council of State, have the power of checking legislation at an early stage. Was that so?—There are two questions involved in this. I was speaking yesterday on the power conferred by this Bill of what may be called blocking legislation. It was that I objected to, because I stated that the Governor’s responsibility would be intolerable if he took upon himself to block legislation, and thereby to incur the odium of public condemnation even before the members had an opportunity of expressing their views on the subject.

Your desire was that if he felt compelled to interfere he should only do so after a full discussion in the Legislative Assembly, after the whole matter had been thrashed out, and that if he then thought it necessary to interfere he would put his foot down, so to speak?—He would resort to any of the expedients which can be devised for the purpose of dealing with affirmative legislation.

That would mean the simple use of the power of veto without a preliminary checking power?—Yes.

Do you think that the limitation of the Governor’s power in that respect would prove to be inconvenient to him and make his position difficult?—As contrasted with other procedure I should not think so for the reason that the Governor would have the advantage of eliciting popular opinion. It might in many cases meet him half way, or he might meet popular opinion half way, because final action would depend upon the extent to which he is constrained to differ from the result of popular discussion.

And you think, therefore, that if he had to incur odium it would be less if he felt in the last resort obliged to veto rather than if, in the first instance, he forbade the discussion of the proposed legislation altogether?—Yes.
Now I am quite clear on that point. There is one point in regard to the home side. As a general proposition you are in favour of abolishing the Secretary of State's Council?—Yes.

But if, as many people think, it would be impossible to do that as a single operation by the present Bill, of the two you would prefer Sir James Brunyate's scheme, which involves retaining the Council with definitely limited powers, to the creation of a new body of Advisory Councils, as the majority of my Committee proposed?—Yes, with the reservation suggested by Sir James Brunyate that body would automatically come to an end at the end of 10 or 12 years unless a Parliamentary Commission reported that it is necessary to take any other course.

I quite agree that is an important feature in the scheme, but you would differ from Sir James Brunyate in that you would increase the number of Indian members of the Council to a statutory half of the entire body?—Yes; I regard it as essential to the success of the scheme, especially in view of the discussion which has been summarised in the Report of Your Lordship's Committee.

Will you tell what in your view precisely is the advantage from the Indian point of view of having a large number of Indian gentlemen on the Secretary of State's Council at this end? I will explain why I ask the question. The view of some of us has been that the further representation of India, which we all desire to promote, ought to be in India itself rather than here: that as advance is made in the direction of a Dominion status it is preferable for India to take its larger share, so to speak, at home rather than here and that from one point of view it may almost be regarded as a retrograde step to increase Indian representation here. I should like to know your opinion on that?

On that point I agree, that the largest scope that will be afforded to Indian talent in India would make it perhaps more difficult and perhaps also unnecessary that there should be a large number of prominent Indian gentlemen here doing this particular kind of work. That is to me a very cogent argument for the abolition of Council of the Secretary of State. I would use it in order to enforce that position of mine. If, however
it is decided that the Council of the Secretary of State should not be abolished, then I say that in addition to the official experience which he gets from the permanent heads of Departments and the recruitment from the Civil Service, there ought to be Indian experience made available for such time as the Council may be decided upon.

You would regard the Indian element in the Council as something of a check to be exercised in advising the Secretary of State upon the purely official view which otherwise he might alone receive?—Yes.

Sir J. D. Rees.—Lord Selborne, may I ask the witness a question in a form designed to economise time?

Chairman.—Thank you.

Sir J. D. Rees

Did you hear the evidence given by Mr. Surendranath Banerjea and Mrs. Besant?—Yes.

Did you follow it?—Oh, yes.

Having regard to the relevance of the existence or non-existence of an upper and lower caste question, to the length of its existence if it exists; or to the date of its commencement if recent, and to the significance of the Nair prominence therein at present, and to its bearing upon communal representation in the attitude of the Government of Madras, have you anything you wish to add to what has been said upon that question?—In answer to that very comprehensive question, I may mention that I am a native of the Madras Presidency.

So am I, almost?—And I have had special experience of various portions of the Madras Presidency in which this manifestation of the non-Brahmana problem has been most acute. For instance, I have known a number of persons in Malabar, and have presided over the Malabar District Conference which was organised by a number of very prominent non-Brahmana gentlemen in Malabar. I have also watched the inception and development of the non-Brahmana problem in the town of Madras, where I practise my profession, and I may say that it would be quite accurate to state, as the Honourable Mr. Banerjea
did state, that the present aspect of the non-Brahmana problem dates only from the promulgation of the Montagu-Chelmsford Report. It is not for me to deny that for some considerable time there had been a feeling amongst the non-Brahmana communities that they, not having taken advantage of the educational facilities as the Brahmana communities did, have been at a disadvantage in so far as the recruitment for services and so forth were concerned; but they regarded it, as I take it, only as a spur and an incentive to progress, and efforts were made by non-Brahmana leaders, in order to spur them on to progress, instancing the relative progress of the Brahmana community. But there was no bitterness involved in the controversy, and no question of the elimination of the Brahmana element to any extent, or the segregation of the Brahmana element. That has been a new feature. In the next place, it would be quite accurate to state, as the Honourable Mr. Banerjea did state and Mrs. Besant corroborated, that there has been no sense of political exclusiveness manifested by any one community towards any other. In the public life of the Madras Presidency non-Brahmana leaders have played a very great part. The late Mr. Ramaswami Mudaliar was an acknowledged leader of society. He was a very learned and cultured gentleman. Other names, such as those of Sir Sankaran Nair himself, and Kesava Pillai, in recent times might also be added. In addition to that, it will also be apparent that before the acuter phases of the problem came into prominence after the promulgation of the Montagu-Chelmsford Report, in contested elections very often Brahmanas supported non-Brahmanas and vice versa. I might at once give an instance in point. At the last election to the Madras Legislative Council I was a member of the Corporation of Madras. I, a Brahmana, supported the candidate who has been recently one of the chief lieutenants of Dr. Nair, and voted for him; and two other Brahmana gentlemen, who also served on the Corporation of Madras, voted for him. The main objection to him arose from Dr. Nair, who was then his determined opponent, and the reason for the return of the Brahmana candidate, whom Dr. Nair put up, was because of the non-Brahmana votes cast against the non-Brahmana. The result, therefore, of
the discussion is this: The non-Brahmana leader, Dr. Nair, supported a Brahmana in his candidature to the Legislative Council and obtained the support of non-Brahmanas to vote for the Brahmana. A number of Brahmana members—I think all the Brahmana members of the Corporation excepting one—voted for the non-Brahmana candidate. That is a crucial instance in point, and it may also be stated that prior to the last elections in which exceptional causes supervened, non-Brahmanas were frequently returned to the Legislative Council by all constituencies. Dr. Nair himself was returned to the Corporation of Madras by an essentially Brahmana constituency which largely consists of Brahmana graduates. They returned him to the Corporation of Madras. I may say that very much has been made of the last election. It is said, and I think Sir Alexander Cardew's minute makes some point of it, that nine out of ten seats are held by Brahmanas in the Madras Legislative Council. That argument overlooks the fact that four out of the nine elections were uncontested, and so far as another election was concerned, the contest was between a Brahmana and a European. I would therefore say unhesitatingly that this problem has been given much more artificial importance than it deserves.

You heard Mr. Surendranath Banerjea say that he, as a reformer, and his friends, contemplated the ultimate—I do not know what he meant by that exactly—the ultimate extinction of caste. I would ask whether the present reform movement in India, and the present reformers are as they were in the days of the Brahmana Sumaj, and so on, anti-caste, or whether this is essentially little more than an orthodox movement?—The answer would necessarily be lengthy, but I would like to condense my remarks. The political reform movement may be described as transcending castes, not as involving or postulating the abolition of caste, but transcending caste in this sense. We recognise that the caste system still exists and will probably exist for some time, and there are parties amongst us who want its abolition as a social factor, others, not but all, would agree, orthodox or unorthodox, that the political problems can best be solved only by that spirit of brotherhood which we
say is also an element of the caste system, but not an element of certain of the later developments of the caste system.

You know the Moplas and the Lubbas of Southern India?
—Very well.

They are by descent converted Hindus?—Yes.

Are they in their lives and conversation more Hindu than Muhammadan?—They are almost entirely Hindu.

Has that an important bearing on the question of communal representation?—So far as the Madras Presidency is concerned I believe they go through tali, which is a Hindu marriage rite, in addition to going through the Muhammadan rites. There is no great cleavage between the Hindus and the Muhammadans in that community.

Does the age-long caste quarrel of the right and the left hand still exist?—Oh, no.

It has quite gone?—Quite gone. The division of the right and left would have disappeared even before it did but for the fact that the Madras Government divided the town of Madras into two divisions on the footing of the right and left factions.

Sir Alexander Cardew in his note refers, not as of his own knowledge, but quoting the Imperial Gazetteer, to the pollution distance of 64 ft. for a Pariah. Do you know any part of the British territory in the Madras Presidency in which these pollution distances are observed?—Well, I think it would be correct to say that attempts have been made to enforce those pollution distances not so much by the Brahmana community, but by the higher non-Brahmana communities. Cases have arisen in the Law Courts recently in which a Brahmana has attempted to bring a person within the polluting distance in order to test the validity and the ultimate legal sanction of such rules.

Has there been a rapid democratic advance in the Madras Presidency during the last five years and the five years preceding the War?—Most perceptibly.

Would you say that the development had an altogether characteristically eastern character, or has it partaken very much of a Western character?—I would say it has partaken of the general democratic impulse which is observable in the world, and which has, very largely, a Western origin.
You were asked a question with regard to conditions in Native States. I will ask you one question, with Lord Selborne's permission, regarding the only three in which I have myself served. Taking the States of Mysore, Travancore and Cochin, are there not bodies of a Parliamentary nature—let me say representative bodies—which really largely colour the administration? Can you say there is anything autocratic in the Governments of those States now?—In legal theory, each of those Governments is autocratic; but in practice, even before the introduction of the Legislative Councils, the Rajas of those three Native States were naturally subject to what may be called the popular opinion, reflected through his Indian Councillors and through his entourage; but more recently an attempt has been made—and is being successfully inaugurated—of popular assemblies; where all questions of public importance are discussed.

Any way they do leaven public opinion, I presume?—Yes.

With regard to the transferred and the reserved subjects, I want to ask whether the provision of a separate purse would not really deprive Indian public opinion of any control over taxation?—Yes.

Because in that case the initiative for taxation to meet the needs of the transferred subjects would not rest with the Minister. Is that so?—I would say so; yes.

As regards the India Office, you said you were in favour of the abolishing of the Indian Council. Whether that Council be abolished, or whether it be supplanted by an Advisory Committee, do you think it is a good thing to provide that members of Parliament should not be on it?—No; on the other hand, having the ultimate objects in view, namely, the introduction of democratic institutions into the country, it would be advisable to have, as expert advisers of the Secretary of State, not only persons conversant with Indian conditions, but also with Parliamentary procedure.

Is the opinion held, so far as you know, that British Parliamentary experience is very good for men and Civil Servants and future Governors? Is not that view strongly held?—Very strongly.
As regards the present Legislative Councils, you were asked whether they had the respect and affection of the people?—I am afraid the people do not know enough about them and their exercise of power if any.

If they have—I do not understand that you deny it, at any rate—why should a Grand Committee (which is formed out of that Council), and a Council of State (which is to be formed in the same manner), not possess equally the respect and affection of the people?—They might, under very altered circumstances; but if they are formed—as has been suggested—merely with the object, and so as to preserve the appearance, of being registering bodies of the will of the Government they will not possess their respect and affection.

You heard the evidence of Mrs. Besant. Do you think that the ancient Guilds which exist in India, which still subsist, have any correspondence with trades unions in England, or have the same influence upon labour questions? I am afraid not.

As regards the Governor in Council constitution, you have some experience of that, having been on the Governor's Legislative Council: Have you been struck with the extent to which the Government of India really controls the administration of the Provinces which you know, or not?—Yes; it has been a frequent cause of complaint by the Madras Government. I have not been in the Council very long, but I have studied the history of the Madras administration sufficiently intimately to know.

Is it an effective continual close check and interference?—Largely, it is felt that the Government of most Presidencies is the Government of India, excepting in a very few and limited matters.

Is it the case that the Government of India is co-Governor with the Government of Madras? Do you feel it to be a great factor in the actual Government?—Not having been within the Executive Government, I cannot say.

Then I leave that. Can you say what is the attitude of the people of Madras, the educated people or the uneducated people, or both, as regards the reform question, and could you say how far they are in accord with the attitude which the
Government of Madras has adopted with regard to this reform question generally?—I am glad that that question has been put to me, because I think I can say something pertinent on the subject. It is generally regarded that the Government of Madras has adopted an attitude of indifference, if not of hostility, towards the whole question. I may at once say that general educated opinion, not only Brahman or the intelligentsia opinion, but the general opinion throughout the Madras Presidency, is in favour of reforms tending to make democracy possible. The Madras Government has apparently taken the view that such an experiment is fraught with great danger, and the view has been very trenchantly put by Sir Alexander Cardew, who practically stated that so long as the Indian people believed in the transmigration of souls, so long would democracy be impossible; I am probably putting it in an extreme form, but that is the net result of his Minute. That is not an opinion in which the people of Madras share. As giving a further example, I would say that various resolutions of the Non-Brahmana Conferences which have been held after the controversy took an acute form make it abundantly clear that they too want power and a transference of power—segregation of power if you like, but a transference all the same—showing that the Madras Government's view as adumbrated by Sir Alexander Cardew is not felt to be the final solution of the problem.

MR. SPOOR

You are really a University representative, and I would like to ask you one or two questions regarding education and as to its being affected by this Bill. First of all, I would like to ask you regarding the peasant position. We hear of the enormous percentage of illiterates in India. Can you give us any idea how many people in India—what percentage, have an opportunity of education at all in any shape or form?—I may say this, that the present figures—I am speaking subject to correction—are, that of men, 106 out of 1,000 are literate, and amongst the women only about 12 or 13 out of 1,000 are
literate. The total proportion, striking an average, is about 50 per 1,000 throughout the whole country. Now that state of things is produced, according to most persons who have given any attention to the subject, by the circumstance in the first place that there are not enough schools to which people can go. In the second place, it is felt in that country, as it has been felt in every country as a matter of history, that unless at the initial stage some element of compulsion is resorted to, you cannot introduce a system of education which will permeate the whole country. Taking those two factors into account, it must be stated that if things go on as at present, the facilities for improving the spread of education are extremely limited.

Is there any feeling in India that education has been starved in past years?—Yes.

Chairman.—We are not inquiring into the Government of India.

Mr. Spoon

I am asking this question with a view of ascertaining the possible effect of this Bill so far as education is concerned. (To the Witness.) With regard to the future, do you believe that the passage of this Bill will lead to any material improvement?—I would not give a direct answer to that question. I would say if the passing of the Bill means that the Bill is passed exactly as it is at present drafted, with the possibility of the rules being also drafted so as to suit the Government of India's ideas, my answer would be no.

You feel, apparently, that with the prospective revenue which you will have it will be impossible to make any real progress?—Yes, and with the taxation proposals of the Government of India.

You agree, I suppose, that the real need in India, as probably of other countries at this moment, is education?—Yes.

That it will improve the material conditions of the people?—That has been the universal experience, and there is no reason why it should be different in India.

You agree also that it will go a long way towards the extinction of caste?—As a disintegrating factor.
You think that what educational work is done should go more along Eastern lines—that is, there should be no attempt to impose our stereotype Western methods?—I would not restrict it by saying Eastern means or Western means. I would say we must evolve our own system of education.

I have a question which was suggested by the question of my honourable friend Sir John Rees with regard to any correspondence between the ancient Guilds in India and modern trade unions, but I gathered from Mrs. Besant's answers yesterday that whilst these ancient Guilds did furnish some parallel, as a matter of fact there have been established during quite recent months unions which correspond with the unions existing in Europe?—And frankly modelled on them.

You believe that they would continue to develop?—It depends on the way they are developed.

Lord Sydenham

I believe you represent the All-India Home Rule League?
—Yes.

Are you also a member of the National Congress?—Yes, I was. I was Secretary of the Bombay Congress.

You are still a member of the Congress?—Yes.

In a paper which has been handed to us by the Secretary of the National Congress it is pointed out that that body has existed for 33 years, and it has during that time consistently followed its object. Its object is the attaining of Self-Government within the Empire on the lines of that now enjoyed by the Self-Governing Dominions. Has the Home Rule League any different object from that?—No.

Then what was the need of a fresh organisation if the National Congress was pressing forward the same object on constitutional lines?—I may at once give you the answer. The Home Rule League does not purport to be an opposition body to the National Congress at all. Propaganda was considered necessary in order to spread political ideas throughout the country, and for the purpose of the propaganda it was felt that a body which moved quicker, and which was not confined to
to what may be called annual sessions but would do the work throughout the country day in and day out, would be an essential adjunct of the activities of the Congress. This was the _raison d'être_ of the Home Rule League.

The _raison d'être_ of the Home Rule League may be summed up by saying that it was a propaganda body for carrying out the objects of the Congress?—Yes.

I think the Home Rule League was started in September, 1916?—Yes.

Before that time had the Viceroy begged that controversial matters should be laid aside during the War?—Yes. Do you want me to answer the question in detail? The answer is yes, but it was felt that the Viceroy had disregarded his own advice.

Can you say why it was decided at a moment when the Empire was fighting for its life and the issue was most uncertain that this fresh propaganda should be started throughout India?—For the purpose, as we honestly thought, of strengthening the hands of the Empire and India's connection with the Empire.

Your contribution to the War was a movement of propaganda for Home Rule?—Certainly not. Speaking personally, I have done a great deal of War work. I offered to enlist myself; but my offer was not accepted. I was a member of the Delhi War Conference. The same thing can be said of many of the prominent members of my League.

You have said that this propaganda was directed to strengthening the hands of the Empire during the War?—Not only by agitation, but the members of the League in their various capacities took a great deal of part in War work. I have been a member of a number of organisations connected with War work.

A very distinguished Muhammadan wrote to me complaining bitterly of the harm which had been done to students by bringing them into the Home Rule Movement. Was that done?—It is an absolute untruth, for the reason that one of the rules prohibits students having anything to do with the actual work of the Home Rule League.
No sort of propaganda was carried on among students?—There were classes held in which students were taught politics. Those classes had nothing to do with the Home Rule League as such, but existed long before the Home Rule League came into existence. It would be false to say that the students were diverted into active politics by this League or any other organisation. The Home Rule League initiated some classes for discussion of political subjects but they were not for students.

Then I was wrongly informed?—I am afraid so.

Not long after the agitation of the boycott movement in Bengal Mr. Surendranath Banerjea wrote these words: "In all great movements boys and young men play a prominent part. The Divine message first comes to them, and they are persecuted, and they suffer for their faith; 'Suffer little children to come unto Me' are the words of the divinely inspired Founder of the Christian religion, and the faith that is inseparable from childhood is the faith which has built up great creeds and has diffused them through the world." Do you hold that doctrine?

I can answer that in this way. I hold the view that in India and every other country it is the young that are touched with the spirit, but if more than that is meant by it—and I am sure the Honourable Mr. Banerjea would not mean that—if an implication is sought to be introduced, I ought to have notice of what is thought to be meant by those words.

You entirely disapprove of using students for the purpose of political agitation?—Certainly; and, if I may say so, most persons who have thought about Indian politics do disapprove of students taking an active part in politics, though they must be instructed in politics.

The original Home Rule League has recently been divided, has it not?—Yes.—What are the differences between the two branches?—Does Your Lordship want me to answer that question?

Chairman.—What exactly is the point, Lord Sydenham?

Lord Sydenham.—We now have a representative of one branch of the Home Rule League which has quite recently been split into two. I wanted to know what those two branches separately mean or if they have really the same objects.
which I am in favour. All the safeguards and limitations demanded by the joint purse system would exist, and it is with reference to that particular state of things that I spoke.

You would admit that if complete financial control passes into the hands of the Legislative Council, the reserved subjects could not be financed at all, or might not be able to be financed at all?—I would not say at all because I take it the Legislative Councils in any case would be reasonable enough to say that the reserved subjects are as much the objects of care as the transferred subject.

MR. MONTAGU

Is it your experience generally that the Local Governments if left to themselves would be more liberally inclined than the Government of India?—It is very difficult for me to answer the question, but my restricted experience of the Madras Government would not enable me to answer it in the affirmative.

With regard to your remarks in answer to Mr. Spoor, he asked you whether you thought there would be any material advantage from the passing of this Bill. I understood him to mean would the material condition of the people of India be improved?

Mr. Spoor.—My point was this, that if we got improved educational facilities as the result of this Bill, would the material condition of the people be improved?

MR. MONTAGU

I think you and the witness were at cross purposes, because the witness' answer was that the Bill wanted amendments. The amendment you suggest has no effect upon the material condition of the Indian people?—No. No legislation by itself would have any effect on the material condition unless and until the Legislature applied themselves to that condition.

One of the things that you suggest should be incorporated in the Bill is the salary of the Minister?—I am afraid that would not be describing it accurately. What I said
was that the fact that his salary was equal to that of the Executive Council member ought to be indicated in the Bill itself, and in answer to the question from Lord Sinha I stated that the amount of the salary was not the material point, and it may be that the salary might not be the same in all Provinces, but in each Province the status and position of the Minister in that Province ought to be exactly the same as the status and position and salary of the Executive Council member.

I do not gather from you that you want the salary so fixed in the Bill that it should not be altered or reduced by the Legislative Council?—Not at all.

Now I want to ask you a question about taxation under the joint purse. Has it ever occurred to you that there may be some difficulty about requiring a Minister always to make the proposals for taxation?—With the safeguards contemplated I should not think that any difficulties would arise because I take it that taxation, being a transferred subject—I am speaking on that basis—before the Minister makes his taxation proposals, the consultation that is contemplated would have taken place, namely, the needs of the reserved subjects would have been brought forward and the needs of the transferred subjects emphasised. As the result of that, and in spite of the adjustment that may be effected pro tanto, if it is found that any taxation were necessary, the proposal would fall upon the Minister in charge of that transferred subject.

Supposing there was enough money in the joint purse for both the reserved and transferred subjects, but the expenditure upon a particular reserved subject was increased, and therefore the need for taxation was due to the expansion of a particular reserved subject, would it be fair to ask the Minister to propose that taxation?—I would answer the question in this manner. If the Minister, after the review of the necessities of the transferred subjects as a whole, and of the necessary expansion of a reserved subject, persuaded himself that further taxation was necessary, I think it would not only be the right thing, but advantageous to the future development of the country that the Minister should go to the House and say: "I am convinced that the
reserved subject needs expansion and I therefore advocate taxation."

You heard those who were arguing against the joint purse explaining the dangers of friction which might arise if neither side were satisfied with the Budget provision in any year for the other side?—Yes.

Has it ever occurred to you that if such fears materialise, it might be a good thing to provide for some Board of Arbitration or Appeal Court to settle the difference for a term of years?—Yes. That is already referred to in answer to one of the questions before this Committee. Speaking for myself, it seems to me that that would be a very good expedient to solve any matters that might arise in controversy between the two branches.

Now I come to the Central Government. You, like almost every other Indian witness who has communicated with us or been in the witness chair, want something more than the Bill proposes in the Central Government?—Yes.

And the usual demand is for some beginning of responsibility?—Yes.

Would you mind defining that from your point of view a little bit more closely. What I mean is this: Am I to understand that that means that you would wish for diarchy in the Central Government?—Yes.

A Minister holding office at pleasure with the understanding that he would resign if he lost the confidence of the Legislative Assembly?—Yes.

You have heard very serious doubts expressed by many people in India and in England about the advantages of diarchy at all?—Yes. I am also of the opinion that diarchy is a transitional expedient. I do not regard it as a perfect system, but I regard it as the best that could be devised in view of the conditions which have been postulated.

But you have sufficient belief in it to think that you would advocate it to this Committee both for the Local Governments and for the Central Government?—As I said, so far as the Local Government is concerned, I have indicated in my answer the reasons why I am in favour of diarchy personally. So far as
the Central Government is concerned, having regard to the principles of the pronouncement, I hold that some power and responsibility to be transferred to popular representatives is of the essence of the pronouncement itself. Holding that view, it seems to me that the only method by which to carry out that object would be to transfer responsibility in certain selected subjects.

My last question is this. I think you have suggested arguments against the Council of State as a mere registering body?—Yes.

Supposing it were not a registering body, have you ever considered the possibility that the members of it should be nominated?—Yes. I would say that the election by suitably devised constituencies, devised so as to procure the inclusion in the Council of State of elements which may not be present in the Legislative Assembly, would be a preferable method; but before I go further from the subject, I would say that if that would involve that deliberation and consultation with the Local Governments and all the correspondence foreseen by the Government of India, this elaborate research would be unnecessary, and in fact productive of harmful results.

**Lord Islington**

Does not the whole reason for the establishment of a reserved subject fall to the ground and vanish if you remove from those who are to administer those reserved subjects the power of taxation for their maintenance?—I do not concede the possibility of the power of taxation being denied to men in charge of the reserved subjects, because I take it that the object of the joint purse system is to secure that the needs of both the departments will be considered in consultation between the Ministry on the one hand and the Governor and the Executive Council on the other, and that, the necessity for taxation being once established, taxation forthwith will be begun.

But the necessity for taxation having been once established, how are you to arrive at that in favour of extra revenue for a
reserved subject if you confine the power of taxation to a Minister?—The Minister will be the exponent of the policy of the Government with regard to taxation whether in reference to a reserved subject or a transferred subject. If it is once decided that a reserved subject needs further revenue in order to augment its resources or to expand them, the whole body, that is the Ministers and the Executive Councils, sitting with the assistance of the Governor as mediator, will arrive at particular result. That result having been arrived at, then taxation will be started.

I understand from that answer that you would accept power on the part of the Executive Council to determine extra taxation, and you would only ask the Minister to be the exponent of it in the Legislative Council?—I am afraid I did not make myself clear. There will be a discussion between the one branch of the Government and the other as to the necessities for taxation. All the arguments pro and con will be advanced.

It is the decision I want to get at?—If there is an irreconcilable conflict between the Executive Council on the one hand and the corporate body of Ministers on the other, the final decision would rest on the Governor, whether on the one scheme or the other.

Chairman.—Thank you.

(The Witness is directed to withdraw.) Ordered.—That this Committee be adjourned to Tuesday next, at 11 o'clock.